

29

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 52

HON. JOSEPH L. CALL, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

NO. A 267861

STEVE GROGAN,

Defendant.

REPORTERS' DAILY TRANSCRIPT

MONDAY, AUGUST 9, 1971

LETZ  
GLEASON  
FLYNN  
SWARTZ

APPEARANCES:

(See Volume 1)

VOLUME 29:

Pages 3780-3948, Incl.

Reported by:

VERNON W. KISSEE, C.S.R.  
GEORGE WEBER, C.S.R.  
Official Reporters

COPY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STANDARD  
EPA EAPLE  
BANK  
2-1-1970

1 People v. Steve Grogan  
2 No. A-267861

VOLUME 29, Pages 3780 to 3948, incl.  
Monday, August 9, 1971

3 I N D E X

4 <u>PEOPLE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
5 RETZ, Frank	3781	3820	
6 GLEASON, William C. (Reopened)	3852		
7 FLYNN, Juan	3862	3901	3912
8 SWARTZ, John Harold, Jr.	3917	3941	

9  
10  
11  
12 E X H I B I T S

13  
14 PEOPLE'S

FOR IDEN.

15 61 - Certified copy of records re Charles Manson	3853
16 62 - Certified copy driver's license of 17 Jack Paul McMillian	3854
18 37-A through 37-F - Black and white photos	3894

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971

9:30 A.M.

THE COURT: All right, gentlemen. We will proceed.

People against Grogan.

Defendant is here and both counsel are here.

You can bring in the jury, Sheriff.

THE BAILIFF: Yes, sir.

THE COURT: I guess we ran out of witnesses, didn't we?

THE CLERK: Yes, your Honor.

THE COURT: Thank you.

(The following proceedings were had  
in open court in the presence of the  
jury:)

THE COURT: Now we have all of our regular jurors plus  
the three alternates.

The People may go ahead.

MR. KATZ: Thank you.

Call Mr. Frank Retz.

FRANK RETZ,

called as a witness by the People, testified as follows:

THE COURT: Now, first, raise your right hand, please,  
and be sworn.

THE CLERK: You do solemnly swear that the testimony  
you may give in the cause now pending before this court shall  
be the truth, the whole truth and nothing but the truth, so  
help you God?

1 THE WITNESS: So help me God, yes.

2 THE CLERK: Thank you, sir.

3 Will you take the stand and be seated, please.

4 THE COURT: Be seated, please, and tell us your name  
5 first.

6 You tell the clerk your name.

7 THE WITNESS: My name is Frank Retz.

8 THE CLERK: Would you spell the last name.

9 THE WITNESS: R-e-t-z.

10 THE CLERK: Thank you.

11 THE COURT: When the lawyers -- counsel will ask you  
12 questions, when you answer them speak through here so the jury  
13 can hear you.

14 Step right up to it there. Get up to it like a  
15 telephone.

16 THE WITNESS: Okay.

17 THE COURT: That is it.

18 All right.

19  
20 DIRECT EXAMINATION

21 BY MR. KATZ:

22 Q Frank I have had the opportunity of talking with  
23 you before, and you are like me. I talk rapidly, so will you  
24 slow down so we can all hear you and understand you.

25 A Yes.

26 Q Thank you.

27 Do you know George Spahn?

28 A Yes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q And when was it that you first met George Spahn?

A Around '68 or '67, something like that.

ORIGINAL  
REPRODUCIBLE

2019

2-1

Q All right. At some point in time did you buy the property which is adjacent to George Spahn's ranch?

A Yes, I did.

Q And from whom did you buy it?

A A Mrs. Mary Kelly from Bakersfield.

Q That parcel consisted of how many acres?

A 27-1/2.

Q During the period of time in which you bought Mrs. Kelly's property, were you negotiating with George Spahn with reference to buying his Spahn Ranch property?

A Yes, I did. And I also had an option, verbal option, from him, which he kept, and I bought it this year, February.

Q In other words, you finally consummated the option with Mr. Spahn and purchased his property, that is, the Spahn's Movie Ranch, in February of 1971?

A Yes.

Q And how many acres did that parcel consist of?

A 27-1/2.

Q All right. Now, as I understand it, because of your negotiating with the Spahn Movie Ranch property and Mary Kelly's property, you were in that area roughly in 1967-1968, is that correct?

A That is correct.

Q Mr. Retz, were you going to do something with that property?

A Yes. We were going to develop a tourist center.

Q And that would be a German resort center of some

2-2

1 kind?

2 A That is correct.

3 Q And how often would you go out to the Spahn Ranch  
4 area in the period of 1968 and 1969?

5 A Every day.

6 Q Well, when you say every day, do you mean almost  
7 literally every day?

8 A That is correct.

9 Q All right. And sometime would you go out there  
10 more than once a day?

11 A Yes.

12 Q When you were first going out to Spahn Ranch, was  
13 Charlie Manson and the so-called Manson family out there?

14 A No.

15 Q Sometime in the first part of 1969 did you note  
16 the presence of one Charles Manson and the so-called family?

17 A It was after Christmas, probably January, February,  
18 something like that, when I saw they moved in.

19 Q We are talking about 1969?

20 A '69, that is correct.

21 Q All right. And between the period that you first  
22 saw him or were aware of the fact that Manson had moved in on  
23 this property in the first part of '69 through the latter part  
24 of August 1969, how often would you see Manson on the Spahn  
25 Ranch property and on the Mary Kelly property which you bought?

26 A Well, whenever I came out, if he was there, I saw  
27 him, because he always came to me and tried to talk to me.

28 Q How often would you say Charles Manson was out



2-3

1 there though in terms of the number of times a week?

2 A Three or four times, or five times.

3 Q Three or four or five times a week, is that right?

4 A That's right.

5 Q And that is during the entire period we are talking  
6 about, the average time you saw him, between the period of the  
7 first part of 1969 through and including the latter part of  
8 August 1969, is that correct?

9 A That is correct.

10 Q Now, Mr. Retz, when was it that you bought Mary  
11 Kelly's property?

12 A May, '69. We actually made a down payment in '68  
13 already, but May '69, we signed the contract, and in June we  
14 went in escrow.

15 Q Okay. Let's stop right there.

16 Do you remember when it was in June that you  
17 opened escrow on the Mary Kelly property?

18 A June the 30th.

19 Q That is 1969, is that correct?

20 A 1969.

21 Q Now, did some event happen between Mr. Bill Vance  
22 and Charles Manson in the presence of Mary Kelly on your  
23 property? You can answer that yes or no.

24 A Yes.

25 Q And as a result of this event, did you call the  
26 police?

27 A That's right.

28 Q Did the police come?

2-3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A Yes.

Q And you can answer this next question yes or no:  
Did you exchange some heated words with Charles Manson?

A Yes.

MR. WEEDMAN: Your Honor, I would really like to hear  
from Mr. Retz, of course, but will counsel please stop leading  
Mr. Retz. Just ask him what happened.

3

1 MR. KATZ: Well, I have no objection, if there is no  
2 hearsay. I have no objection.

3 THE COURT: Well, all right.

4 Q BY MR. KATZ: Tell us what happened, Mr. Retz.

5 THE COURT: Try to watch your questions.

6 MR. WEEDMAN: Well, what happened where? Ambiguous.

7 MR. KATZ: Yes.

8 Q On January 30, 1969, I want you to tell us what  
9 happened in the presence of -- June 30, 1969, what happened in  
10 connection with the incident you were about to tell us about  
11 with reference to Charles Manson, Bill Vance, in the presence  
12 of the police.

13 MR. WEEDMAN: If the witness knows.

14 THE COURT: You may answer the question.

15 THE WITNESS: Yes.

16 Q BY MR. KATZ: You are going to tell us what you  
17 observed, is that right?

18 A That's correct.

19 Q What you discussed with Charlie, is that right?

20 A That's correct.

21 Q Go on.

22 A June 30, Mrs. Kelly and myself, we went out because  
23 I had surveyed the property before we went to the escrow.  
24 I bought it by the acreage.

25 And Mrs. Kelly and also Mr. Spahn, they thought  
26 they had over 30 acres each.

27 So I went out with Mrs. Kelly to show her the  
28 property line, that there is only 27-1/2.

1 And when I came out and walked in that farmhouse,  
2 Manson and the whole family was lying naked over there in, and  
3 Mrs. Kelly just jumped out because she was surprised.

4 Q Let's stop there, Mr. Retz. Who was lying in the  
5 farmhouse with Mr. Manson?

6 A The whole family. Was about 20 people in.

7 Q Incidentally, do you know Steve Grogan? Do you  
8 know the defendant, Steve Grogan, Mr. Retz?

9 A Yes, I know him.

10 Q Had you seen him out at the ranch?

11 A Yes, I saw him at the ranch.

12 Q On how many occasions?

13 A Many times.

14 Q Did he wear his hair like you see it now, or in  
15 some other fashion?

16 A No, he had long hair.

17 Q All right.

18 Now, tell us what happened when you and Mary Kelly  
19 came upon Manson and these other so-called members of the  
20 family on June 30, 1969?

21 A I opened that door, and after I said, "I told you  
22 a hundred times, get out. I am going to call the sheriffs."

23 So all of a sudden I walked with Mrs. Kelly on the  
24 other side to show her the border line. And all of a sudden  
25 Manson came out and Bill Vance and tried to talk to me.

26 And he said, "Frank, you wouldn't have a right to  
27 throw me out. You are not through the escrow."

28 And Mrs. Kelly -- and he said, "Now, Mary, you give

me the permission to stay as long as the escrow is closed," and so on and so on.

She said, "No. Mr. Retz got all the authorities, and you have to get out." So we walked over about 200, 300 yards.

Q That is, you and Mrs. Kelly?

A And Mrs. Kelly.

Q All right.

A And all of a sudden Bill Vance say, "Hey, Frank, somebody broke in your car."

And around back I saw the bushes moving because there was all full of bushes.

And I said, "I don't see nobody."

And he said, "Yes. They drove off."

So I went up to the car. I saw the car is again closed, and I thought there is nothing wrong.

So I ran back for Mrs. Kelly.

So when we came up both, her bag was gone with all the papers and several checks.

Q Whose bag was gone?

A Mrs. Kelly. She had a big bag. In that bag she had the escrow papers and some bills and all that stuff.

Q Now, where was the bag located?

A In my car.

Q I see.

All right.

A It was in my car.

Q You had returned to the car at this point?

1           A       That's correct.

2                   In the first place, I thought nobody broke in, but  
3 after, when we saw the bag was gone and after we found out,  
4 after the sheriffs came, they said, "Now, see, here. They  
5 went in with a screwdriver and opened up." I didn't look.

6           Q       Did you have a conversation with Manson at that  
7 time in the presence of the sheriffs?

8           A       Yes.

9           Q       What happened?

10          A       I came down before the sheriffs almost came. I  
11 said, "Now, Charlie, there was no one. I saw you running  
12 through the bushes."

13                   I couldn't saw him actually, but I saw the bushes  
14 how they move.

15                   And he said --

16          MR. WEEDMAN: Excuse me, your Honor, for interrupting.

17                   I object on the grounds it is not material to any-  
18 thing.

19          THE COURT: Part of it is conclusional. Let's try that  
20 portion of the answer again and strike it out.

21          MR. KATZ: Correct.

22          MR. WEEDMAN: My objection is simply my client wasn't  
23 there, as I understand it.

24          THE COURT: I understand that. But without arguing the  
25 legal merits of the matter, the answer may stand.

26                   There are segments that are conclusional. That  
27 may go out.

28                   He can state what he saw.

1 MR. KATZ: That is what I am asking, your Honor.

2 THE COURT: That part where he injects Manson in, that  
3 is conclusional.

4 MR. KATZ: If he saw Manson, it is not conclusional.

5 THE COURT: All right.

6 Let me show you what I am disturbed about.

7 MR. KATZ: I agree that should be stricken.

8 THE COURT: Better read the answer.

9 (The record was read by the reporter  
10 as follows:

11 "A I came down before the sheriffs almost  
12 came. I said, 'Now, Charlie, there was no one.  
13 I saw you running through the bushes.'

14 "And he said --")

15 THE COURT: Any reference to an individual, "I didn't  
16 actually see him," may go out. The rest may stand. Physical  
17 movements, that will stand.

18 The objection of Mr. Grogan's counsel, Mr. Weedman,  
19 that the defendant was not there, is overruled.

20 Go ahead.

21 4 fls

4-1

1 MR. KATZ: Thank you.

2 Q Now, Mr. Katz, you saw the bushes move, is that  
3 right?

4 A That is correct.

5 Q But you didn't see who it was behind the bushes at  
6 that time, is that correct? You can answer that yes or no.

7 A I didn't see in the bushes, but I saw him coming  
8 out from the bushes.

9 Q Who did you see coming out from the bushes?

10 A Charlie Manson.

11 Q Oh. All right.

12 A He came out and he walked in the farmhouse.

13 Q Did you have a conversation with Manson at that  
14 time?

15 A Yes, I did.

16 Q Tell us about it.

17 A He said, "Frank, I was in the bushes. I tried to  
18 see who it is from this side when they come up from the  
19 street, and after I was really running, so the bushes was  
20 moving because I run for a gun."

21 He said there was no one on the road because "I  
22 could see the road."

23 Q Who told you that, Manson?

24 A That's right. And I said "The only one who was in  
25 the car, and that is you.

26 And he said, "Frank, that is not so." He said,  
27 "I going to prove it to you that we going to find that bag,"  
28 and he alarmed the whole gang to go along the road to search



4-2

1 for that bag.

2 And I went after them and saw a girl. She was  
3 waving me, "Frank, Frank." She was also in the room, and she  
4 run away.

5 Q Okay.

6 A She run away from the Manson family, and I stopped  
7 because I know her.

8 Q We are straying away now.

9 A Yes.

10 Q Did you get the bag back?

11 A No.

12 Q All right. Now, what I wanted to know is whether  
13 or not before the police came did you have any further conver-  
14 sations with Charlie?

15 A No, sir.

16 Q Did the police come?

17 A Yes.

18 Q Once again, did you have a conversation or exchange  
19 some words with Charles Manson in the presence of the police?

20 A That's right.

21 Q Tell us what happened?

22 A I talked to the sheriff. "There was no one else  
23 besides Manson." The sheriff told me, "You didn't see him in  
24 the car; there is nothing we can do. We are unable even to  
25 arrest him." "Unless," he said, "if you want to sign for  
26 trespassing."

27 And he said, "Frank, we going to move out right  
28 away," and I took off because Mrs. Kelly was so shocked.

4-3

1 Q All right. So, in any event, did you have any  
2 further words with Manson at that time?

3 A No.

4 Q Now, up to this time, we are talking about June  
5 30th, 1969, and going back to the time you first met Manson  
6 in the first part of 1969, had you told Mr. Manson to get off  
7 your property?

8 A Yes.

9 Q How many times?

10 A A hundred times at least.

11 Q How about the family itself?

12 A All of them.

13 Q Now, was there some dispute as to whether or not  
14 the farmhouse, which is located at the very lower end of the  
15 northwestern portion of the Spahn Ranch property, and which is  
16 also on the Mary Kelly property, was part of the Kelly  
17 property or a part of the Spahn property? Was there some  
18 discussion about that?

19 A No. It was the borderline. It was on our  
20 property, on my property which I bought.

21 Q You, therefore, assumed authority and control over  
22 that building, is that right?

23 A That is correct.

24 Q Did you ever see the defendant, Steve Grogan, on  
25 your property?

26 A Yes.

27 Q On more than one occasion?

28 A Yes.

4-4

1 Q On how many occasions do you think?

2 A Oh, whenever I was down there. With the motor-  
3 cycles, dune buggies, -- they were all there.

4 Q With reference to Steve Grogan, the defendant  
5 here, have you seen him on your property on numerous occasions?

6 A Yes.

7 Q Had you, yourself, told Steve Grogan that you  
8 wanted him off your property?

9 A I told everyone, including him.

10 Q Do you recall specifically talking with Grogan  
11 about other things though, in other words, having conversations  
12 with Steve Grogan?

13 A Yes. I had with all of them conversations.

14 Q But you knew Steve Grogan to talk to him, too, is  
15 that right?

16 A Yes.

17 Q Now, were you aware of the fact that there was a  
18 raid at the Spahn Ranch on August 16, 1969?

19 A Yes.

20 Q Once again, going from June 30th, 1969 to August  
21 16, 1969, did you continue to frequent the Spahn Ranch four  
22 or five times a week?

23 A That's right.

24 Q Who would you see when you went to the Spahn Ranch?

25 A The family. They was again on the ranch probably  
26 when the case was dismissed or something, and they came back.

27 Q You say "they came back." Mr. Manson and the  
28 family came back?

4-5

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A That's right.

Q Does that include Mr. Grogan?

A That's right.

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
APR 1964  
FBI - NEW YORK

1 Q During the period -- we are going to start around  
2 August 16, 1969 -- did you have some conversation with George  
3 Spahn regarding the problem of the presence of the Manson  
4 family on your property and Spahn's property?

5 A Right.

6 Q Now, without telling us the conversation yet, can  
7 you tell us whether somebody else was there during those  
8 conversations?

9 A Yes.

10 Q Who?

11 A Squeaky was all the time present. She had --

12 Q All right, in other words, she was with George  
13 during these conversations?

14 A Right.

15 Q Whenever you talked with George about either buying  
16 George's property or the presence of the Manson family, was  
17 Squeaky there?

18 A Yes.

19 Q Did you talk to George Spahn on more than one  
20 occasion about the problem of the presence of the Manson family  
21 on your property and Spahn's property?

22 A That's right.

23 Q I want to direct your attention to the period  
24 between August 16, 1969 and the latter part of August or the  
25 very first part of September 1969. Did you have discussions  
26 with George Spahn in the presence of Squeaky regarding the  
27 problem of the Manson family on your property and Spahn's  
28 property?

4-7

1 A Yes, I did.

2 Q Where did these conversations take place?

3 A In George Spahn's room.

4 Q And present there was Squeaky, is that correct?

5 A Yes.

6 Q What did you say about the problem of the presence  
7 of the Manson family?

8 A I said to George --

9 MR. WEEDMAN: Excuse me, your Honor. May I inquire what  
10 this is being offered for?

11 MR. KATZ: Yes, if counsel wants the answer.

12 MR. WEEDMAN: Yes, I think so. I would like to know.

13 MR. KATZ: Yes, your Honor.

14 It is offered as evidence of motive.

15 MR. WEEDMAN: What motive? To kill Mr. Retz?

16 Your Honor, I object to all of this and move to  
17 strike on the grounds it is incompetent and irrelevant. It  
18 is so prejudicial against my client -- we are sitting here  
19 listening to things when we weren't there, we have no idea  
20 what was said, and we are called upon to answer and defend  
21 against these things.

22 I, frankly, your Honor, just believe that the  
23 prosecution here apparently just talks about anything he darn  
24 well wants to talk about. He has been leading this witness  
25 ever since the witness took the stand. I haven't heard one  
26 single word here about my client other than my client was  
27 there with the family. We are talking about Charlie Manson  
28 being arrested, we are talking about him committing a crime.

4-8

1 Your Honor, I can't imagine anything more  
2 impossible to deal with than the way the prosecutor is permitted  
3 to put his case on.

4 THE COURT: The objection is there. Overruled.

5 You may go ahead.

6 Q BY MR. KATZ: Will you please tell us the conver-  
7 sation regarding the problem of the presence of the Manson  
8 family in which you discussed this with George Spahn in the  
9 presence of Squeaky between the period August 16, 1969 and  
10 September 1st of 1969.

11 A Yes. I told George that I would like to have the  
12 authority -- the family is again back, and even when we come  
13 out they come on our property. They were lying around all  
14 over, necking --

15 Q Lying over what?

16 A All over our property, along that river bank,  
17 took showers, necked, and everything over there, and my wife  
18 and the children came out there with the other corporation  
19 members, and so on, and I said I would like to have the  
20 authority from him to clean it out once and for all.

21 And he said, "You got the authority from me,  
22 Frank." And he said, "If you want to call it off, I give you  
23 the authority."

24 So I said, "I take your word," and that's it.

25 So I went out and I said, "Charlie, this is the  
26 last time I told you. Out."

27 And I walked in again, and George let me in on a  
28 secret that Charlie put a knife in front of his --

4-9

Q Wait. Just hold it.

MR. WEEDMAN: That is perfectly all right.

THE WITNESS: That was the --

MR. WEEDMAN: Let's hear it all.

I'm moving, of course, for a mistrial at this time, your Honor.

THE WITNESS: No.

MR. WEEDMAN: I'm moving for a mistrial, your Honor, on the ground that this witness has presumably been prepared by the district attorney's office to testify. He comes in here, he has been permitted during the course of my most strenuous objections to say anything that he cares to say in answer to the most incredibly leading questions that I have heard in my years of practice, your Honor, and now we hear --

THE COURT: Just a moment. You will have to argue in chambers.

Your objection is there. The objection is overruled.

First of all, the motion for a mistrial is denied. Let's weed it out in chambers here and see where we are up to this point.

MR. WEEDMAN: It's not necessary.

THE COURT: Step in chambers, Mr. Reporter, if you will.

MR. WEEDMAN: Excuse me, your Honor.

I understand that your Honor has already ruled in connection with this matter. I have no further objection for the record.

THE COURT: Step in, please.



#5

(The following proceedings were in chambers outside the hearing of the jury.)

THE COURT: We are in chambers.

Let's back way up. Read the last question and the answer that precipitated the controversy.

Read the question, if you will.

(The record was read by the reporter as follows:

"Q Will you please tell us the conversation regarding the problem of the presence of the Manson family in which you discussed this with George Spahn in the presence of Squeaky between the period August 16, 1969 and September 1, 1969.

"A Yes. I told George that I would like to have the authority. The family is back again. And we are -- even when we come out they come on our property.

"They were lying around all over, necking.

"Q Lying over what?

"A Over all our property. Along that river creek. Took showers. Necked and everything over there.

"And my wife and the children came out with the other corporation members and so on.

"And I said I would like to have the authority from him to clean it out once and for all.

"And he said, 'You got the authority from me, Frank.' And he said, 'If you want to call it off,

1 and I give you the authority.'

2 "So I said, 'I take your word, and that  
3 is it.'

4 "So I went out and I said, 'Charlie,  
5 this is the last time I told you, out.' And I  
6 walked in again, and George let me in a secret in  
7 that Charlie put a knife in front of his --

8 "Q Wait a minute, just hold it.

9 "MR. WEEDMAN: That is perfectly all right.")

10 THE COURT: Bring us down to date. Now, carry right  
11 through.

12 (The record was read by the reporter  
13 as follows:

14 "THE WITNESS: That was the --

15 "MR. WEEDMAN: Let's hear it all. I am moving,  
16 of course, for a mistrial at this time, your Honor.

17 "THE WITNESS: No.

18 "MR. WEEDMAN: I am moving for a mistrial,  
19 your Honor, on the ground that this witness has  
20 presumably been prepared by the district attorney's  
21 office to testify. He comes in here, he has been  
22 permitted during the course of my most strenuous  
23 objections, to say anything that he cares to say  
24 in answer to the most incredibly leading questions  
25 that I have heard in my years of practice, your  
26 Honor. And now we hear --

27 "THE COURT: Just a moment. You will have to  
28 argue in chambers. Your objection is there. The

1 objection is overruled.

2 "First of all, the motion for mistrial  
3 is denied. Let's weed it out in chambers here and  
4 see where we are up to this point.")

5 THE COURT: That brings us up to date. Thank you.

6 Well, under the theory of the People's case, I think  
7 the testimony is proper testimony.

8 Again, the weight or the sufficiency of the testi-  
9 mony may or may not justify convictions. That is another  
10 situation.

11 It is an unusual situation. The case is unusual.  
12 You get into unusual facts. You get into unusual structure.

13 You may not have another lawsuit like this, I  
14 don't know, in years.

15 MR. WEEDMAN: I hope not.

16 THE COURT: In other words, you can't isolate it, and  
17 particularly base a ruling on the grounds that it is an unusual  
18 situation. It is unusual.

19 The theory comprehends a course of conduct  
20 between certain co-conspirators or alleged co-conspirators  
21 to commit a public offense or crime, to use the words of the  
22 statute.

23 It can't all be put in at one time. It is totally  
24 impossible unless there was a concrete agreement that the  
25 People could prove Smith told Jones what they would do, and  
26 commit a certain crime.

27 It is factually inferred basically from facts,  
28 not altogether. Many other inferences come from statements

1 of the parties, actions of the parties. Actions of the  
2 alleged conspirators.

3 What did they do? Where were they? Where did  
4 they live? What were they advised of? What were their  
5 reactions?

6 You can't cover it all at once. That is roughly,  
7 very crudely stated, the People's testimony is directed to  
8 that point.

9 I think the testimony is proper testimony. The  
10 case to be ultimately delivered to the jury on instructions,  
11 that would to a certain extent ultimately dissect itself.  
12 Advise the jury there is no conspiracy in there, disregard  
13 certain factual matters, I don't know.

14 I think the testimony is proper testimony. The  
15 weight and the sufficiency is another thing.

16 The fact that Mr. Weedman may say on cross examina-  
17 tion, "Was my client there when Manson made certain statements?  
18 Was my client there at the time?"

19 "No, he wasn't," or "Yes, he was.

20 I mean it can be broken into this way.

21 "When Manson said this, where was my client?"

22 "I don't know where he was."

23 This is the way, that is part of the way it could  
24 be dissected.

25 But I can't take the bull by the horns to the  
26 extent of throwing out the People's testimony. It is properly  
27 admissible. It is a hard case to start with, to prove.

28 I say that, the jury is not here. I can speak

1 candidly here. I am not the judge of the facts.

2 It is a hard case, but it is nevertheless a  
3 People's case, and I can't eject their testimony.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

5A

#5A

1 MR. KATZ: Your Honor, I had one problem.

2 THE COURT: Yes.

3 MR. KATZ: And I wish to express it now out of the  
4 presence of the jury.

5 Mr. Weedman, I think, is guilty of duplicity of the  
6 worst kind. He feels that I can't lead the witness. Indeed,  
7 I have done everything I can to avoid leading the witness.

8 Yet I know how volatile the witness is. I know he  
9 tends to stray from the subject matter at hand.

10 THE COURT: He strays a little, yes.

11 MR. KATZ: In every effort and in good faith I have  
12 attempted, for example in the first part of the question I  
13 asked, "Was there an exchange between you and Manson without  
14 going into the circumstances surrounding it?"

15 But, no, then we have the magnanimous gesture,  
16 "Well, if you are going to lead him in that fashion, then let's  
17 let the whole conversation come in."

18 So obligingly I let it come in, knowing what was  
19 going to happen.

20 Once again, I directed specifically to conversa-  
21 tions between the period August 16, 1969, and September 1,  
22 1969, in the presence of Squeaky. These statements and conver-  
23 sations occurring between Mr. Spahn and Mr. Retz.

24 Once again I knew the volatile nature of the  
25 testimony that could unfold if I didn't get direct and respon-  
26 sive replies.

27 But once again I was accused of bad faith and of  
28 leading this witness so that I had to oblige once again in

1 front of the jury, Mr. Weedman, and just say "All right, tell  
2 us what was said."

3 And it is unfortunate, but this witness does have  
4 a tendency to digress, and I would like to cut it off if I can  
5 so we don't get this kind of incident about the knife incident.

6 I want to make the record clear on this knife  
7 incident. The knife incident that Retz has reference to is the  
8 situation in which George Spahn related to Frank Retz that  
9 Charlie Manson held a knife at his throat for four hours try-  
10 ing to bring fear and instill fear into him and to force Spahn  
11 to turn over the ranch to him.

12 I can only tell you that I didn't want this evi-  
13 dence to come out. Obviously he wasn't percipient to this.  
14 Obviously he didn't see that Squeeky was there at that time,  
15 and there would be no reason to impute that knowledge of that  
16 conversation was transmitted to the Manson family and there-  
17 fore, to Steve Grogan and Charles Manson.

18 I wanted to stay away from that and try to lead him  
19 right into the area I wanted him to go. Mr. Weedman invited  
20 this error, if there is any error.

21 THE COURT: I think probably it would be best in the  
22 balance of your examination if you confine yourself to only so  
23 much of a question that's leading. Only so much leading as  
24 necessary.

25 Now, then, if defense counsel wants to elaborate  
26 on cross examination and say, "Well, you related only a certain  
27 portion or segment of this to plaintiff's counsel. Give us  
28 the whole."

1           Then Mr. Weedman can do that. In other words, I  
2 think it probably would be better, I would authorize you,  
3 which I do.

4           MR. KATZ: Thank you, your Honor.

5           THE COURT: Now, don't misjudge me. I don't say just to  
6 lead him to the pinpoint. Don't lead him any more than you  
7 have to, to keep from bringing out a lot of damaging statements  
8 by the witness.

9           MR. KATZ: I understand that, your Honor. That is  
10 exactly what I attempted to do. I only talked about the George  
11 subject matter.

12          THE COURT: Let's try it and see where we go to. You  
13 can make your objection, Mr. Weedman.

14          MR. WEEDMAN: Well, your Honor, of course, the thing that  
15 has concerned me since the very beginning of this trial, of  
16 course, is the most unusual situation, and it is something that  
17 I indicated in my opening statement.

18               Charles Manson is on trial here, really. Charles  
19 Manson's terrible guilt from the Tate-La Bianca case is, in my  
20 judgment, being utilized by the prosecution to prejudice my  
21 client's most fundamental rights in this case, your Honor.

22               We have heard endlessly, of course, about Charles  
23 Manson. We haven't heard really one word about my client yet.  
24 I think this is a systematic instilling or attempt to instill  
25 this kind of prejudice against my client really by injecting  
26 Charles Manson.

27               Charles Manson is not just another person. He is  
28 probably today, your Honor, probably the most notorious



1 convicted mass murderer of our decade. And in a case that  
2 probably was more publicized than any case in history.

3 My client has to come in here and try to defend  
4 in that atmosphere. That is why I think the prosecutor should  
5 not be treating this just like another case. I think the  
6 prosecutor is under an obligation to handle this case and to  
7 be fair to my client.

8 You see, the prosecutor has the key to fairness in  
9 his hands; I do not. All I can do is stand up and be the bad  
10 guy every day.

11 I know I am making a bad impression on the jury  
12 with these objections inevitably. The jury doesn't like the  
13 lawyer to stand up and try to keep evidence out.

14 Mr. Katz knows this quite well. He baits me every  
15 day with leading questions, your Honor.

16 The excuse that he has a volatile witness and that  
17 is the reason that he should be permitted to lead the witness  
18 is absolute nonsense. That is no excuse unless the man is  
19 crazy.

20 If the man is incompetent, I think we should know  
21 about that. If he is a sane man, a rational man, -- I am  
22 talking about Mr. Retz -- certainly, Mr. Katz should caution  
23 him as he should caution all his witnesses not to go into  
24 areas as Mr. Katz knows, he stated he might go into.

25 Mr. Katz just told us, as I understand it, he was  
26 aware Mr. Retz might bring up this very subject. He should  
27 have cautioned him against that.

28 There is no need to lead him in front of the jury.

1 I have Mr. Retz's testimony before the grand jury. There  
2 are marked differences between that testimony and what we have  
3 heard here today.

4 THE COURT: Well, gentlemen, all right. I have made a  
5 ruling.

6 Let's try to go ahead now.

7 MR. KATZ: Yes, your Honor.

8 THE COURT: Now, again I will authorize you to use some  
9 leading question for guidance only for the purpose of trying  
10 to avoid a lot of statements that could have damaging effect.

11 MR. KATZ: Yes.

12 THE COURT: In that sense I will authorize some leading,  
13 some guidance, in your questions.

14 MR. KATZ: Thank you, your Honor.

15 THE COURT: All right.

16 Let's proceed.

17 MR. KATZ: Thank you.

18 MR. WEEDMAN: Thank you, your Honor.

19 THE COURT: Yes, thank you very much.

20 5B

5b-1

(The following proceedings were had  
in open court in the presence of the  
jury:)

THE COURT: Now, we will go ahead. We will proceed.

Now, we will start in with a new question,  
Mr. Prosecutor.

And, Mr. Witness, when you answer a question take  
your time and listen to the question that is asked. And try  
to just answer the question.

Don't add anything. No matter what you may think  
you should say just answer the question that is given to you.

In other words, a good policy to go by is the  
quicker or the shorter you can answer the question, the better.

In other words, don't elaborate on it: "Were you  
at a certain house? Yes."

You see, that is answered. That is what I mean.  
Just answer the question.

All right. Go ahead.

THE WITNESS: Okay.

MR. KATZ: All right.

Q Mr. Katz, I want once again to direct your atten-  
tion to the period between August 16, 1969 and the first part  
of September 1969 at the Spahn Ranch and ask you to tell us  
the conversations you had with George Spahn in the presence of  
Squeaky, limited to the subject matter of the presence of the  
Manson family on your property. That is, the Mary Kelly  
property you purchased, and George Spahn's property.

Will you do that without digressing to anything

Sb-2

1 else.

2 A If I -- now, my talk between Mr. Spahn and myself,  
3 I guess I have to tell it.

4 I didn't get now the exact question to answer or  
5 anything.

6 Q All right.

7 My question to you is what conversation did you  
8 have with George Spahn in the period I talked about, that is,  
9 between August 16th, 1969 and let's say September 1st, 1969  
10 in the presence of Squeaky, and only on the subject matter of  
11 the presence of the Manson family on the Spahn property and  
12 on your property.

13 A Yes. I had a conversation to clean them out.

14 Q Well, tell us exactly what the words were in this  
15 regard.

16 A It was the words, and he gave me the authority  
17 like I stated before.

18 And I came again out and I said, "Now, Charlie,  
19 that's the last time. You threaten, and tomorrow you are  
20 going to threaten me, too."

21 Q This is after you had one of the conversations  
22 with George Spahn in the presence of Squeaky?

23 A Right, yes.

24 Q All right.

25 And what did Charlie say in response to your  
26 statement?

27 A He said that he is going to move out. Give him  
28 time.

5b-2

1 And I said, "I gave you so many times, and I am  
2 going to move out with my ball team, and I clean you out. I  
3 don't call the sheriffs any more."

4 Q You said you were going to move him out with a  
5 ball team?

6 A Yes, I got about 60 young guys.

7 Q What kind of a ball team is this?

8 A Soccer ball.

9 Q I understand you won the Southern California  
10 championship.

11 A Right.

12 MR. WEEDMAN: That is not relevant to anything.

13 THE COURT: Strike it out.

14 Q BY MR. KATZ: Going back to the conversation, if  
15 there were any with George Spahn and yourself in the presence  
16 of Squeaky, what else was said in getting rid of the Manson  
17 family?

18 A I said, "I am going to hire a guard day and night  
19 with a gun."

20 And George said, "I got a good man for you."

21 And I said, "Who is that?"

22 And he said, "You know Shorty is a hard-working  
23 man. But I am unable to pay him. As a matter of fact he  
24 would be the right man for you because he don't like Manson."

25 And I said, "I know Shorty. He is around for a  
26 long time, and okay." I said, "Where is Shorty?"

27 He said, "He is not here because he comes and  
28 goes. But when he comes I am going to tell him to call you

5b-4

1 up, and he is going to take the job for sure."

2 Q All right.

3 Now, was this said in the presence of Squeaky?

4 A That's right.

5 Q And did you, yourself, make up your mind to hire  
6 Shorty?

7 A Yes, I did.

8 Q Did you discuss that fact with George Spahn --  
9 listen very carefully: did you discuss that fact with George  
10 Spahn in the presence of Squeaky?

11 A Yes.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

6-1

1 Q What did you say about hiring Shorty?

2 A I said I going to pay him and give him food and he  
3 is going to move in that farmhouse, buy him a gun, get a  
4 permission, and to clean that place up.

5 Q All right. Now this was said in front of Squeeky,  
6 is that right?

7 A Right. And after Squeeky asked me to keep an  
8 eye --

9 THE COURT: Wait a minute.

10 MR. KATZ: Hold on now.

11 THE COURT: Wait a minute.

12 Q BY MR. KATZ: Now, during the same conversation in  
13 the presence of Squeeky wherein you told George Spahn that you  
14 were going to hire Shorty as a security guard and have him  
15 live at the farmhouse, did Squeeky say anything to you?

16 A She said, "Give us another eight days and we move  
17 out."

18 Q Now, during any of the conversations in which you  
19 were negotiating to buy Mr. Spahn's property and in the  
20 presence of Squeeky, was there any discussion between you and  
21 Squeeky -- and listen carefully -- concerning the alleged  
22 right of the Manson family to George Spahn's property?

23 A Yes.

24 Q All right. Now, tell us what was said.

25 A She told me that they gave George a down payment  
26 for the Spahn Movie Ranch and they got a right to stay here,  
27 which I said, "I don't know about that, but I got the authority  
28 to throw you out, and you heard it when George repeated it in

6-2

1 front of you, so that's it."

2 Q All right. What did Squeaky say or do in front of  
3 you at that time?

4 A She said they going to move out.

5 Q What was her demeanor at that time? Was she  
6 happy or not?

7 A No, she wasn't. She was very angry.

8 Q Incidentally, you bought 27-1/2 acres of Mr. Spahn's  
9 property, is that correct?

10 A That's right.

11 Q How much money did you pay for it?

12 A Seven thousand per acre.

13 Q That is over \$240,000?

14 A Right.

15 Q In other words, we weren't talking about a small  
16 amount of money, is that right?

17 A No.

18 Q Now, I want to direct your attention to on or  
19 about August 24, 1969 and ask whether or not -- and this is  
20 a date following the August 16 raid -- you caused Manson to  
21 be arrested on your property.

22 A That's right.

23 Q Was he in the presence of another girl?

24 A Yes.

25 Q All right. Did you call the police?

26 A Yes.

27 Q Listen very carefully to my question and confine  
28 your answer to it: -- and this can be answered yes or no --



6-3

1 did you have a discussion or exchange some words with Charlie  
2 Manson in the presence of police officers at that time on  
3 August 24th, 1969?

4 A Yes.

5 Q Now, tell us what words you exchanged between  
6 Manson and yourself.

7 A He called me a bum, and he said he was going to cut  
8 my throat.

9 And I said to the sheriff, I said, "Turn him  
10 loose; if I work him over, there's nothing left any more."

11 So the sheriff said, "No; it's impossible, Mr.  
12 Retz. Don't touch him. He got his handcuffs on." And that's  
13 it.

14 Q All right. And then did the policeman take  
15 Charlie and this girl away?

16 A That's right.

17 Q Where were they when they were arrested?

18 A In the farmhouse, my property.

19 Q That is the farmhouse which is near the border  
20 which separates Spahn's property from the property you bought  
21 from Mary Kelly, is that right?

22 A Correct.

23 Q First of all, I'm going to show you a picture,  
24 32-M for identification. Do you recognize that person?

25 A The eyes are closed.

26 Q Do you recognize the person in the picture? If  
27 you don't just say "No,"

28 A It's hard to say exactly.

6-4

1 Q All right. Then I don't want you to guess. Let's  
2 put that down.

3 Do you recognize the person who is depicted in  
4 People's 3?

5 A Yes.

6 Q Who is that?

7 A Squeaky.

8 Q And do you recognize this person in People's 5?

9 A Yes, I do.

10 Q Who is that?

11 A Manson.

12 Q And you mentioned a person by the name of Bill  
13 Vance. Do you recognize this person in 32-E?

14 A Yes. That is him.

15 Q I want you to look through the 50 series of  
16 photographs, 50-A through 50-H, and I'm going to ask you, as  
17 you go through them, whether or not you recognize the defendant  
18 in any of those photographs.

19 A Here (indicating).

20 Q Would you please take a felt tip pen and circle  
21 the defendant in that picture.

22 A (Witness complies.)

23 Q Would you place your initials, "F.R." so we know  
24 you are the gentleman who made that designation.

25 A (Witness complies.)

26 MR. KATZ: May the record reflect the witness has complied  
27 with my request on 50-B for identification.

28 THE COURT: That's right.

6-5

1 Q BY MR. KATZ: And is this the way Steve Grogan  
2 looked when you saw him on your property in the Spahn Ranch,  
3 that area, on the 30th of August 1969?

4 A Yes.

5 Q Do you see the defendant once again here in 50-C?

6 A Yes.

7 Q Would you please encircle him once more.

8 A (Witness complies.)

9 Q And once again place your initials on the top so  
10 we know you are the gentleman who made that designation.

11 A (Witness complies.)

12 MR. KATZ: Once again may the record reflect the witness  
13 has complied and made the notation "F. Katz."

14 THE COURT: That is correct.

15 MR. KATZ: That is on 50-C for identification.

16 Q Do those photograph truly and accurately depict  
17 the way the defendant appeared and looked in the period of  
18 August 1969?

19 A Yes.

20 MR. KATZ: If I may have a moment, I believe I have  
21 concluded, your Honor.

22 THE COURT: Yes.

23 MR. KATZ: No further questions.

6a

#6A

## CROSS EXAMINATION

BY MR. WEEDMAN:

Q Mr. Retz, when did you decide that you were going to hire a man to get the family off your property?

A After the raid.

Q And when was the raid, Mr. Retz?

A I couldn't say the exact date.

Q What month was it in?

A Probably in August or July, or something. I couldn't say the exact date, but it was in August, I guess.

Q If I told you August 16, would that be about right?

A If you say so. I don't know. I can't tell you.

Q Now, in answer to the prosecutor's questions, you seemed to readily concede that it was August 16th when that date was fed you by the prosecution.

MR. KATZ: Excuse me. I will object to the argumentative form of the question, "fed by the prosecution."

MR. WEEDMAN: I will withdraw that word. It was an unfortunate word.

Q When the date was given to you in the question, you had no difficulty recognizing the date.

A I didn't say exactly the date, but I know I read a newspaper and I heard it was about in August.

Q So you are fairly sure that raid was in August of 1969?

A Yes, I am.

Q Now, was it after that time that you decided that you were going to hire a man to get rid of the Manson family?

1           A       That's right.

2           Q       When did you have a conversation with George Spahn  
3 about hiring Shorty Shea?

4           MR. KATZ: Excuse me. I will object on the ground that  
5 assumes facts not in evidence, your Honor.

6           MR. WEEDMAN: I will withdraw the question.

7           Q       Did you have a conversation with George Spahn about  
8 hiring Shorty Shea?

9           A       Yes, I did.

10          Q       Mr. Retz, when did that conversation occur?

11          A       After, when I saw the people was turning loose the  
12 Manson family and they came back to the ranch.

13          Q       Was that after the August raid?

14          A       That's right.

15          Q       About how long after the August raid, Mr. Retz,  
16 did you have this conversation?

17          A       A few days. I don't know the day exactly.

18          Q       Let me finish the question and I will let you  
19 finish the answer.

20                 I will withdraw the question.

21          Mr. Retz, how long after the August raid on the  
22 ranch did you have this conversation with Mr. Spahn wherein  
23 you discussed hiring Shorty Shea?

24          A       Shortly after the raid.

25          Q       Can you give us an idea in numbers of days?

26          A       Not exactly.

27          Q       Was it as long as two weeks?

28          A       No. It was not two weeks.

1 Q Was it as long as a week?

2 A Something like that. Between -- it could be.  
3 Could be also two weeks. But I was very serious about that.

4 Q You were very serious about that?

5 A To hire a guard, yes.

6 Q Were you very serious about hiring Shorty Shea  
7 particularly, or did it make any difference who you hired?

8 A I would like to hire Shorty Shea because I know  
9 him for years and he is used to work over there around, so he  
10 knows everything. That is why.

11 Q I'm sorry; he is used to what kind of work?  
12 I didn't quite understand your answer.

13 A I was going to hire Shorty Shea for one reason,  
14 because I know the man, he lives on the ranch off and on, and  
15 to me he was -- he didn't like Manson, and that was the reason  
16 why I tried to hire him.

17 Q You felt that he would be more desirable than some-  
18 one else because he didn't like Mr. Manson, among other things,  
19 is that right?

20 A That's right.

21 Q Did you go out and buy a gun for Shorty Shea?

22 A No, I didn't, but --

23 Q Excuse me. Go on.

24 A No, I didn't.

25 Q Did you want to say anything else?

26 A But I would buy a gun. If I hire a gunman over  
27 there, he has to have a gun to protect himself.

28 Q So you felt it was going to be necessary for

1 Mr. Shea to carry a gun out there in order to protect himself?

2 A That's right.

3 Q Did Mr. Shea ever have any conversations with you  
4 about this job?

5 A No; only over the telephone.

6 Q When did you get a telephone call from Mr. Shea in  
7 that connection?

8 A In about a day, he called up and he said, "Frank,  
9 George told me --"

10 Q Excuse me. I'm sorry, Mr. Retz. My question was,  
11 when did you get the telephone call from Mr. Shea?

12 A It was one morning about 9:00 or 10:00 o'clock.

13 Q What day of the week was that, Mr. Retz?

14 A It's hard to say. I am unable to say what day or--

15 Q What day of the week did you have this conversa-  
16 tion with George Spahn about hiring Shorty?

17 A It would be a Monday, Tuesday, Wednesday -- I was  
18 every day out. I don't remember exactly.

19 Q Do you recall testifying before the grand jury in  
20 connection with this matter?

21 A I don't think so, as I said, that I said exactly  
22 the date. Probably it could be a Monday, Tuesday, Wednesday,  
23 I'm not sure exactly.

24 Q Excuse me, sir. My question is, do you recall  
25 testifying in this case before the grand jury?.

26 A Yes, I did.

27 Q Do you recall making these answers to these  
28 questions. Page 302:

1           "Q And do you know whether or not that  
2 was a weekday or a weekend that Shorty called you?

3           "A It probably -- it was probably on a  
4 Monday. It was beginning -- I was Sunday out, and  
5 I discussed the thing with George. It was on a  
6 Monday so far as I remember.

6Aa



1 "Q In other words, you discussed it  
2 with George on a Sunday, and then on a Monday you  
3 received a call from Shorty Shea?

4 "A That is correct.

5 "Q And do you recall whether or not it  
6 was in the morning or the afternoon?

7 "A It was in the morning, because I was  
8 to get some place somewhere. Usually Monday that  
9 is my day where I go to the bank, and things like  
10 that, and I know I delayed that for afternoon  
11 because I was waiting for Shorty."

12 Does that refresh your recollection as to when you  
13 spoke with Shorty on the telephone?

14 A It could be, but I couldn't state that it was  
15 Monday, but I was waiting for Shorty, and he said he is going  
16 to be in, in about half an hour, in my place.

17 Now, one thing I remember now. When that was in  
18 the morning -- I am always at 10:00 o'clock in the bank, so  
19 probably it was not Monday even. I just refreshed my memory,  
20 because it was half an hour he would be here and I would have  
21 a talk with him at least an hour, so it could be also Tuesday  
22 or Wednesday.

23 You see, I think -- I kept my day -- I have to be  
24 here today, so I couldn't go to the bank. I have to wait  
25 till I come back. All the time 10:00 o'clock is my banking  
26 hour, and it could be one day or the other. I'm not sure.

27 Q Are you sure that you did speak with Shorty in  
28 the morning?

1 A Yes, I did.

2 Q Did you ever see or hear from Mr. Shea again after  
3 that?

4 A Never again.

5 Q Mr. Shea was to come and talk to you that same  
6 afternoon, wasn't he?

7 A He don't have to come afternoon. He is supposed  
8 to be right out. I called up Mr. Spahn, "What happened to  
9 Shorty?" and he said "He left."

10 Q Excuse me. My question, Mr. Retz, is whether or  
11 not Shorty was supposed to come over and see you that afternoon,  
12 in other words, following the telephone conversation?

13 A Not afternoon. I said in the morning; half an  
14 hour after the telephone conversation.

15 Q You mean he was supposed to come over half an hour  
16 after the telephone call?

17 A That is correct, because he said, "I just going to  
18 be leaving now and be in a half hour down."

19 Q I see. So irrespective of the day of the week,  
20 whether it was Monday or Tuesday, or what day of the week it  
21 was, you are certain that Shorty did call you on the telephone  
22 in the morning, is that so?

23 A Yes.

24 Q And that on the telephone he agreed to see you  
25 within the next half hour or so?

26 A Correct.

27 Q Did Mr. Shea show up?

28 A No, sir.

7-1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q Now, did Mr. Shea show up?

A No.

Q Was that the last time you ever heard Mr. Shea?

A Last time.

Q When had you last seen Mr. Shea?

A I didn't see him. He didn't come.

Q I am sorry. Before the telephone conversation, when did you last see him?

A I saw him at the ranch off and on. Wouldn't say when.

Q Now, was it the day before, as nearly as you can recall? Was it the day before the telephone conversation with Mr. Shea that you had had this conversation with George Spahn about hiring Shorty?

A Would be a day, two days, three days, I don't remember exactly.

Q Would it possibly have been more than three days?

A Could be also.

Q How far do you think it could be?

A I can't give you that thing. Because I am a very busy man, and I -- I don't know exactly how many days.

But it was not long. Three, four days, probably.

Q Probably three, four days at the most, is that so?

A That is the most what I think, yeah.

Q Are you also telling us that it could have been the day after?

A Could be also.

Q Okay.

7-2

1 That is to say you covered the conversation with  
2 George Spahn on one day and then received the telephone call  
3 from Shorty the following morning?

4 A Could be.

5 Q Okay. Didn't George Spahn tell you during this  
6 conversation that we have been speaking of, that Shorty was  
7 probably going to leave the ranch?

8 A Yes.

9 Q And didn't Mr. Spahn tell you that he was unable  
10 to pay Mr. Shea any money and that Mr. Shea would probably  
11 leave the ranch?

12 A That's right.

13 Q Okay. Did Mr. Spahn tell you where Shorty probably  
14 would go?

15 A No.

16 Q Now, you indicated a few minutes ago, Mr. Retz,  
17 that Shorty was at the ranch off and on. What did you mean by  
18 that?

19 A One day I saw him, the next day I didn't see him.  
20 After, I didn't see him eight days, and after I  
21 saw him again. That is what I meant.

22 Q Do you know where he was living when you did see  
23 him at the ranch during the month of August?

24 A No idea.

25 Q Did you see him at the ranch during the month of  
26 August?

27 A Yes.

28 Q Do you know whether he was living somewhere on the

7-3

1 ranch or not?

2 A No idea.

3 Q Were you a pretty good friend of Shorty's or just  
4 an acquaintance?

5 A No, I was no friend of Shorty.

6 Q No friend of Shorty's?

7 A No.

8 Q Did you know him at all other than just to say  
9 hello to him?

10 A I know when I see him. I talked to him so many  
11 times.

12 Q Okay.

13 You also indicated that he comes and goes. Did  
14 you mean -- that is, Shorty comes and goes. Did you mean the  
15 same thing by that?

16 A Right.

17 Q That he is there and then gone?

18 All right. Now, you had -- when had you planned to  
19 buy this gun for Mr. Shea?

20 A I have to go with him to the police and everything  
21 when I hire him. He would be hired, and I would buy him a  
22 gun, and he would be a guard.

23 Q Had you expected that Shorty would use this gun  
24 on members of the Manson family if they trespassed on your  
25 property?

26 A If he is attacked he probably would have to.

27 Q I see.

28 Did you bring your soccer team to the ranch at one

7-4

1 time?

2 A Yes, I did.

3 Q When was that, Mr. Retz?

4 A As a matter of fact, I brought them so many times  
5 out. Not all of them, some of them.

6 And -- but --

7 Q How old are the members of the soccer team. I  
8 mean what age bracket are we talking about?

9 A Between 15 and 30.

10 Q Did any of them come out while members of the  
11 Manson family were around?

12 A Yes. Oh, yeah.

13 Q Did they ever meet one another, or were they ever  
14 together at all?

15 A No.

16 Q Are you sure?

17 A I am sure about that.

18 Q Okay. Did you ever point out any members of the  
19 Manson family to any members of your soccer team?

20 A Probably.

21 Q Do you remember taking any pictures of the members  
22 of your soccer team together with members of the Manson family?23 A Not with my soccer team. With the Swiss soccer  
24 team.25 When I sponsor, and promote, I brought the Swiss  
26 team out and I showed them the Spahn Movie Ranch and I show  
27 them my property, and I show them where I am going to build  
28 a stadium. And they took pictures from the Manson family

7-5

1 because that was after the killing already.

2 Q What killing, Mr. Retz?

3 A Sharon Tate and all the others.

4 Q I see. Where was Mr. Grogan, if you know, when you  
5 had this conversation with Mr. Spahn about hiring Shorty Shea?

6 A I don't know.

7 Q Where was my client, Mr. Grogan here, where was he  
8 when you had Charles Manson and the girl arrested, if you  
9 know?

10 A Now, in which connection? When I arrested the  
11 girl to the time with Manson or the girls or what was it?

12 Q Well, let's see. How many times did you have  
13 Mr. Manson arrested?

14 A I called up a couple of times. And that was when  
15 they broke into my car, and the next time when they arrested  
16 Charlie with that girl.

17 Q When you say they broke into your car, who broke  
18 into your car, Mr. Retz?

19 A That's the question.

20 Q When you say "they broke into your car" did you  
21 have Charles Manson arrested then?

22 A I tried to arrest him, but the sheriff couldn't  
23 arrest him because I didn't see him when he was in the car.

24 Q Mr. Retz, my question was pretty simple. I just  
25 asked you how many times you had Charles Manson arrested;  
26 do you know?

27 A Once.

28 Q When was that?

7-6

1 A When he was with a girl in he farmhouse.

2 Q So then my question to you earlier was where was  
3 my client when you had Charles Manson arrested.

4 A That I don't know.

5 Q Well, he wasn't there in any event, is that so?

6 A No.

7 Q Where was my client, if you know, when Charles  
8 Manson threatened you as you indicated to us?

9 A I didn't see him. He was not over there. Not that  
10 I saw him.

11 Probably he was over there someplace.

12 Q Mr. Retz, how long had you had your eye on George  
13 Spahn's property there?

14 A For years.

15 Q Would it be fair to say that for years you wanted  
16 to acquire that property?

17 A Right.

18 Q What do you think that property is worth, Mr. Retz,  
19 an acre?

20 A I wouldn't give you the answer because I don't  
21 know.

22 Q It is worth a heck of a lot more than seven  
23 thousand -- excuse me. What did you pay for it again?

24 A Seven Thousand.

25 Q It is worth a heck of a lot more than \$7,000 an  
26 acre, isn't it?

27 A If you want to pay me more, I accept the money.

28 Q You are a pretty good businessman, aren't you,



7-7

1

Mr. Ratz?

2

A

That's right.

3

4

5

7a

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

RECEIVED  
FBI - NEW YORK  
JAN 10 1964  
10 10 10  
10 10 10

7a-1

1           Q       You were really over there not talking about the  
2       Manson family so much, you were over there talking to George  
3       Spahn trying to get the property from him, isn't that a fair  
4       statement, Mr. Katz?

5           A       That's correct.

6           Q       Okay.

7                   And you finally got it away from him, didn't you?

8           A       Don't say I got it away. I bought it.

9           Q       All right.

10                  You bought it, did you pay cash for it?

11          A       With money. I don't have to answer that question.

12          MR. KATZ: Excuse me, your Honor. At this point it  
13       would be irrelevant and immaterial.

14          THE COURT: I will sustain the objection.

15          MR. WEEDMAN: Well, yes, of course. Naturally.

16          THE COURT: Strike the answer.

17          Q       BY MR. WEEDMAN: How long were you in escrow for  
18       the purchase of that Spahn property, Mr. Katz?

19          A       About a month.

20          Q       Did you feel, Mr. Katz, that if you couldn't get  
21       rid of the members of the Manson family, that you couldn't get  
22       in there and buy that property from George Spahn?

23          A       No, I didn't feel that way.

24          Q       Did getting rid of the Manson family have anything  
25       to do with your thinking as far as purchasing the property?

26          A       No.

27          Q       What was it that the Manson family was doing on  
28       your property -- not talking about George Spahn's property, I

7a-2

1 am talking about your property at the time, that made you want  
2 to hire a man with a gun to chase them off?

3 A Driving around with them dune buggies. Motorcycles.  
4 Lying around all over the place, and sleeping in my house over  
5 there. And all those.

6 Is that enough?

7 Q Well, it probably was enough for you, Mr. Retz.

8 Where was that house located as far as the  
9 property line is concerned?

10 A On my property. Close to the property line.

11 Q How far into your property was it?

12 A I said probably 10, 15, 20 feet was the property  
13 line.

14 Q Away from where this house was?

15 A That's right.

16 Q Was there some dispute as to where the property  
17 line was, Mr. Retz?

18 A I didn't hear you quite.

19 Q Was there some dispute as to where the property  
20 line was?

21 A There never was a dispute because I had a licensed  
22 survey. It was once, Mr. Spahn thought it's his property.  
23 But it was not.

24 After I showed him, and I showed his son, and  
25 they investigate probably. And it was like the surveyor put  
26 the marks in, and that is it.

27 Q When did Mr. Spahn claim it was his property  
28 where the house was, which the Manson family was using?

7a-3

1           A       Actually he would like to have that house, and he  
2 said -- and to the time when they bought -- when they bought  
3 the property he said that Mr. Serrano, from whom he purchased  
4 the property, told him that that house was on his property.

5                   But we got a surveying where it shows from 1956  
6 probably, I guess, or something like that, which Mr. Spahn  
7 knew already, that that's not on his property.

8           Q       Do you know whether or not he told the members of  
9 the Manson family that you had had that property surveyed and  
10 that it belonged to you?

11          A       That's right.

12          Q       What do you mean "That's right"?

13          A       Didn't --

14          Q       That question, Mr. Retz, is do you know whether  
15 or not George Spahn told the members of the Manson family that  
16 that property had been surveyed and that the house was on your  
17 property?

18          A       That's right.

19          Q       You mean he did tell them that?

20          A       Yes.

21          Q       You hear him tell them that?

22          A       Right.

23          Q       When was that, Mr. Retz?

24          A       He told that to Squeaky when she was present. I  
25 said, "Now, George, here is your old surveying from '56 or  
26 so."

27                   Now, I called Jim, his son. His son came, and  
28 he looked at the plans, and he said, "Dad, that's right."

7a-4

1 It was before even that later surveying which  
2 Frank gave.

3 "That's not our property any more."

4 Q And so the fact that Squeaky was present when you  
5 talked about the surveying with George Spahn leads you to  
6 believe that the members of the Manson family knew that was  
7 your property?

8 A That's right.

9 Q Wasn't Mr. Spahn's property?

10 A That's right.

11 Q It was how far into your property, again?

12 A The whole house was on my property.

13 Q How far was the house in the property line, again?

14 A About 10 feet, I would say, or something.

15 Q Less than the distance from you to me?

16 A Less.

17 Q Did you call the police ever to have the members  
18 of the Manson family evicted from that particular house?

19 A Yes.

20 Q When was that, Mr. Ratz?

21 A When they broke in, in my car.

22 Q Well, you didn't call them because of the house,  
23 did you, Mr. Ratz, at that time?

24 A I asked the sheriff to throw them out, and they  
25 asked me, and the sheriff said, "If I want to have him again  
26 all arrested?"

27 And I said, "I won't sign for that if they get  
28 out in an hour or so."

1 And they went out.

2 Q Did they get out?

3 A Yes.

4 Q Was that before or after the August raid on the  
5 property?

6 A After.

7 Q Were you --

8 A No, that was before. Before -- oh, yeah. Way  
9 before.

10 Q All right.

11 Well, did they go back to the house, Mr. Retz,  
12 after that?

13 A Didn't --

14 Q The one that they voluntarily left.

15 A They left, and they came back again, back and  
16 when they saw me they moved out, and they came back again,  
17 back and all the time.

18 Q Inasmuch as they apparently left when you asked  
19 them to, prior to the raid, and inasmuch as they apparently  
20 were just sort of coming back and forth, did you feel it was  
21 necessary to have a man with a gun out there?

22 A That's right.

23 Q What was it, did you think the man was going to  
24 use the gun on them, Mr. Retz?

25 A Anyone who comes in, and probably now --

26 Q No, my --

27 A Many people, they was looking around and all. I  
28 have to have a gun.

#8

1 Q Mr. Retz, --

2 Can we have my question read back? If he doesn't  
3 understand it, fine; if he can't answer it, fine.

4 THE COURT: Yes.

5 (Whereupon the question was read by  
6 the reporter as follows:

7 "Q Did you think the man was going to use  
8 the gun on them, Mr. Retz?"

9 THE WITNESS: On them; on him.

10 Q BY MR. WEEDMAN: Oh, sorry. On the members of the  
11 Manson family that were using this house off and on?

12 A If they attacked him and if they come in, yes.

13 Q If they come in? Were you going to tell Mr. Shea  
14 to shoot these people if they stepped on your property?

15 A I didn't tell him to shoot, but it could be that  
16 somebody tried to knock him off or shoot him, he have to protect  
17 himself.

18 Q After this time that you tried to have Mr. Manson  
19 arrested before the August raid, was there another time then  
20 when the Manson people moved back into the house and you were  
21 successful in getting them to leave?

22 A Give me that again.

23 Q I'll withdraw that.

24 When did the family use the house again after they  
25 first moved out?

26 A They used it every day in the evening when I was  
27 gone, was somebody -- I couldn't tell you when. They came in  
28 and went out and came in again and out. That's it. I was not

1 all the day over there.

2 Q Did you have a house that you lived in on your  
3 property?

4 A No.

5 Q Would you go up to see the property every day?

6 A I would say yes. Sometimes twice a day.

7 Q Were you engaged in any other business at the time,  
8 Mr. Retz?

9 A Yes, in various businesses.

10 Q What businesses are they, or were they?

11 A Delicatessen store; I have my export-import,  
12 distributing; I got my charter business. I got many, many  
13 businesses.

14 Q Were you telling us, then, that with all these  
15 other businesses that you were up at your ranch almost every  
16 day?

17 A That's right.

18 Q Now, apart from the time that involved the incident  
19 of the automobile and the lady's purse and papers, and so on,  
20 being missing, were there any other times that you called the  
21 police to have the Manson family removed or taken out, or what  
22 have you, from this house?

23 A No.

24 Q Why not? Was there any particular reason?

25 A Why I didn't call?

26 Q Yes.

27 A What is the use to call them? They arrested him  
28 and they let him loose. There was only one way, I told



1 Charlie, and that was the last time.

2 Q Excuse me. They arrested him and turned him loose?

3 A That's right.

4 Q What incident are you talking about now when you  
5 had him arrested?

6 A That is correct.

7 Q What did you have him arrested for?

8 A For trespassing and broking in that house, because  
9 I put a lock on that house.

10 Q Did you ever sign a complaint?

11 A Yes.

12 Q If I told you that no charges were ever filed,  
13 would that surprise you?

14 A It couldn't be because I signed when the sheriff  
15 arrested him with that girl.

16 Q What did you sign?

17 A They gave me a paper and I signed it.

18 Q Did you ever go to court?

19 A No.

20 Q Did you ever testify against Charlie Manson?

21 A No, never.

22 Q Or the girl in connection with that incident?

23 A Never. Never was called.

24 Q Did you make any inquiries to find out why not?

25 A No, I didn't.

26 Q You just assume thereafter that it was a waste  
27 of time for you to call the Sheriff's Department, is that  
28 so?

1 A Correct.

2 Q And then you ultimately felt it was necessary to  
3 get a man with a gun out there?

4 A That is correct.

5 Q As a matter of fact, Mr. Retz, the Manson family  
6 moved away just a few days after you, -- at most a few days  
7 after you had this telephone call from Mr. Shea, is that right?

8 A I couldn't say a few days. I didn't say and I won't  
9 say exactly because --

10 Q Did they move eventually?

11 A They moved, yes.

12 Q When was that?

13 A I don't know.

14 Q It was the early part of September at the very  
15 latest, wasn't it, Mr. Retz?

16 A Could be.

17 Q You were up there every day. Can't you tell us?

18 A How can I tell you the date?

19 Q Wouldn't you be interested, Mr. Retz, in perhaps  
20 remembering something as important as that?

21 A That is important --

22 MR. KATZ: Excuse me. I object to the form of the  
23 question. It is argumentative.

24 THE COURT: Don't argue with the counsel. Answer. If  
25 you can't answer it, say so.

26 Strike the answer. Read the question.

27 MR. WEEDMAN: I will withdraw the question.

28 THE COURT: All right. Restate it.

1 Q BY MR. WEEDMAN: It was pretty important to you,  
2 wasn't it, Mr. Retz, that the family moved away?

3 A Yes.

4 Q Isn't it a fact you even told Squeeky that the  
5 family had to go, is that right?

6 A Yes.

7 Q And Squeeky wasn't very happy about that, was she?

8 A No.

9 Q You said she was very angry?

10 A Yes.

8A

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

8A

1 Q What did Squeeky do around the place, if you know?  
2 A Take care of George.  
3 Q What did she do for George?  
4 A Lead him in and out and feed him, probably.  
5 Q She really sort of generally took care of Mr. Spahn?  
6 A Yes, that's right.  
7 Q Mr. Spahn was blind at the time, wasn't he?  
8 A That's right.  
9 Q What kind of a person did you regard Squeeky to be?  
10 A I thought she was a nice girl.  
11 Q Did you always think she was a nice girl?  
12 A Yes, I thought.  
13 Q Did you think that she was somehow responsible for  
14 the trouble that you were having with the Manson family in  
15 using this house across the border?  
16 A No, I don't think so.  
17 Q In any event, you finally, of course, told -- you  
18 told Squeeky that the family would have to have another place  
19 to live, right?  
20 A That's right.  
21 Q And Squeeky said, "Well, give us another eight days  
22 and we'll move out"? Isn't that so?  
23 A That's right.  
24 Q And, as a matter of fact, they did move out, didn't  
25 they, Mr. Retz?  
26 A They moved out, yes.  
27 Q In just about that length of time after that  
28 conversation that you had with Squeeky?

1 A It was longer than that.

2 Q How much longer than that?

3 A Probably fourteen days, three weeks. It was longer  
4 than eight days, I know that.

5 Q When Mr. Shea didn't show up the afternoon of the  
6 day that he telephoned you, did you thereafter make an effort  
7 to hire someone else to go out there and guard your property?

8 A Yes, I did.

9 Q Who was that?

10 A I contacted more people, but -- after I couldn't  
11 find the right man and so I still didn't hire one after,  
12 because the Manson family moved out and I thought that is not  
13 necessary any more.

14 Q Right. So the Manson family did move out and you  
15 thought it was not necessary any longer to have someone there  
16 to chase them off?

17 A That's right.

18 Q With respect to the sale of the property by George  
19 Spahn to you, who was present during the negotiations,  
20 Mr. Retz?

21 A Who was present when I bought the property?

22 Q Yes.

23 A Sometimes Squeaky was present and we were talking;  
24 sometimes nobody; and when we had the main talks, there was  
25 nobody present.

26 Q It was necessary for Mr. Spahn to sign some  
27 documents, was it not, before the sale could be consummated?

28 A He had his lawyer who took care for that.

1 Q That is my question: Was there a lawyer present  
2 during any of these negotiations?

3 A Yes.

4 Q Who was that lawyer? Do you know?

5 A Mr. Roff.

6 Q Do you know what his first name is?

7 A Ronald Roff.

8 Q Was your lawyer present?

9 A I don't have a lawyer for myself.

10 Q Did Mr. Roff ever do any legal work for you?

11 A If I have to hire one, but I didn't. I didn't  
12 need one, not yet.

13 Q My question is, did Mr. Roff do any legal work for  
14 you? Had he done any legal work for you in the past?

15 A Legal work?

16 Q Legal work.

17 A No.

18 Q Had you known this particular attorney before  
19 these negotiations and before the contracts were signed?

20 A Yes.

21 MR. KATZ: Objection. Immaterial. Move to strike the  
22 answer for the purpose of interposing an objection. The  
23 question calls for an immaterial matter.

24 MR. WEEDMAN: It is not immaterial.

25 THE COURT: I will sustain your objection.

26 MR. WEEDMAN: Your Honor, may I be heard?

27 MR. KATZ: I will withdraw it. It is quicker.

28 THE COURT: All right. It is withdrawn, and the answer

may -- is the full answer here?

1 MR. KATZ: Yes, there is a full answer.

2 THE COURT: The answer may stay.

3 Q BY MR. WEEDMAN: When had you become acquainted  
4 with this attorney, Mr. Roff, the first time?

5 A When I bought Mary Kelly's property.

6 Q Did the attorney act for one of the parties in  
7 connection with that sale?

8 A He was the lawyer for Mrs. Kelly and for George  
9 Spahn.

10 Q I see. Was it the lawyer then, that perhaps read  
11 the contract to Mr. Spahn before he signed it?

12 A That is correct.

13 Q Was there anyone else present, other than the  
14 lawyer, yourself and Mr. Spahn?

15 A Yes.

16 Q Who was that?

17 A I have to see the names. I got a contract here.

18 Q Fine.

19 A Yes. Was --

20 THE COURT: Now, wait. Let's have the question. Just  
21 hold it to yourself, please.

22 Read the question.

23 (The record was read by the reporter  
24 as follows:

25 "Q Who was that?")

26 THE COURT: That is your present question now?

27 MR. WEEDMAN: Yes, your Honor.

28 THE COURT: Who was that?

1 THE WITNESS: Pearl Ruby, as a witness; Dr. Maximilian  
2 Wollnik, the vice president of the corporation; Frank Salletmeir,  
3 third vice president of the corporation; secretary, Mr. Joe  
4 Kirby; treasurer, Mr. Egon Gassner.

5 Q BY MR. WEEDMAN: And it was a corporation rather  
6 than yourself as an individual that purchased the property?

7 A That's right.

8 Q Now, did you know my client at the ranch, Mr. Retz?

9 A Frequently I saw him.

10 THE COURT: No, no. Just answer the question.

11 THE WITNESS: Yes.

12 Q BY MR. WEEDMAN: Do you know approximately when the  
13 Manson family came to the ranch, the Spahn Ranch?

14 A Yes.

15 Q When was that?

16 A It could be January or -- it was after Christmas,  
17 1969.

18 Q My client had been there before that time, isn't  
19 that so, Mr. Retz?

20 A I couldn't say.



8b-1

1 Q Pardon?

2 A I don't know.

3 Q How many times would you go over to the Spahn  
4 Ranch before the Manson family arrived?

5 A I said twice, three times a week.

6 Q And you never saw my client over there?

7 A Could be I saw him; could be not.

8 Q Well, did you see Mr. Shea over there during that  
9 particular period of time, that is, before the Manson family  
10 arrived?

11 A Yes, I did.

12 Q What was Mr. Shea doing there?

13 A He was feeding the horses.

14 Q Did you ever see my client feeding the horses?

15 A It could be.

16 Q All right.

17 Now, finally, Mr. Retz, I just want to review just  
18 one thing very briefly with you.

19 About what time of the morning was it that you  
20 received the telephone call from Mr. Shea?

21 A 9, after 9.

22 Q And during that telephone conversation did Shorty  
23 agree to come over and meet with you personally?

24 A Yes.

25 Q Was he supposed to appear?

26 A In about half an hour.

27 Q Did he appear?

28 A No.

8b-2

1 Q Did you wait around for a period of time for him?  
2 A Yes, I did.  
3 Q Did he ever appear?  
4 A No.  
5 Q Then finally in the afternoon did you make a  
6 telephone call to Mr. Shea -- to Mr. Spahn?  
7 A Yes, I did.  
8 Q And about what time of the afternoon was that,  
9 Mr. Retz?  
10 A 1, 2 o'clock, probably.  
11 Q Did you call to find out where Shorty was?  
12 A Yes.  
13 Q What did Mr. Spahn tell you?  
14 A "He left."  
15 Q And I take it that you never saw Mr. Shea again?  
16 A Never.  
17 THE COURT: Pardon me, Mr. Weedman.  
18 We will take a short recess, ladies and gentlemen.  
19 Don't discuss the case at all. We will proceed in just a few  
20 minutes.  
21 MR. KATZ: Excuse me. May we ascertain whether or not  
22 Mr. Weedman has concluded cross at this point?  
23 MR. WEEDMAN: I have.  
24 MR. KATZ: I have nothing further. May Mr. Retz be  
25 excused. He will be available if counsel needs him.  
26 MR. WEEDMAN: I would appreciate that Mr. Retz be  
27 instructed to remain, your Honor.  
28 THE COURT: Are you through now?

8b-3

1 MR. WEEDMAN: Yes. Thank you.

2 THE COURT: Any redirect?

3 MR. KATZ: No redirect.

4 THE COURT: All right. You are excused. Thank you.

5 MR. KATZ: Would your Honor instruct Mr. Retz to be on  
6 call?

7 THE COURT: He may be on call.

8 Excuse me, folks.

9 Mr. Witness, we may have to call you back for the  
10 defendant. He may want to call you back. I don't know. Be  
11 anticipating it. If we have to call you back, the clerk or  
12 counsel will get you.

13 THE WITNESS: Your Honor, I am now -- I take off tomorrow  
14 and I going to be back on the 17th. I have to go to Europe.

15 THE COURT: Where do you come from? Where on the 17th  
16 would you come from?

17 THE WITNESS: From Germany. I fly tomorrow to Germany  
18 and come back on the 17th.

19 MR. WEEDMAN: That will be agreeable.

20 THE COURT: That is agreeable?

21 MR. WEEDMAN: Yes, your Honor.

22 THE COURT: Thank you.

23 MR. WEEDMAN: We appreciate it.

24 (Recess.)

9-1

1 THE COURT: Now, gentlemen, we will proceed.

2 People against Grogan.

3 Defendant is here, both counsel are here.

4 And we will bring in the jury, Sheriff, please.

5 THE BAILIFF: Yes, sir.

6 (The following proceedings were had  
7 in open court in the presence of the  
8 jury.)

9 THE COURT: Now, we have all the regular jurors plus the  
10 three alternates.

11 So the People may proceed.

12 MR. KATZ: Thank you.

13 Wish to recall Sgt. Gleason, -- or Deputy Gleason.

14 THE COURT: All right.

15  
16 WILLIAM C. GLEASON,  
17 recalled by the People, testified as follows:

18 THE COURT: You be seated and state your name, please.  
19 You were sworn.

20 THE WITNESS: William C. Gleason.

21 THE COURT: Thank you.

22  
23 DIRECT EXAMINATION (Reopened)

24 BY MR. KATZ:

25 Q Deputy, you recall the last time you were on the  
26 stand I was asking you to look at People's 60 for identifica-  
27 tion, a certified copy of some arrests pertaining to one  
28 Charles Manson to determine the approximate time he was

9-2

1 released following the August 16th arrest on the 19th or 20th,  
2 1969.

3 And in that connection I had asked you to bring  
4 the original booking jacket in order to ascertain the approxi-  
5 mate time. Did you do that?

6 A Yes.

7 Q And do you have that booking jacket with you at  
8 this time?

9 A Yes, I do.

10 Q Can you tell us now from looking at the original  
11 booking jacket and the stamp thereon, the approximate time and  
12 date that Mr. Manson was released in connection with the  
13 August 16, 1969 arrest?

14 A It was August 20th at 12:23 a.m., 1969.

15 Q And that's partially discernible on People's 60,  
16 is that correct?

17 A Yes.

18 MR. KATZ: Your Honor, I have a certification of records  
19 once again pertaining to Charles Manson, and particularly  
20 relating to the August 16th, 1969 arrest of Mr. Manson.

21 I ask that that be marked People's 61 for identifi-  
22 cation.

23 THE COURT: Yes. May be so marked.

24 MR. KATZ: I also have a certified copy of a driver's  
25 license depicting Bruce Davis with the name Jack Paul  
26 McMillian, M-c M-i-l-l-i-a-n. With the address 1200 Santa  
27 Susana Avenue, Spahn's Ranch, Chatsworth, California.

28 I ask that that be marked People's 62.

1 THE COURT: May be so marked for identification.

2 (Short Pause.)

3 MR. KATZ: May I approach the witness, your Honor.

4 THE COURT: Yes.

5 Q BY MR. KATZ: Incidentally, do you know Bruce  
6 Davis?

7 A Yes.

8 Q And do you know the gentleman by any other name?

9 A Yes.

10 Q What name?

11 A Jack Paul McMillian.

12 Q Showing you People's 32-R for identification, do  
13 you recognize that individual as having seen him before?

14 A Yes.

15 Q Who is that?

16 A Bruce Davis.

17 Q Also known as Jack Paul McMillian, is that correct?

18 A Yes.

19 Q Now, showing you People's 62 for identification,  
20 the certified copy of a driver's license with a picture of a  
21 male individual on it, do you recognize that person?

22 A Yes.

23 Q Who is that?

24 A Bruce Davis.

25 Q The same person then that is depicted in 32-R  
26 for identification, is that correct?

27 A Yes.

28 Q And with the name Jack Paul McMillian, is that

correct?

A Yes.

Q Showing you People's 61 for identification do these certified records indicate who bailed Mr. Manson out on the 19th and 20th 1969?

A Yes, they do.

Q Who is that?

A Jack McMillian.

Q Is there an address given?

A Yes. 1200 Santa Susana Pass, Chatsworth.

Q That's the same address which appears on People's 62, this certified copy of the driver's license of Bruce Davis or Jack Paul McMillian?

A Yes.

Q Now, I would like to show you quickly, People's 50 series of photographs, and direct your attention specifically to 50-E1 which depicts a gentleman in the right margin of the photograph.

Who is that?

A Daniel De Carlo.

#10

1 Q And when was this photograph taken?

2 A August 16, 1969.

3 Q Where?

4 A At the Spahn Movie Ranch.

5 Q Was this at the time or during the actual raid?

6 A Yes.

7 Q Now, are you depicted somewhere in this photograph,  
8 sir?

9 A Yes, I am.

10 Q Are you in uniform or in plain clothes?

11 A In uniform.

12 Q Will you please encircle yourself and place your  
13 initials above so we know you made that designation on 50-E1  
14 for identification?

15 THE COURT: Initial it.

16 (Witness complies.)

17 MR. KATZ: Yes, your Honor. May the record reflect the  
18 witness has complied with my request by placing a circle  
19 around a figure, and then above the circle are the initials,  
20 "WG" standing for William Gleason.

21 THE COURT: The identification number?

22 MR. KATZ: 50-E1 for identification.

23 Q I would like to show you two photographs that were  
24 shown to Mr. Retz, and particularly 50-B for identification,  
25 and I have reference to the individual whose face is encircled.  
26 Who is that?

27 A That is the defendant, Mr. Grogan.

28 Q That is how he looked at the time of his arrest



1 on August 16, 1969?

2 A Yes.

3 Q Who is that next to him with the open shirt?

4 A A person by the name of Larry Jones.

5 Q Is that man known as Little Larry Jones?

6 A Yes.

7 Q And the person next to him?

8 A That is Vern Plumlee.

9 Q Plumlee is P-l-u-m-l-e-e?

10 A Yes.

11 Q And the person next to Vern Plumlee?

12 A Is John Swartz -- S-w-a-r-t-z.

13 Q And all these people were taken into custody and  
14 thereafter released, is that right, without charges?

15 A Yes.

16 Q Once again, showing you 50-C for identification,  
17 who is the person who is encircled in this photograph?

18 A That is the defendant, Mr. Grogan.

19 Q And next to Mr. Grogan?

20 A Is Larry Jones.

21 Q And next to Larry Jones?

22 A Vern Plumlee.

23 Q And once again this photograph was taken at the  
24 Spahn Ranch during the raid of August 16, 1969?

25 A Yes.

26 THE COURT: Did you identify that?

27 MR. KATZ: Yes. That is 50-C and 50-B for identification.

28 Q Is that right, Officer?

1 A Yes.

2 Q Now, I want you to quickly look at 50-A for Identification, and ask you whether or not this truly and accurately  
3 depicts the condition of the Spahn Ranch in respect to the  
4 arrests of the various persons on August 16, 1969?  
5

6 A Yes, it does.

7 Q And showing you 50-D for identification, does this  
8 once again truly and accurately depict the various persons  
9 that were arrested on August 16, 1969?

10 A Yes.

11 Q Is the defendant in that picture?

12 A Yes, he is.

13 Q Would you encircle his face and place your  
14 initials above that.

15 (Witness complies.)

16 Q And where was this photograph taken at the Spahn  
17 Ranch?

18 A It is on the grounds in front of the boardwalk and  
19 in front of the building marked the "Saloon" at the Spahn Ranch.

20 Q Incidentally, is Squeaky depicted in this photograph?

21 A Yes, she is.

22 Q Will you please encircle her face and place --  
23 rather than placing your initials there, would you just place  
24 the initials "L" -- oh, that's all right. Place your initials  
25 above the circle, and then on the clothing of Squeaky, will  
26 you please put her initials, "LF", standing for Lynn Fromme.

27 (Witness complies.)

28 MR. KATZ: May the record reflect the witness has complied?

1 THE COURT: Yes.

2 Q BY MR. KATZ: Is Charles Manson depicted in that  
3 photograph?

4 A Yes, he is.

5 Q Will you please encircle him, and place his  
6 initials, "CM" for Charles Manson on his shirt, and then place  
7 your initials outside the circle so we know you made that  
8 designation.

9 (Witness complies.)

10 THE COURT: May I see that for a minute?

11 MR. KATZ: May the record reflect that the witness has  
12 complied with respect to 50-D for identification?

13 THE COURT: Go ahead. Excuse me. I thought you were  
14 waiting for me.

15 MR. KATZ: Yes, I was. Thank you.

16 Q Let's proceed on to 50-F for identification. Once  
17 again, is Mr. Grogan depicted in the photograph?

18 A Yes, he is.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
10A

10a-1

1 Q Is Squeaky depicted in that photograph?

2 A Yes.

3 Q How about Danny De Carlo?

4 A Yes.

5 Q And his back is to us as you look at the picture?

6 A Yes, it is.

7 Q And who is the gentleman next to Danny De Carlo?

8 A Mr. Manson.

9 Q All right. And is there a person by the name of  
10 Gypsy, or known to you as Gypsy, that is depicted in this  
11 photograph?

12 A Yes.

13 Q Would you please encircle her face and write the  
14 initials on a white surface here indicating "K.S.", Kathleen  
15 Share.

16 A (Witness complies.)

17 Q Now, would you please place your initials above  
18 the encircled head.

19 A (Witness complies.)

20 MR. KATZ: May the record reflect that the witness has  
21 complied with 50-F for identification.

22 THE COURT: Yes.

23 MR. KATZ: Thank you, your Honor.

24 Q And going on to 50-G for identification, who is  
25 that person?

26 A It is the defendant, Mr. Grogan.

27 Q That is a closeup of him?

28 A Yes.

1 Q Where was that taken?

2 A At the Spahn Movie Ranch.

3 Q August 16, 1969?

4 A Yes.

5 Q And with respect to 50-H for identification, does  
6 this once again depict some of the people you have already  
7 mentioned at the Spahn Ranch on August 16, 1969, during the  
8 raid?

9 A Yes.

10 Q Incidentally, was the defendant Mr. Grogan  
11 arrested under the name of Mr. Grogan or some other name?

12 A Some other name.

13 Q What name?

14 A Grant Mollan.

15 Q How do you spell that?

16 A M-o-l-l-a-n.

17 Q Was he also booked under that name?

18 A Yes.

19 MR. KATZ: I have no further questions.

20 MR. WEEDMAN: I have no questions.

21 MR. KATZ: People wish to call Juan Flynn.

22  
23 JUAN FLYNN  
24 called as a witness by the People, testified as follows:

25 THE COURT: Raise your right hand and be sworn, please.

26 THE CLERK: You do solemnly swear the testimony you  
27 may give in the cause now pending before this court shall be  
28 the truth, the whole truth, and nothing but the truth, so

10a-3

1 help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Will you take the stand and be seated.

4 THE COURT: Be seated and then tell us your name, please.

5 THE WITNESS: My name is John Leo Flynn, and they call  
6 me Juan Flynn.

7 MR. KATZ: Juan is spelled J-u-a-n?

8 THE WITNESS: Yes.

9 THE COURT: When you talk to him and answer the  
10 questions, talk right in here like a telephone.

11 THE WITNESS: J-u-a-n, Juan.

12 THE CLERK: Your last name is F-l-y-n-n?

13 THE WITNESS: My last name is F-l-y-n-n.

14  
15 DIRECT EXAMINATION

16 BY MR. KATZ:

17 Q You don't mind if I call you Juan, do you?

18 A No.

19 Q Juan, do you know George Spahn?

20 A Yes.

21 Q Do you recall when you first met George Spahn?

22 A Yes.

23 Q When was that?

24 A Well, it was in early '68, I believe; somewhere  
25 around there.

26 Q Are you able to pinpoint this particular time  
27 period because of some event that had immediately preceded  
28 that?

INDEX

10a-4

1 A Yes.

2 Q All right. Where were you before that?

3 A Before I met George Spahn?

4 Q In other words, where were you living before that?

5 A Oh, I think I was living down here on Fifth Street.

6 Q All right. What I'm driving at -- all right;  
7 let's go back to 1967.

8 Do you know whether or not you met George Spahn  
9 in 1967?

10 A No. In '67 I was in the Army. I got out of the  
11 Army in '67, the late part of '67.

12 Q All right. So using that as a frame of reference,  
13 how soon thereafter, after your service in the armed forces,  
14 did you meet George Spahn?

15 A Two, three months; somewhere around there.

10b

10B

1 Q Had you been to California before joining the armed  
2 services?

3 A I think I was by once, just by, you know.

4 Q I see. Were you born in the United States?

5 A No.

6 Q Where were you born?

7 A In Panama.

8 Q Are you a U.S. citizen now?

9 A My discharge papers say that I am.

10 Q You served in the U. S. armed forces, is that  
11 correct?

12 A Yes.

13 Q Now, after you met George Spahn, did you begin  
14 living at the Spahn Ranch?

15 A Yes.

16 Q Did you do any work for George?

17 A Yes, I did wrangling work.

18 Q Juan, what else did you do, if anything?

19 A Well, I worked with the horses and once in a while  
20 I worked with people that come to do things there.

21 Q What kind of things, rent horses, or what?

22 A Rent horses and rent buggies and, you now, wrangling  
23 work for movies, and do all kinds -- just general work with the  
24 ranch.

25 Q Did you know Ruby Pearl?

26 A Yes.

27 Q Where did you meet Ruby Pearl?

28 A I met her just about the same time I met George



1 Spahn.

2 Q Was that also at Spahn Ranch?

3 A Yes.

4 Q Now, at the time that you met George Spahn and Ruby  
5 Pearl, had you known a Mr. Manson at that time?

6 A No.

7 Q Now, sometime later did you become aware of the  
8 fact that Charles Manson was living on the Spahn Ranch property?

9 A Yes.

10 Q When was that in relation to your first coming to  
11 Spahn Ranch?

12 A Maybe more than a month -- more than a month, or  
13 a month or two.

14 Q All right. And did you know a person by the name  
15 of Shorty or Donald Shea?

16 A Yes.

17 Q Did he work out at the ranch on occasions?

18 A Yes, occasionally he worked there.

19 Q How about John Swartz?

20 A Yes.

21 Q Was he employed by Mr. Spahn?

22 A Yes.

23 Q In what capacity?

24 A Well, he did wrangling work, too, and he did  
25 mechanical work, stuff like that.

26 Q Was he a cowboy?

27 A Yes.

28 Q How about Randy Starr? Was he living out there at

1 the ranch?

2 A Yes.

3 Q Was he a cowboy?

4 A Yes.

5 Q Can you tell us whether or not he was employed by  
6 Mr. Spahn?

7 A Randy Starr?

8 Q Yes.

9 A Yes, he was employed by George Spahn.

10 Q Is he presently dead?

11 A Yes, he is deceased.

12 Q That is from natural causes?

13 A Natural causes, yes.

14 Q Now, were you living at Spahn Ranch in August of  
15 1969?

16 A In August of 1969? I believe I was, yes.

17 Q Were you aware of the fact that there was a raid  
18 on August 16, if I told you that was the date of the raid?

19 A Yes.

20 Q Were you arrested during that raid?

21 A Yes.

22 Q Did you spend some time in jail before being  
23 released?

24 A Yes.

25 Q Approximately how much time did you spend in jail  
26 until you were released?

27 A Four days.

28 Q Did you return some place?

1 A Yes. I returned to Spahn Ranch.

2 Q I would like to show you 32-G for identification  
3 and show you this funny looking guy here. Do you recognize him?

4 A Yes.

5 Q Who is that?

6 A That is me.

7 Q Do you know when that was taken, that photograph?

8 A It was taken on the raid.

9 Q In other words, the date of the raid, is that right?

10 A Yes.

11 MR. KATZ: That is 32-G for identification.

12 THE COURT: Thank you.

13 Q BY MR. KATZ: Did you say that after you got out of  
14 jail you returned to Spahn Ranch?

15 A Yes.

16 Q Now, at the time of the raid, just before the  
17 raid, August 16, 1969, was the Manson family living on the Spahn  
18 Ranch property?

19 A Before the raid?

20 Q Yes.

21 A Yes.

22 Q Do you know the defendant in this case?

23 A The defendant, Mr. Grogan?

24 Q Yes.

25 A Yes.

26 Q Did you know him by a nickname?

27 A Yes.

28 Q What nickname?

1 A Clem.

2 Q You used to call him Clem?

3 A Yes, Clem. They called him Clem.

4 Q And was he living on the ranch?

5 A Yes.

6 Q We are talking about August of '69. That is the  
7 month in which the raid occurred.

8 A I'm pretty sure he did, yes.

9 Q Now, after the raid, that is, August 16, 1969, did  
10 you see Shorty at the ranch?

11 A After the raid?

12 Yes, I saw him.

13 Q Do you know whether he had a car out there at the  
14 ranch?

15 A Yes.

16 Q Can you tell us whether or not, to your knowledge,  
17 he was living out of that car at that time?

18 A Shorty was living on the car -- in the car.

19 Q That was the car that was parked at Spahn Ranch?

20 A Yes.

21 Q Now, I want to direct your attention toward the  
22 latter part of August, that is, the last part of August, 1969,  
23 Juan, and ask you whether or not you became aware of the fact  
24 that Charles Manson and some of the family had left Spahn  
25 Ranch.

26 A Yes.

27 Q Were you aware of that fact?

28 A Yes. That they left the ranch?

1 Q Yes.

2 A Yes.

3 Q This is the last part of August, 1969.

4 A Yes.

5 Q All right. Now, did all the family go or just  
6 Mr. Manson and some people the first time?

7 A Well, first Tex went, and there was some other  
8 people, and then Manson, and then there were some left at the  
9 ranch.

10 Q All right. So when you say "Tex," by "Tex" who  
11 do you mean?

12 A Tex Watson.

10C fls

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

11-1

1 Q All right. Tex Watson.

2 Now, so Tex left first and then Charles Manson  
3 left with a group of people, is that right?

4 A Yes.

5 Q All right.

6 And when Charles Manson left with a group of  
7 people were there still members of the family at the ranch?

8 A Yes.

9 Q All right.

10 And sometime after Manson left Spahn Ranch did you  
11 go to the Barker-Myers Ranch area with a member of the family?

12 A Yes.

13 Q And, oh, just roughly approximated, how soon after  
14 Manson left did you go up to the desert?

15 A Oh, two, three, four days, something like that.

16 Q All right.

17 This is, I take it, a rough approximation, is that  
18 right?

19 A Yes.

20 Q All right.

21 You had no calendar with you at that time, is that  
22 correct?

23 A No. No.

24 Q Who did you go up to Barker-Myers Ranch with?

25 A With Sadie Glutz. Miss Susan Atkins.

26 Q All right.

27 Susan Atkins was known as Sadie Glutz?

28 A Yes.

11-2

1 Q All right.

2 And how did you go to the desert?

3 A We went in a dune buggy.

4 Q And who drove the dune buggy?

5 A Well, Susan Atkins drove it some. And I drove it  
6 some.

7 Q All right.

8 And how did you get to the desert, did you go by  
9 way of Ballarat and Goler Wash, or did you go around through  
10 Mango Pass?

11 A We went through Ballarat.

12 Q Is there a place known as Goler Wash?

13 A Yes.

14 Q Had you been through it?

15 A Yes.

16 Q And did you go up to Myers Ranch through the wash?

17 A Through the wash, yes.

18 Q How did you do that? Did you walk or ride the  
19 dune buggy, or do a little of both?

20 A Ride the dune buggy.

21 Q You did what?

22 A Ride the dune buggy.

23 With Susan Atkins?

24 Q Yes.

25 A We rode the dune buggy up.

26 Q All right.

27 When you first got to the Barker Ranch area did you  
28 go to Barker Ranch, or did you go to Myers Ranch?

1 A Barker Ranch.

2 Q Is Barker Ranch close to Myers Ranch?

3 A Yes.

4 Q All right.

5 Did you see Paul Watkins at the time you arrived  
6 in the desert with Sadie Glutz at that time?

7 A No.

8 Q All right.

9 So we know that we are talking about the same  
10 individual let me show you a photograph, and you tell me  
11 whether or not you recognize that individual as having seen  
12 him before.

13 I wish to show you 32-0 for identification. I am  
14 going to ask you whether or not you recognize that male  
15 individual.

16 A Yes.

17 Q Who is that?

18 A That is Paul Watkins. Paul Watkins.

19 Q All right.

20 So when you arrived at Barker Ranch with Sadie  
21 Glutz or Susan Atkins, this gentleman in 32-0, Paul Watkins,  
22 was not there, is that correct?

23 A That's correct.

24 Q Who was there at that time at Barker Ranch?

25 A The Barker Ranch, let's see. There was Paul  
26 Crockett. Brooks Poston. And then Charlie came out of the  
27 house.

28 Q Charlie who?



1 A Charlie. Charlie Manson.

2 Q All right.

3 A And there was a couple of other girls there.

4 Q All right.

5 Let me ask you this. Using the date that you  
6 arrived at Barker Ranch as a frame of reference, did you have  
7 a dinner at Myers Ranch a few days after?

8 A After I got to Barker?

9 Q Yes.

10 A Yes.

11 Q How many days after you arrived in the desert did  
12 you have this dinner at Myers Ranch?

13 A I don't know. Maybe three or four days. Maybe a  
14 week. Somewhere in there.

15 Q All right.

16 That is again a rough estimate, is that right?

17 A Yes.

18 Q Now, when you had this dinner at Myers Ranch was  
19 Paul Watkins present?

20 A No.

21 Q Was the defendant, Steve Grogan or Clem as you  
22 knew him, present?

23 A No.

24 Q Indeed had you seen Clem at the desert at that  
25 time? That is, up to the time of the dinner at Myers Ranch?

26 A No.

27 Q All right.

28 And tell us who was present at this dinner at

11-5

Myers Ranch.

A It was Charles Manson, Bruce Davis, Tex Watson. There was Danny De Carlo and there was me. I.

Q All right.

And were there any girls present who were not seated at the dining room table?

A Yes.

Q Now, who were the tables that were present, if you recall?

A Well, there was Barbara Hoyt. There was Sherry. And there was --

Q Sherry Cooper?

A Sherry Cooper.

And there was Ruth Ann Morehouse, something like that.

And there was some other girls.

Q Was Sadie Glutz there?

A Yes, I believe she was there, yes.

Q And do you know a girl by the name of Kitty Lutesinger?

A Yes.

She was there, too. She was there, too.

MR. KATZ: Your Honor, perhaps this would be a convenient time for the break.

THE COURT: Yes. Thank you.

Let's recess till 2 o'clock, and ladies and gentlemen we will complete the examination. Do not discuss the case or come to any opinion or conclusion. We will finish

1 up at 2 o'clock.

2 Thank you.

3 THE WITNESS: Yes, sir.

4 THE COURT: You are excused till then. Thank you very  
5 much.

6 THE WITNESS: Okay. Thank you.

7 (At 11:45 a.m. a recess was taken to  
8 2 p.m. of the same day.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11A

LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971; 2:00 P.M.

THE COURT: Now, gentlemen, let's go right ahead. People against Grogan.

Defendant is here. Both counsel are here.

You can bring in the jury, Sheriff, please.

THE BAILIFF: Yes, sir.

THE COURT: I believe we had the People's witness on the stand.

THE CLERK: Yes, sir.

JUAN FLYNN,  
resumed the stand.

THE COURT: Now, you have been sworn. Will you please state your name again.

THE WITNESS: Right here?

THE COURT: Yes. Come up here. Sit up here and tell us your name again.

THE WITNESS: My name is John Leo Flynn.

THE COURT: Thank you.

And remember when you talk, will you pull that right over and talk right in the microphone. That's it. Just like a telephone.

(The following proceedings were had in open court in the presence of the jury.)

THE COURT: All of our jurors are here and the three alternates are here in the courtroom.

1 The People may proceed.

2 MR. KATZ: Thank you, your Honor.

3  
4 DIRECT EXAMINATION (Resumed)

5 BY MR. KATZ:

6 Q Juan, -- I don't think this microphone is operating.

7 THE CLERK: There is a white button there.

8 MR. KATZ: Yes. I can see the white button.

9 (Short pause.)

10 MR. KATZ: Thank you.

11 THE COURT: All right. Thank you.

12 Q BY MR. KATZ: Juan, just before we adjourned this  
13 morning we were talking about a dinner that you had at Myers  
14 Ranch, and I would like to go back in order to get the context  
15 of when this dinner occurred.

16 A As I understand it from your previous testimony in  
17 the latter part of August, 1969, Juan, Mr. Manson went to the  
18 desert with some of the members of the Manson family, is that  
19 correct?

20 A Yes.

21 Q Now, did other members of the family remain at  
22 Spahn Ranch in the latter part of August?

23 A Yes.

24 Q All right.

25 Now, in relation to Mr. Manson going to the desert,  
26 when had you last seen Shorty at Spahn Ranch, as best you  
27 recall?

28 A I guess --

1 THE COURT: Talk right in there. That's it.

2 THE WITNESS: Two, three, four days. Something like that.

3 Q BY MR. KATZ: Once again a rough estimate?

4 THE COURT: Talk up. Speak up.

5 THE WITNESS: Two, three, four days, something like  
6 that.

7 Q BY MR. KATZ: That is a rough estimate?

8 A Yes.

12 fls

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

#12

1 Q Now, how many days elapsed from the time  
2 that Manson went to the desert with some of the family until  
3 you went to the desert with Susan Atkins?

4 A Two or three, four, five days, something like that;  
5 around a week, something like that.

6 Q Anywhere from two days to a week; is that a rough  
7 estimate?

8 A Yes.

9 Q Now, as I understand it, when you went to the desert  
10 two days to a week after Manson left with some of the members  
11 of the family, you went to Barker Ranch, is that correct?

12 A Yes.

13 Q When you were up there, did you see Danny De Carlo  
14 at that time?

15 A No.

16 Q And how many days did you stay in the Barker Ranch  
17 area and the Goler Wash area before going to Myers Ranch to  
18 have dinner with the people you told us about?

19 A Roughly about a week.

20 Q Again, you had no calendar, is that correct?

21 A Right.

22 Q And that is the best estimate, you were up in the  
23 desert then for approximately a week after which you had the  
24 dinner at Myers Ranch, is that right?

25 A Yes.

26 Q Now, tell us once again who was at this dinner at  
27 Myers Ranch.

28 A There was Manson, Bruce Davis, Watson, Danny

1 DeCarlo, and I.

2 Q Tell us once again which women were there, if any.

3 A There was Barbara Hoyt, Sadie, Ruth Ann Morehouse,  
4 there were Sherry, and there was a red-headed girl.

5 Q Kitty Lutesinger?

6 A Kitty Lutesinger, that's right.

7 Q Now, you are positive now that Danny De Carlo was  
8 at Myers Ranch at that time, is that correct?

9 A Yes, he was at that time at the ranch.

10 Q Now, had you seen Danny De Carlo before that dinner  
11 at Myers Ranch in the desert, or was that the first time you  
12 had seen him since you were up in the desert?

13 A I think I saw him one or two days before the  
14 dinner.

15 Q So one or two days before the dinner and after  
16 arriving at Barker Ranch area, you did see Danny De Carlo in  
17 the desert?

18 A Yes. At Myers Ranch. You see, I didn't see him  
19 when I got to Barker Ranch.

20 Q But, as I believe you told us, Myers Ranch and  
21 Barker Ranch are in close proximity to one another, is that  
22 correct?

23 A Right. They are very close.

24 Q Now, during this dinner at Myers Ranch, did you  
25 see someone with a gun?

26 A Yes.

27 Q Who did you see with a gun first?

28 A Well, when it first got my attention it was with



1 Charles Manson.

2 Q Did Charles Manson produce a gun?

3 A Yes.

4 Q Can you describe the gun for us?

5 A Yes. It is a Colt .45. It is an Italian make.

6 Q Describe it more to us. Is it a Western gun or  
7 is it a Standard .45 Issue?

8 A Army issue?

9 Q Yes, army issue.

10 A No. It is a Western gun.

11 Q What did Manson do with the gun?

12 A Well, he pulled the gun out, you see, and he  
13 started telling me --

14 Q I don't want you to tell me what he said at all.  
15 Just what did he do with the gun?

16 A He took it out and he pointed it at me.

17 Q Did he hold the gun for some time?

18 A Yes.

19 Q Where were you looking at that time?

20 A Well, I was looking mainly at the gun.

21 Q Any reason why?

22 A Well, it is just that you look at the gun when  
23 somebody points it at you.

24 Q Did something happen to that gun or with that gun  
25 after Charlie had it?

26 A Yes. He gave the gun to Bruce Davis.

27 13 ffs

28

13-1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q All right.

What did Bruce Davis do with the gun?

A He looked at it, and then he gave it to Watson.

Q All right.

Before passing the gun to Watson did he do anything with the gun besides looking at it?

A Well, he was talking, you see.

Q Well, I don't want to hear any conversation. Did he do anything with the gun? How did he hold it?

A Well, he was pointing it at me, too, you see.

Q Thereafter he passed the gun to Tex Watson?

A Yes.

Q What did Tex Watson do with the gun?

A Tex Watson, he looked at the gun, and he smiled. And he looked at it, and he smiled and passed it to me.

Q All right.

And what did you do with the gun?

A Well, I just took the gun in my hands. And then I fumbled with it, you see.

And then I passed it to Danny De Carlo.

Q And what did Danny De Carlo do with the gun?

A He just stood there for a minute with the gun, you see. And then I got up and left. I went outside.

I was going outside, you see.

Q All right.

Now, did you see Charlie Manson take possession of the gun again, or did Danny keep it, or what happened to

13-2

1 the gun, if you know?

2 A Well, when I gave the gun to him I got up, you  
3 see.

4 Q "To him," meaning De Carlo?

5 A To Danny De Carlo.

6 Q Yes.

7 A You see, I gave him the gun and I got up, and I  
8 was going outside, you see.

9 Q All right.

10 But my question is did you see what happened to the  
11 gun after that?

12 A No.

13 Q All right.

14 Now, where did you stay that night?

15 A I stayed at the Barker Ranch. I mean at the Myers  
16 Ranch. Right there where they were.

17 Q By "they" you mean the people who were at the  
18 dinner?

19 A Yes.

20 Q All right.

21 Incidentally, when you left to go up to Barker  
22 Ranch and Myers Ranch area with Sadie Glutz, were members of  
23 the Manson family still living at Spahn Ranch?

24 A Yes.

25 Q All right.

26 So, in other words, when Charlie first went up  
27 there were members of the family still living and when you  
28 went up there two days, I think, to a week later, according

13-3

1 to your testimony, members of the family still remained, is  
2 that correct?

3 A Yes.

4 Q All right.

5 At the Myers Ranch dinner can you tell us whether  
6 or not the defendant, Mr. Grogan, was present?

7 A No. Mr. Grogan wasn't present.

8 Q All right.

9 Now, going back to that evening of the dinner you  
10 indicated that you stayed at Myers Ranch with the family who  
11 was there at that time, is that correct?

12 A Yes.

13 Q All right.

14 Now, the next day did you go to some other location  
15 to stay in the desert?

16 A Yes.

17 Q Where?

18 A I went to Barker Ranch.

19 Q And who was living at Barker's Ranch at that time?

20 A Paul Crockett and Brooks Poston.

21 Q All right.

22 Now, when you first arrived in the desert was Paul  
23 Watkins there?

24 A No.

25 Q When you came up -- strike that.

26 When you returned to Barker's Ranch following the  
27 Myers Ranch dinner was Paul Watkins there?

28 A I don't remember seeing him there.

13-4

1 Q When is the first time you remember seeing Paul  
2 Watkins at Barker's Ranch, if you did?

3 A Well, I guess it was a couple of days later.  
4 Somebody told me that he was --

5 Q Well, don't tell me what somebody told you.

6 A Okay.

7 Q Did you see Paul Watkins after you returned to  
8 Barker's Ranch?

9 A No.

10 Q You never saw him at the desert?

11 A Oh, I saw him.

12 Q Well, that's what I am asking you. Did you see --  
13 strike that.

14 Did you see Paul Watkins after you had returned to  
15 Barker's Ranch to stay? Not necessarily at the same day you  
16 returned, but at some point beyond that time?

17 A Oh, I saw him, yes.

18 Q All right.

19 Approximately when was it that you first saw Paul  
20 Watkins at Barker's Ranch?

21 A I guess it was two, three, four days, something  
22 like that. Five days.

23 Q That's after you returned?

24 A To Barker Ranch.

25 Q To Barker's following the Myers Ranch dinner, is  
26 that right?

27 A Yes.

28 Q Then did Paul Watkins begin to live with you and

13-5

1 Paul Crockett and Brooks Poston at the Barker Ranch?

2 A Yes.

3 Q And do you know who was staying at the Myers Ranch  
4 at that time?

5 A There was Sadie.

6 Wait, there was Charlie. There was some of the  
7 girls.

8 Q Well, tell us just who was there at that time.

9 A Charlie and Ruth Ann Morehouse.

10 THE COURT: Talk up in the phone there, so the jury can  
11 hear you.

12 THE WITNESS: And there was Sherry. And there was Kitty  
13 Lutesinger. And there was Sadie, I believe she was there, too.  
14 And that's about all I remember.

15 Q BY MR. KATZ: Now, what men were there at that  
16 time, talking about Myers Ranch?

17 A There was Watson. Manson. De Carlo. Bruce Davis.  
18 And that's about all I can remember.

14

1 Q Now, directing your attention to approximately  
2 September, the last part of September of 1969, did you leave  
3 Barker Ranch and return to Los Angeles?

4 A Yes.

5 Q Between the time you first arrived at Barker's and  
6 Myers Ranch until you left in the latter part of September,  
7 1969, did you see Clem, the defendant here, at the Barker-  
8 Myers Ranch area?

9 A Yes.

10 Q Was he in the company of some person?

11 A Yes.

12 Q Who?

13 A Mr. Manson.

14 Q During the time period in which you remained at  
15 the Barker Ranch area in Death Valley, how many occasions did  
16 you see the defendant, Mr. Grogan, or Clem?

17 A I saw him in various locations.

18 Q On various occasions?

19 A Yes.

20 Q That means more than one?

21 A Yes.

22 Q Mr. Flynn, when did you first become aware of  
23 Mr. Grogan's presence at the Barker-Myers Ranch area after you  
24 went to the desert?

25 A Well, I had come down from Myers and I stayed at  
26 Barker, and then -- I saw him a couple of times, you know.

27 Q What I am asking is this: Using the Myers Ranch  
28 dinner as a frame of reference for purposes of the date, how

1 many days or weeks elapsed before you became aware of  
2 Mr. Grogan's presence in the desert?

3 A I guess about a week after the dinner. About a  
4 week, maybe a little bit more.

5 Q Once again, that is a rough estimate, is that  
6 correct?

7 A It is a rough estimate, yes.

8 Q Now, I want to direct your attention once again  
9 to the latter part of September, 1969, and ask you whether or  
10 not you left Barker Ranch for the Los Angeles area with some  
11 people.

12 A Yes.

13 Q Who was with you?

14 A When we left the desert, there was Paul Watkins,  
15 Scotty, Bruce Davis, Steve Grogan and I.

16 Q Did you leave in one or two vehicles?

17 A One vehicle.

18 Q What kind of vehicle?

19 A A Volkswagen.

20 Q Was this a regular Volkswagen sedan or a coupe or  
21 what?

22 A It was one of those little ones like that  
23 (indicating).

24 Q The little bug?

25 A Yes, a little bug.

26 Q Where did you go?

27 A Well, I was going to Los Angeles, and then we got  
28 to Red Mountain, and then at Red Mountain Paul Watkins went



1 to Las Vegas, and I and Bruce Davis and Steve Grogan and  
2 Scotty came to Los Angeles.

3 Q Now, can you tell us whether or not during the  
4 trip from Barker Ranch to Los Angeles, was there a conversa-  
5 tion between yourself and the defendant, Mr. Grogan, and  
6 Mr. Davis concerning the whereabouts of Shorty?

7 A Yes.

8 Q Was Paul Watkins present or had he already been  
9 let out at Red Mountain?

10 A He was let out already.

11 Q So who was in the car at the time the conversa-  
12 tion occurred?

13 A There was Scott, Bruce Davis, Steve Grogan, and I.

14 Q In other words, just four of you now?

15 A Yes.

16 Q What was it that Mr. Grogan said, if anything,  
17 about Shorty?

18 A Well, Mr. Grogan said to me, he says, "If anyone  
19 asks you about Shorty, tell them that he went to San Francisco."

20 Q Did Mr. Davis say anything in response to that  
21 statement?

22 A Yes. He says, "Yes, yes; tell them that he went  
23 to San Francisco."

24 Q Where did you go to in Los Angeles once you arrived  
25 there?

26 A Well, first we stopped at a supermarket and then  
27 we went to Spahn's Ranch.

28 Q Who went to Spahn's Ranch?

- 1 A There was Scotty, Bruce Davis, Steve Grogan and I.
- 2 Q Incidentally, do you know Scotty by any other
- 3 name?
- 4 A No.
- 5 Q Do you know his last name?
- 6 A No.
- 7 Q Now, can you tell us whether or not you began once
- 8 again to live at the Spahn's Ranch, or did you move to some
- 9 other location at that time?
- 10 A At that time I began living at Spahn's Ranch again.
- 11 Q Did Clem remain there or did he leave, what?
- 12 A He stayed there. He remained at Spahn's Ranch.
- 13 Q For how long?
- 14 A A couple of days, two or three days, four days;
- 15 somewhere in there.
- 16 Q Anywhere from two days to four days the defendant
- 17 here, Mr. Grogan, remained at Spahn's Ranch, is that correct?
- 18 A Correct.
- 19 Q Did he leave to go some place?
- 20 A Well, he went shopping.
- 21 Q Well, what I am asking you is, after the expira-
- 22 tion of those, say, four days, did Mr. Grogan move on to some
- 23 other place?
- 24 A He went to Death Valley.
- 25 Q Back to the desert?
- 26 A Yes, on a white truck.
- 27 Q Who did he go back with?
- 28 A Everybody left.

1 Q More people left?

2 A Well, the only people that were there at that time  
3 when I was there, and they went back to the desert, everybody  
4 left. The only people that stayed there was Larry Craven and  
5 me -- I.

6 Q Larry Craven was a cowboy?

7 A Yes.

8 Q How about Johnny Swartz?

9 A Yes. He is a cowboy. He was there. He worked  
10 there.

11 Q He was at the Spahn Ranch?

12 A Yes.

13 Q He didn't go to the desert, did he?

14 A No.

15 Q Now, between the time that you returned to  
16 Spahn's Ranch with Clem and Bruce Davis and until Clem left,  
17 did you have a conversation with Clem in a trailer at Spahn  
18 Ranch?

19 A Yes.

20 Q Can you tell us that conversation insofar as it  
21 concerned Shorty?

22 A Well, I walked down to the trailer one night, and  
23 the defendant there was sharpening machetes on the floor.  
24 As you walk in the door, he was sitting right there, he was  
25 sharpening machetes. And he looked up at me and he says,  
26 "If anyone asks you about Shorty, tell them he went to San  
27 Francisco."

28 MR. KATZ: May I approach the witness, your Honor?

1 THE COURT: Yes, sir.

2 Q BY MR. KATZ: Juan, I would like to show you 9-A  
3 and 9-B and ask you whether or not these guns appear similar  
4 to the gun which Manson displayed at Myers Ranch.

5 A May I look at them?  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15 fls

15-1

1 Q Sure. Please do.

2 If you will point it down, I would appreciate it.

3 A Yes. This looks like the gun.

4 Q All right.

5 A One of these.

6 Q All right.

7 When you said "this" of course the gun you had in  
8 your hand at that time was People's 9-A, is that correct?

9 A Correct. It was one of these guns.

10 Q All right.

11 Either it was 9-A or 9-B, is that right?

12 A Correct.

13 Q Now, when you were in the desert did you see Bill  
14 Vance?

15 A No.

16 Q I would like to show you 31-F for identification  
17 which shows a portion of Spahn Ranch. And there is a green  
18 trailer which is depicted between George Spahn's house and  
19 the Rock City Cafe.

20 Do you recognize that trailer as having seen it  
21 at Spahn Ranch before?

22 A Yes.

23 Q Can you tell us whether or not this was the trailer  
24 you had reference to when you said you had the conversation  
25 with Clem about Shorty?

26 A Yes.

27 Q Would you please encircle that trailer and I will  
28 give you a pen of some kind.

15-2

1 A Here is one.

2 THE COURT: Yes. Probably that would be better.

3 MR. KATZ: Yes.

4 THE COURT: Yes.

5 Q BY MR. KATZ: If you will encircle that trailer  
6 on 31-F and place your initials below that so we know you made  
7 that designation.

8 A (Marking.)

9 MR. KATZ: May the record reflect the witness has  
10 complied with my request.

11 THE COURT: Yes, sir.

12 MR. KATZ: All right.

13 Q So in other words, this green trailer which is  
14 encircled on 31-F is the place where Clem was sharpening the  
15 machettes?

16 A Yes.

17 THE COURT: And the initials, too?

18 MR. KATZ: Yes, he did. Right below.

19 THE COURT: All right.

20 MR. KATZ: Thank you.

21 Your Honor, I have a series of black and white  
22 photographs which show the interior, with the exception of  
23 two, which show the exterior of a building, and ask they be  
24 respectively marked 37-A through 37-F, and I will show them  
25 to counsel.

26 THE COURT: Yes.

27 Did you show it to the defendant?

28 MR. KATZ: (Handing) Yes.

15-3

(Short pause.)

Q BY MR. KATZ: Juan, let me show you some photographs, and I will ask you whether or not you recognize the subject contained therein as having seen it before.

Let's start out with 37-A. Do you recognize this photograph as depicting something you have seen?

A Yes.

Q And what does that show us, Juan?

A That is the table we had the dinner at.

THE COURT: Now, talk in the telephone so the jury can follow you.

THE WITNESS: That is the table that we had, the dinner table.

Q BY MR. KATZ: Is this at Myers Ranch?

A Yes, Myers Ranch.

Q All right.

And would you kindly --

THE COURT: Did you identify that?

MR. KATZ: Yes. We are talking about 37-A for identification.

THE COURT: Thank you. All right.

Q BY MR. KATZ: Would you just indicate above here Myers Ranch, and I will give you a pen for that purpose. Just write Myers Ranch.

A (Writing.)

Q And would you place your initials below that designation so we know you made that marking.

A (Writing.)

13-4

1 MR. KATZ: Thank you.

2 May the record reflect the witness has complied.

3 THE COURT: Yes.

4 Q BY MR. KATZ: So in other words the table which  
5 is depicted then in 37-A for identification is the place where  
6 you and Charles Manson and Bruce Davis and Tex Watson and  
7 Danny De Carlo were seated, is that correct?

8 A Yes, correct. But the table was turned around  
9 a little bit, you see.

10 Q All right.

11 What you are saying is that this picture does not  
12 depict the exact position of the table?

13 A Of the table.

14 Q Relationship to the room at the time you had the  
15 dinner, is that correct?

16 A No. The table was turned this way, like that  
17 (indicating).

18 The table is like that across. Before it was  
19 like this. It was long ways, going this way.

20 Q I see.

21 So in other words the table would be just pointing  
22 the other way, or perpendicular to it, is that right, as my  
23 pen meets the surface of the table on the photograph; is that  
24 correct?

25 A Yeah. Uh-huh.

26 Q So the long, or the length of the table would be  
27 going against the wall with the windows, is that right?

28 A Right. Right.



-13-5

1 Q Now, let's go on to 37-B for identification. What  
2 does this photograph show us, Juan?

3 A That is Myers Ranch. This is the other side of  
4 this wall here.

5 Q All right.

6 Well, we will put 37-A here, and we will go along  
7 with 37-B.

8 A No, this way (indicating).

9 Q I see.

10 A You see, this is the -- it goes like that, you  
11 see.

12 THE COURT: Talk in the phone there so the voice can  
13 carry to the jury. They must hear.

14 THE WITNESS: The door was right in between the two  
15 frames of the pictures, you see.

16 Q BY MR. KATZ: All right.

17 A And the wall run this way, like that, and then  
18 there was the room in there. That was the room.

19 Q All right.

20 Now, showing you then 37-B for identification,  
21 this photograph shows another portion of the room in which  
22 the dining table was located at Myers Ranch, is that right?

23 A Correct.

24 Q Now, going on to 37-C for identification, what does  
25 this photograph show?

26 A That is Myers Ranch.

27 Q Is that the front or back of Myers Ranch?

28 A This is the back of Myers Ranch. You go out through

13-6

1 here. This is the front here.

2 Q You are pointing to the windows that are depicted  
3 in 37-B, and you are saying that is the front part, that wall  
4 would be the front wall of the house?

5 A Right.

6 Q And the portion, the exterior portion which is  
7 depicted in 37-C would be the opposite, that is the wall  
8 opposite?

9 A To this one.

10 Q The windows?

11 A Yeah.

12 Q Is that correct? And that would be the rear?

13 A Correct.

14 Q So this is the back part of the house which is  
15 depicted in 37-C, is that correct?

16 A Correct.

17 Q Going on to 37-D for identification, what does  
18 this show us?

19 A That is a picture of Myers Ranch inside, across the  
20 room from in here, to the kitchen which is right there  
21 (pointing).

22 Q All right.

23 So what you are saying is that this is a picture  
24 taken from a room next to the living room?

25 A Yes.

26 Q Looking across the living room and into the --

27 A The kitchen.

28 Q -- the kitchen recesses which appear in the center

15-7  
14-

1 portion of 37-D, is that correct?

2 A Correct.

3 Q And the kitchen is also depicted in the right  
4 marginal portion of 37-A, is that correct?

5 A Correct.

6 Q Going on to 37-E for identification, do you  
7 recognize this photograph as depicting something you have seen  
8 before?

9 A Yes. That is the front part of Myers Ranch.

16

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

#16

1 Q So if we were to look through the window were  
2 we in the room at Myers Ranch and the window which is  
3 depicted in 37-A and 37-B, we would look outside and see this  
4 porch area which is depicted in 37-E, is that right?

5 A Yes. This (indicating) is this window here.

6 Q So the window we can see from the exterior of the  
7 house in 37-E is the same interior window displayed in 37-B  
8 and 37-A, is that right?

9 A Yes. Just the one on that one. The one further  
10 down the doorway is this one (indicating).

11 Q I see. And lastly, showing you 37-F for identi-  
12 fication, what does this show us?

13 A The entrance of Myers Ranch.

14 Q That is the entrance to Myers Ranch?

15 A To Myers Ranch.

16 How do they spell Myers?

17 Q M-e-y-e-r-s.

18 A All right.

19 Q Do these photographs truly and accurately depict  
20 the interior and exterior of the house as you remember seeing  
21 it on the night of the dinner, basically?

22 A Yes.

23 Q Incidentally, was there a member of the family  
24 known as Cathy Meyers?

25 A Yes.

26 Q Did she also go by the name of Cathy Gillies?

27 A Yes.

28 Q Was she also known as Cathy?

1 A Yes.

2 Q Can you tell us whether or not her grandmother  
3 owned that ranch?

4 A I can tell you what she claimed.

5 Q Well, if you don't know, then I don't want you to  
6 tell us.

7 MR. KATZ: If I may have a moment, I believe I have  
8 concluded my examination.

9 THE COURT: Go right ahead.

10 MR. KATZ: Thank you.

11 I have no further questions.

12 THE COURT: Cross examine.

13 MR. WEEDMAN: If I may have a moment, your Honor.

14 THE COURT: Certainly. Take your time.

15 MR. WEEDMAN: If I may confer with my client for a moment,  
16 your Honor?

17 THE COURT: Certainly.

18

19 CROSS EXAMINATION

20 BY MR. WEEDMAN:

21 Q Mr. Flynn, do you know approximately when Charles  
22 Manson left the Spahn Ranch to go to the desert?

23 A It was after the raid.

24 Q And that raid was on August 16, 1969?

25 A Yes.

26 Q About how many days or weeks after the raid was  
27 it, Mr. Flynn, that Charles Manson and members of the so-called  
28 family left Spahn's Ranch?

1 MR. KATZ: Excuse me. I will object as to the ambigu-  
2 ity of the question in that it calls for a compound answer.

3 THE COURT: Well, it probably does. Let's see if we  
4 can rephrase it.

5 MR. WEEDMAN: I will withdraw the question.

6 THE COURT: All right, it is withdrawn. Reframe it.

7 Q BY MR. WEEDMAN: How long after August 16, 1969,  
8 did Charles Manson and members of the family leave Spahn  
9 Ranch?

10 A Well, after the raid, I took Tex Watson to Olancho  
11 and then I came back to Los Angeles, and then I guess about a  
12 week after that, something like that.

13 Q Now, as far as you know, they had a notice, isn't  
14 that so, to move out?

15 A Well, it was a rumor among the people that, you  
16 know, that there was a notice, but I never read a notice that  
17 said that they had to move out, you see.

18 Q Surely.

19 Now, as far as you know, however, Mr. Flynn, be it  
20 by rumor or otherwise, the family left because of this notice  
21 to leave the place, isn't that so?

22 A Well, I don't know. They just packed up and went,  
23 you know.

24 Q Well, did you hear someone, either among the people  
25 who left or anyone else at the ranch, say anything about a  
26 notice to leave or notice to move?

27 A All I can remember is that I understood that there  
28 was a notice to leave the Spahn Ranch, you see; the members of

1 the family to leave Spahn's Ranch, you see.

2 Now, I never read a notice, you know, like I said,  
3 or no one came up to me or that I noticed came up to anyone  
4 and said, "You have to leave Spahn's Ranch."

5 Q But someone, at least one person, was talking  
6 about some sort of a notice, though, is that so?

7 A I can't tell you which person that I heard -- I  
8 can't tell you which person -- but that I heard I can tell  
9 you.

10 Q And then following that I take it that Charles  
11 Manson and members of the family left the ranch, is that  
12 correct?

13 A Well, this was after the raid, you see.

14 Q All right.

15 A That there was a notice to leave the ranch.

16 Q Did they leave then following that notice?

17 A Well, I took Tex Watson to the desert, to Olancha,  
18 see, but nothing was mentioned about no order to leave with  
19 him.

20 And then after that, people left.

21 Q Was Charles Manson one of those who left?

22 A Well, he left the ranch.

23 Q Was that for Myers Ranch?

24 A It was for the desert.

25 Q And when you talk about the desert, do we mean  
26 Myers Ranch?

27 A That is where he was staying at when I got out  
28 there.

1 Q When we talk about the desert, are we also includ-  
2 ing the Barker Ranch area?

3 A Well, at the Barker Ranch there was Paul Crockett  
4 and Brooks Poston and Charles Manson, and the family was  
5 staying at Myers Ranch.

6 Q And when we use the term "the desert," are we also  
7 including the Myers and Barker Ranch area?

8 A Where the family was staying.

17 fls



17-1

1 Q Well, I am just trying to find out, you know.  
2 You have used the term "they went to the desert."

3 A Well, it's in the desert.

4 Q I see. So that is what you mean generally when  
5 you talk about going to the desert, you mean going to the  
6 Barker-Myers Ranch area?

7 A Well, yeah. In that area, yes.

8 Q Now, when did you go following Charles Manson to  
9 the desert?

10 A Oh, I don't know.

11 Q If you can't recall the date, of course --

12 A Three, four days, five days, a week, you know.

13 Q All right.

14 And that was three or four or five days or a week  
15 after Charles Manson and members of the Manson family left  
16 for the desert?

17 A Yes.

18 Q And did you go along or with someone?

19 A No, I went there with Sadie Glutz.

20 Q Was she loosely speaking, a member of the family?

21 A Yes.

22 Q Now, did Mr. Grogan, the defendant here, leave  
23 Spahn Ranch with Charles Manson and the other members of the  
24 family?

25 A Well, when I got up there he wasn't up there.

26 Q Did you see my client, the defendant, leave Spahn  
27 Ranch?

28 A When?

17-2

1 Q Following Charles Manson's leaving.

2 A I didn't see him leave, but I saw him up there,  
3 though.

4 Q When did you see him at the desert? My client,  
5 that is.

6 A I don't know. I guess I was up there a week,  
7 maybe more than a week, you know. Week or two weeks.  
8 Somewhere around in there.

9 Q And then you saw my client, is what you are  
10 saying?

11 A That is what I am answering, yeah. I saw your  
12 client.

13 Q Okay. Now, how long did you stay up at the desert  
14 until you returned to Spahn Ranch?

15 A Now, you got me there. I don't know, you know.  
16 I came back, and the only way that I can say that  
17 I was there until a certain time is by the time that they had  
18 a raid up there, you see.

19 Q When was the raid?

20 A I don't know, you see. But they had a raid up  
21 there, and I left there before they got raided.

22 Q Now, was it during this -- during your return from  
23 the desert to Spahn Ranch that Mr. Grogan said to you "If  
24 anybody asks about Shea, tell them he went to San Francisco?"

25 A Yeah, that's about it, you know.

26 "If anybody asks you about Shorty, tell them he  
27 went to San Francisco."

28 Q Well, my question is was that told to you by my

17-3

1 client during the time that you were on your way back to  
2 Spahn Ranch in the automobile?

3 A The time that me, or your client Grogan and I was  
4 traveling back to Los Angeles, he told me, he says, "If anyone  
5 asks you about Shorty, he went to San Francisco."

6 Q Now, how long after you arrived at the desert did  
7 you have this conversation on the way back to Los Angeles?

8 A I don't know. It was -- the period when I stayed  
9 out there in the desert I don't know, you know. I stayed out  
10 there, I went out there -- I didn't take with me a calendar  
11 or nothing to pinpoint the time.

12 I'm not trying to be smart, sir.

13 Q I appreciate that.

14 A I am just trying to answer you.

15 Q I didn't think you were.

16 A You see, I don't know how long I was there. Maybe  
17 a month, maybe two, you know. Maybe a month and a half.

18 The period that I stayed there, and when I returned  
19 he told me, he says, "If anyone asks you about Shorty, you  
20 tell them he went to San Francisco." That's it.

21 Q So would it be fair then to say, Mr. Flynn, as  
22 nearly as you can now recall you had this conversation in  
23 the automobile with my client anywhere from one to two and a  
24 half months after you arrived at the desert?

25 A I don't understand the question.

26 Q Yes. Well, let me try again.

27 A Okay.

28 Q Let me just back up for a moment.

17-4

1                   What is your best estimate now, Mr. Flynn, as to  
2 how long you stayed up at the desert until you returned to  
3 Los Angeles?

4           A       A month and a half, two months.

5           Q       Now, did you see Mr. Grogan up at the desert during  
6 this one-and-a-half to two-month period?

7           A       Yes.

8           Q       Did you have conversations with my client during  
9 this one-and-a-half to two-month period in the desert?

10          A       Yes.

11          Q       And it was on the way back then, I take it, to  
12 Los Angeles, that you had a conversation with him in the  
13 automobile?

14          A       Yes.

15          Q       And present at that conversation were Bruce Davis,  
16 yourself, of course, the defendant and someone named Scott;  
17 is that correct?

18          A       Yes.

19          Q       Now, was anyone else present in the car?

20          A       No. There wasn't anyone else present, just those  
21 three people, me and that was it.

22          Q       Now, had anyone asked you where Mr. Shea was or  
23 where he had gone?

24          A       Had anyone asked me?

25          MR. KATZ: I will object on the grounds that it is  
26 ambiguous as to which time we are talking about.

27          Q       BY MR. WEEDMAN: Well, at any time.

28          MR. KATZ: Then I will object on the grounds it would be

17-5

1 immaterial.

2 THE COURT: Let me have the question.

3 (The question was read by the reporter  
4 as follows:

5 "Q Now, had anyone asked you where  
6 Mr. Shea was or where he had gone?"

7 THE COURT: You may answer the question. Answer it yes  
8 or no, whatever the answer is.

9 Do you understand the question? Calls for a yes  
10 or no answer.

11 THE WITNESS: Okay. Would you read it, please?

12 THE COURT: Read the question again.

13 (The question was read by the reporter  
14 as follows:

15 "Q Now, had anyone asked you where  
16 Mr. Shea was or where he had gone."

17 Q BY MR. WEEDMAN: Mr. Flynn, can we begin by  
18 answering that either yes or no? Is that possible?

19 A No, has anyone asked me where Shorty went?

20 Q Let me -- to be perhaps a better question:  
21 Up until the time you had this conversation in the  
22 car with Clem, the defendant --

23 A Yeah.

24 Q -- had anyone asked you where Mr. Shea had gone?

25 A No. I don't --

26 Q Do you know where Vallejo, California is?

27 A Vallejo, California?

28 Q Uh-huh.

1 A No, I don't know where Vallejo, California is.  
2 Which way is it?

3 Q No, I just want to know if you knew where Vallejo  
4 was.

5 A Maybe I been there. Maybe I haven't known it.  
6 Where is it?

7 Q Rather than my telling you for my purposes now,  
8 we just want to know if you know where Vallejo is. I take it  
9 you do not know where it is.

10 A It's a Spanish name, but I don't know where the  
11 place is.

12 Q Did you ever have a conversation or -- strike that.  
13 Did you ever know someone at the ranch named Lance  
14 Victor?

15 A Yes.

16 Q Did Lance Victor ever tell you that Shorty was  
17 going to Vallejo, California, which was near San Francisco?

18 A I don't remember, sir. I just spoke with that man  
19 maybe once or twice. Maybe on three occasions. But I never  
20 had a conversation with him that amount to anything, you see.

#18

1 Q So would it be fair, then, Mr. Flynn, to say that  
2 the first time you heard anything about Mr. Shea going to San  
3 Francisco was when you heard it from my client in the auto-  
4 mobile?

5 A The first time I heard that he went to San Fran-  
6 cisco was from Mr. Grogan.

7 Q And that conversation occurred about a month and  
8 a half to two months after you arrived at the desert?

9 A Yes, when I was coming back down.

10 Q Now, Mr. Flynn, you indicated that there was a  
11 time after you got back to Spahn Ranch that the defendant,  
12 Mr. Grogan, told you that if anyone should ask about Mr. Shea,  
13 that he had gone to San Francisco; is that correct?

14 A Yes.

15 Q Are you sure you had two such conversations with  
16 the defendant, or just one such conversation?

17 A No. I'm sure I had two conversations.

18 Q Do you recall Mr. Grogan's exact words at the  
19 time that he said this about Mr. Shea at the trailer at  
20 Spahn Ranch?

21 A About what time?

22 Q Do you recall his exact words, or was that just  
23 the substance of what Mr. Grogan told you?

24 A Well, Mr. Grogan told me again that if anyone asked  
25 me about Shorty, that he went to San Francisco.

26 Q Now, up to that time had anyone asked you about  
27 Mr. Shea, where he was, where he had gone, or anything like  
28 that? And, if you would, please answer that yes or no.

1. A I don't remember.

2. Q Mr. Flynn, did you up to the time that -- up to  
3. the time that you returned to Los Angeles from the desert,  
4. had you ever taken any LSD?

5. A Yes.

6. Q Where and when was that, Mr. Flynn?

7. A Oh, I guess up at the ranch.

8. Q Which ranch was that?

9. A Spahn's Ranch. And I took it in a couple of  
10. places. I took it at the hospital, too, and that is because  
11. I wanted to make sure that there was somebody there, you know.  
12. I wanted to -- and I took it about six or seven times, eight  
13. times; something like that.

14. MR. WEEDMAN: Thank you, Mr. Flynn. That's all.

15. THE COURT: Is that all, gentlemen?

16. MR. KATZ: I have just a few questions.

17.  
18. REDIRECT EXAMINATION

19. BY MR. KATZ:

20. Q Now, are you positive that you returned to  
21. Los Angeles never to return to Barker Ranch before the Inyo  
22. County raids at Barker's and Myers Ranch?

23. I'm going too fast.

24. You told us that you came down to Los Angeles from  
25. Barker's Ranch and returned to Spahn Ranch. Is that right?

26. A I came down to Los Angeles and I wanted to get  
27. some groceries, and then I wanted to go back to Barker Ranch,  
28. you see. But I was scared, and I just --



1 Q My only question is, did you end up at Spahn Ranch?

2 A Yes.

3 Q All right. Did you stay at Spahn Ranch or did you  
4 ever return to Barker or Myers Ranch to live?

5 A I stayed at Spahn's Ranch.

6 Q So it is a fair statement to say you did not  
7 return to the Barker's Ranch or the Myers Ranch?

8 A That is correct.

9 Q Now, are you sure that you came to Spahn's Ranch  
10 from Barker's Ranch before the raids in Inyo County at the  
11 Barker's-Myers Ranch?

12 A I came to Spahn's Ranch before the raids up in  
13 Death Valley.

14 Q And you were not arrested in those raids, is that  
15 correct?

16 A Correct.

17 Q So if I told you, for example, the raids that  
18 occurred in Inyo County, and particularly at the Myers Ranch  
19 and Barker's Ranch area, occurred on two dates, October 10,  
20 1969, and October 12, 1969, is it a fair statement to say that  
21 you had returned before those dates to Spahn's Ranch where  
22 you resumed your residence?

23 A Yes.

24 Q Approximately, if you recall, how many days or  
25 weeks was it before the raids of October 10, and October 12,  
26 1969, that you returned to Spahn's Ranch, if you know?  
27 If you don't, I don't want you to guess.

28 A I don't know.

1 MR. KATZ: All right. I have no further questions.

2 THE COURT: Is that all, gentlemen?

3 MR. WEEDMAN: Yes, thank you, your Honor.

4 THE COURT: That's all. Thank you very much.

5 MR. KATZ: Thank you, Mr. Flynn.

6 THE WITNESS: Thank you, sir.

7 MR. WEEDMAN: Your Honor, for the record, I wonder if  
8 Mr. Flynn could likewise be left on call for the defense?

9 THE COURT: All right. Do you want an instruction on  
10 the witness?

11 MR. WEEDMAN: Yes.

12 THE COURT: I don't know whether you wanted to talk  
13 to him or not.

14 MR. WEEDMAN: No. I would just like him to remain on  
15 call, your Honor, as a defense witness.

16 THE COURT: It is possible that you may be called back  
17 at a later time before this trial is concluded. I don't know.  
18 But please be prepared for the fact you might be called back,  
19 and you are under orders of the court.

20 THE WITNESS: All right.

21 THE COURT: That is about as close as I can come to it.

22 MR. WEEDMAN: May I inquire, your Honor, if the dis-  
23 trict attorney --

24 THE COURT: Wait a minute. That is why I thought you  
25 wanted to talk to him.

26 MR. WEEDMAN: May I inquire, your Honor, if the district  
27 attorney has a present address for Mr. Flynn?

28 MR. KATZ: Yes, we do.

1 MR. WEEDMAN: That will certainly suffice. Thank you,  
2 Mr. Flynn.

3 THE COURT: Are you satisfied?

4 MR. WEEDMAN: Yes, I am. Thank you, your Honor.

5 THE COURT: Thank you very much.

6 Let's take a short recess, folks, and go right  
7 ahead in a few minutes.

8 Do not discuss the case.

9 (Recess.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

19-1

1 THE COURT: Well now, gentlemen, let's proceed here.

2 People against Grogan.

3 Defendant is here. Both counsel are here.

4 You can bring in the jury, Sheriff, if you will,  
5 please.

6 THE BAILIFF: Yes, sir.

7 (The following proceedings were had  
8 in open court in the presence of the  
9 jury:)

10 THE COURT: Now we have all of the regular jurors here  
11 plus the three alternates.

12 And the witness. Will you raise your right hand  
13 and be sworn, please.

14  
15 JOHN HAROLD SWARTZ, JR.

16 called as a witness by the People, testified as follows:

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

21 THE WITNESS: Yes, I do.

22 THE CLERK: Thank you, sir.

23 Will you take the stand and be seated, please.

24 Will you be kind enough to state your name for the  
25 record.

26 THE WITNESS: John Harold Swartz, Jr.

27 THE CLERK: Thank you.

28 Will you lower that microphone to your mouth.

19-2

1 Thank you.

2 THE COURT: Thank you. Talk right in there like a  
3 telephone so the jurors can hear you.

4 All right. Thank you.

5  
6 DIRECT EXAMINATION

7 BY MR. KATZ:

8 Q Mr. Swartz, I am over here. Can you see me?

9 A You bet.

10 Q All right.

11 Did you know a person by the name of Donald Jerome  
12 Shea?

13 A Yes, I did.

14 Q Did you know him by Don or did you know him by  
15 a nickname or what?

16 A I knew him by the name Shorty.

17 Q When did you meet Don or Shorty?

18 A Oh, about 1963.

19 THE COURT: Talk up now. The jury has got to hear you.

20 Q BY MR. KATZ: John, where was that?

21 A At the Spahn Ranch.

22 Q And did you take on a job there as a cowboy and  
23 wrangler at the Spahn Ranch?

24 A Well, wasn't much of a cowboying job. Mostly  
25 cleaning the barns out.

26 I got a job anyway.

27 Q But in any event did you begin to live at Spahn  
28 Ranch?

29 A Yes, I did.

20

20-1

1 Q Now, did you maintain a contact with Shorty  
2 through August of 1969 over those years from 1963?

3 A Yes.

4 Q I want to direct your attention to August 16, 1969,  
5 a somewhat infamous date, were you among the persons arrested  
6 at the Spahn Ranch raid?

7 A Yes, I was.

8 Q I would like to show you a photograph here, and  
9 in particular 50-B for identification, and ask you whether or  
10 not you recognize yourself as being one of the persons in the  
11 picture?

12 A This one right here (indicating).

13 Q Would you please place your initials over your head  
14 so that we know that that is you depicted in the picture,  
15 50-B for identification.

16 A (Witness complies.)

17 Q Just put "J.S." over your head and we will know  
18 that you made that designation and that indicates that that is  
19 a picture of you.

20 A (Witness complies.)

21 Q Was this taken during the August 16th raid at the  
22 Spahn Ranch?

23 A Yes, it was.

24 Q Incidentally, is that the defendant, Clem, or  
25 Steve Grogan, in the right-hand portion of the photograph with  
26 the long hair?

27 A Yes, it is.

28 MR. KATZ: May the record reflect the witness has complied

20-2

1 with my request on 50-B for identification?

2 THE COURT: Yes.

3 Q BY MR. KATZ: Now, John, you were in jail for how  
4 long before you were released?

5 A Forty-eight hours.

6 Q Did somebody pick you up at jail?

7 A Yes.

8 Q Who?

9 A Shorty.

10 Q Did Shorty take anybody else away from jail?

11 A It was myself, Larry Jones, and Larry Cravens.

12 Q Where did you go?

13 A Right straight back to the ranch.

14 Q Can you tell us whether or not Shorty began living  
15 at the ranch after you returned following the raid?

16 A Yes, he did. He started living in his car,  
17 started sleeping in his car.

18 Q He started sleeping in his car?

19 A Right.

20 Q Showing you quickly a vehicle which is depicted  
21 in the 16 series of photographs, this white Mercury Comet, do  
22 you recognize these photographs, these exterior photographs  
23 and the interior photographs, as being the car that Shorty  
24 slept in while at Spahn Ranch following the raid of August 16,  
25 1969?

26 A Right. They are all pictures of the car.

27 Q That is Shorty's car, is that right?

28 A Yes.

20-3

1 Q Now, sometime in the time period after you  
2 returned to Spahn Ranch and September 1st of 1969, did you  
3 have any discussions with Shorty about accepting a Frank Retz  
4 job?

5 A Yes, I did.

6 Q Did this conversation, or conversations, did they  
7 occur at Spahn Ranch?

8 A Yes, they did.

9 Q What did he tell you in regards to this Frank Retz  
10 job?

11 A Well, he told me that Mr. Spahn was trying to get  
12 him a job working for Frank Retz as a night watchman.

13 Q Did he tell you what his duties would consist of?

14 A Yes, he did.

15 Q What did he say about that?

16 A Well, he said Frank wanted to hire him during the  
17 night on the property that he had just bought from Mr. Spahn  
18 to keep Charlie and the guys from tearing up the country with  
19 their dune buggies.

20 Q When you say "Charlie and the guys," who do you  
21 have reference to?

22 A Well, all of the people that were with him.

23 Q Did you know a group of persons loosely known as  
24 the Manson family?

25 A Yes.

26 Q Did he have reference to those people?

27 A Yes, I do.

28 Q And that included Charles Manson and the defendant



20-4

here, Mr. Grogan?

A Yes.

11-25-54

10:10

11-25-54

21

21

1 Q Now, I want to direct your attention to sometime  
2 in the latter part of --

3 MR. WEEDMAN: Excuse me, your Honor. I wonder if I  
4 could have the last question and answer read, please.

5 THE COURT: Yes.

6 Mr. Reporter, will you read -- do you want the  
7 answer, also?

8 (The record was read by the reporter  
9 as follows:

10 "Q And that included Charles Manson  
11 and the defendant here, Mr. Grogan?

12 "A Yes.")

13 MR. WEEDMAN: Well, your Honor, I realize it is a little  
14 late, but I move to strike the answer and would object to the  
15 question on the grounds it is leading and suggestive to this  
16 witness.

17 I think we are entitled to -- I --

18 THE COURT: Well --

19 MR. WEEDMAN: That is all, your Honor.

20 THE COURT: Well, the answer may stand.

21 Ask your next question.

22 Q BY MR. KATZ: Now, directing your attention to-  
23 wards the first part of September or the latter part of August,  
24 1969, did you become aware of the disappearance of Shorty  
25 Shea?

26 MR. WEEDMAN: I will object to the word "disappearance,"  
27 your Honor. I think counsel can ask these questions without  
28 the constant innuendo that I have heard ever since we began

1 taking the testimony in this trial.

2 I don't know what else to say except it just isn't  
3 fair, your Honor, to my client.

4 I am going to object again on the ground it assumes  
5 a fact not in evidence, and leading and suggestive.

6 MR. KATZ: I will reframe the question, your Honor.

7 THE COURT: All right, rephrase it and then we will see  
8 where we are.

9 Q BY MR. KATZ: Did you notice or become aware of  
10 the absence --

11 MR. WEEDMAN: Thank you.

12 THE WITNESS: Yes.

13 Q BY MR. KATZ: -- of Shorty Shea from the Spahn  
14 Ranch area towards that latter part of August or the first  
15 part of September, 1969?

16 A Yes, I did.

17 Q All right.

18 Now, in that connection did you have a conversation  
19 with Charles Manson concerning the whereabouts of Shorty?

20 A Yes.

21 Q Would you tell us what Charlie said.

22 THE COURT: Set the time.

23 Pardon me.

24 MR. KATZ: Yes.

25 THE COURT: The time and the parties present, if any.

26 Q BY MR. KATZ: As best you recall, when did you  
27 have this discussion with Charles Manson concerning the where-  
28 abouts of Shorty Shea?

1           A     It was approximately ten days to two weeks after  
2 we got out of the county jail, after the raid.

3           Q     All right.

4           A     So this was roughly in the last part of August,  
5 possibly the beginning of September, '69, according to your  
6 best recollection?

7           A     Yes.

8           Q     And where did the conversation take place?

9           A     Took place on the boardwalk right in front of the  
10 ranch.

11          Q     Do you recall who was present besides yourself  
12 and Charles Manson, if anybody?

13          A     There was no one.

14          Q     And what did you say to Charles Manson, and what  
15 did he say to you in this regard?

16          MR. WEEDMAN: May we approach the bench, your Honor?

17          THE COURT: All right.

18                   (The following proceedings were in chambers  
19 out of the presence of the jury.)

20          THE COURT: We are in chambers. Defendant and counsel  
21 are here.

22                   Give us the reading of the very last question,  
23 please.

24                   (The question was read by the reporter  
25 as follows:

26                  "Q     And what did you say to Charles Manson,  
27 and what did he say to you in this regard?"

28          THE COURT: All right. Go ahead.

1 MR. WEEDMAN: Your Honor, I will object to any conversa-  
2 tion had between Charles Manson and this witness on the ground  
3 that my client, of course, was not present. And anything  
4 said by Charles Manson, of course, would be hearsay as to my  
5 client.

6 THE COURT: Well, we get again into the same question  
7 respecting the same position, respecting the statements of a  
8 member of the conspiracy from the People's position, acts,  
9 omissions, declarations of members of the alleged conspiracy  
10 as being applicable to the defendant in this case.

11 MR. KATZ: Would you like an offer of proof?

12 THE COURT: You see, you have a situation, a nebulous  
13 situation in there as to when, if at all, did Manson disappear?  
14 Has the object of the conspiracy been completed? Is Manson  
15 dead at the time of this conversation?

16 MR. KATZ: Excuse me, your Honor, you are saying Manson.

17 THE COURT: Pardon me?

18 MR. KATZ: I am sorry. You are saying Manson's dis-  
19 appearance. I think you meant to say Shea disappeared.

20 THE COURT: Shea. I didn't mean Manson. I am thinking  
21 too fast.

22 MR. KATZ: Just so the record is clear.

23 THE COURT: Shea, yes.

24 Yes, you are right. Let's see.

25 The conversation is with Manson, right?

26 MR. KATZ: Yes, your Honor.

27 May I make an offer of proof so you know exactly--

28 THE COURT: Yes, but the conversation is with the

1 witness and with Manson, right?

2 MR. KATZ: Yes.

3 THE COURT: Yes. That is what I am saying.

4 Now, if Shea is dead at the time, if the purpose  
5 of the conspiracy has been completed, and there is a conversa-  
6 tion with Manson, it wouldn't be in the fulfillment of the  
7 conspiracy. I mean, you have hazardous questions in there, I  
8 don't know.

9 MR. KATZ: I would like to make an offer of proof.

10 THE COURT: Make an offer of proof. Let's see what we  
11 have here.

12 Go ahead.

13 MR. KATZ: All right, your Honor. Here is what I expect  
14 to elicit from this witness.

15 THE COURT: All right.

16 MR. KATZ: That he talked with Charles Manson and asked  
17 Manson -- and I am paraphrasing: "Have you seen Shorty?"

18 To which Manson said, "Well, yes. I have got a  
19 friend up in San Francisco who needed help, and it was a lot  
20 better job than what Frank Retz had offered him. So I gave him  
21 a few bucks, and he left for San Francisco."

22 And this is the sum and substance of the conversa-  
23 tion. In other words, we have Mr. Swartz, a friend of Shea,  
24 questioning Mr. Manson, "Well, do you know where Shorty is?  
25 Have you seen Shorty?"

26 And Manson replies, "Well, he went up to San  
27 Francisco. I sent him up there to see a friend of mine who  
28 offered him a job."

1 And then Swartz in the conversation says to Manson,  
2 "Well, what about the Retz job?"

3 To which Manson replies, "Well, this was a better-  
4 paying job."

5 Once again it is a statement obviously in the  
6 furtherance of the object and design of the conspiracy to  
7 promote concealment of any crime whatsoever by putting people  
8 off the track as to the whereabouts of Shorty, where is he?  
9 And we showed successively in other statements that Mr. Grogan  
10 has made similar statements, that Bruce Davis, for example,  
11 joined in the statement of Grogan to the effect that Shorty  
12 went to San Francisco.

13 This is part and parcel of the conspiracy, acts and  
14 declarations which are in furtherance of the object and  
15 design of the conspiracy.

16 And as you know, words can constitute acts in that  
17 regard. I think there is no question that this is certainly  
18 admissible under a theory of conspiracy.

19 THE COURT: Suppose at the time of this conversation,  
20 suppose you have a conspiracy, the purpose is to kill Shea.  
21 At the time of this conversation, assume Shea is dead.

22 Would not the -- there be a fulfillment of the  
23 conspiracy at the time of this conversation?

24 22 fls

22-1

1 MR. KATZ: Normally speaking, but when you have a  
2 situation raised by our own evidence of the People's case in  
3 chief, namely, that apparently the family, and particularly  
4 Manson, is concerned about the safety of the place where the  
5 body has been buried so that he must inquire of Danny De Carlo,  
6 for example, "Does lye or lime get rid of a body?" a statement  
7 which is obviously in furtherance of the objects and design  
8 of the conspiracy, the same kind of reasoning must apply to a  
9 statement in which a co-conspirator says, "Hey," in essence,  
10 "if anybody asks about Shorty, tell them he went up to  
11 San Francisco. Tell them that Shorty is up in San Francisco,"  
12 so that people won't look in the vicinity of the Spahn Ranch,  
13 they won't try and locate the body.

14 Once again we must assume that a foreseeable scope  
15 of the conspiracy goes beyond the actual consummation of the  
16 substantive crime, namely, the murder, but carries forward to  
17 the point where they must repair the body to a position or  
18 location of safety where it cannot thereafter be found by the  
19 police.

20 THE COURT: Well, now --

21 MR. KATZ: And if I may just add this, your Honor --

22 THE COURT: Go ahead. I follow your point.

23 MR. KATZ: In addition, this is actual evidence of the  
24 conspiracy itself. In other words, if you have people such as  
25 Grogan and such as Davis and such as Manson making statements  
26 "Hey, why don't you go up to San Francisco if you want to find  
27 Shorty?", this is the best manifestation of a conspiracy.

28 You must bear in mind this will be taken in



22-2

1 connection with the confessions of Mr. Grogan, if your Honor  
2 permits them to come in, to the effect that Mr. Manson,  
3 Mr. Davis, Mr. Watson, and himself, the defendant, killed  
4 Shorty Shea and hid the body under some leaves.

5 THE COURT: Well, there is a distinction in my mind  
6 there. The statements of Manson, backing up to the conversa-  
7 tions around the stream respecting the lye, the conversations  
8 respecting what would dissolve the body, the lye, and respect-  
9 ing conversations or statements of Manson that Shea was buried  
10 under leaves or soil down the stream -- the exact wording I  
11 can't give you -- and the lye, particularly the lye, what can  
12 be used to dissolve the body, it was my opinion -- the higher  
13 court could look at it differently -- but it is my opinion  
14 they probably were statements of fulfillment of the conspiracy.  
15 "What are we going to do with the body? We have killed the  
16 man. Now we've got to get rid of the body. What are we going  
17 to do? What are we going to do?"

18 They could be statements in fulfillment of the  
19 purpose of the conspiracy. I don't know. There is a question  
20 mark in my mind whether the statements of Manson respecting  
21 Shea, "He is in San Francisco," could be in fulfillment of the  
22 conspiracy, the purpose of the conspiracy.

23 MR. KATZ: Wouldn't you think --

24 THE COURT: Wait a minute.

25 The purpose of the conspiracy is the killing of  
26 Shea. That is your basic purpose.

27 MR. KATZ: And not to get caught, isn't that right?  
28 Not to get caught.

22-3

1 THE COURT: Well, but it is the basic purpose.

2 MR. KATZ: Yes, I agree.

3 THE COURT: The killing of Shea is the basic purpose.

4 Now, the statements aren't directed to the killing  
5 of Shea. These statements with the witness and Manson are not  
6 to the killing of Shea. Manson doesn't say, "Well, we're  
7 going to kill Shea. We're going to do it in this manner.  
8 We're going to do it in that manner. We've got six people that  
9 are going to kill Shea." They are statements, a sort of  
10 gratuitous statement, of Manson to the witness, "Well, Shea  
11 is up in San Francisco to get a job," or whatever the statement  
12 is there.

13 I don't know whether the People are attempting to  
14 draw too far on the purpose or the amount of it, the kind of  
15 testimony that may be permitted under the caption of fulfillment  
16 of the conspiracy; whether that is a proper type of testimony  
17 to be elicited or not.

18 I again repeat, I was convinced the testimony  
19 respecting the lye and the burying of the body could be state-  
20 ments in fulfillment, particularly, "What are we going to do  
21 with the body? How will we get rid of it?" That would be in  
22 fulfillment of a conspiracy.

23 But I don't know about the statement, "Shea is in  
24 San Francisco trying to get a job," whether that is or isn't.

25 MR. KATZ: Here's the analysis, I think, that we must  
26 make in determining whether or not the statement is admissible.  
27 I agree with you that in normal circumstances such a statement  
28 would seem to be beyond any scope of the original conspiracy.

22-4

1 But isn't it correct by way of statements of Grogan himself  
2 that there is independent evidence to show an additional  
3 conspiracy, if you will, to conceal?

4 Let me give you an example of that. Here we have  
5 Grogan making statements at least on two occasions, for example,  
6 to Juan Flynn, to the effect that, "Hey, if anybody asks about  
7 Shorty, tell them he went to San Francisco."

8 Now, lo and behold we have Gypsy making the same  
9 statement in the same time period to Barbara Hoyt when Barbara  
10 Hoyt confronted her with the statement, "Hey, I heard that  
11 Shorty committed suicide with a little help," to which Gypsy  
12 replied, "Oh, don't be silly. He went to San Francisco for  
13 a job."

23

22A

1 Now, there we have Gypsy and we have Grogan, and  
2 now let's go to Charles Manson. Charles Manson says, "Look,  
3 he went to San Francisco." Doesn't this manifest a new  
4 conspiracy to conceal the fruits of the crime, to conceal the  
5 whereabouts of the body? Aren't we showing more than just  
6 mere collusion, but a unity of action by way of statements and  
7 declarations to further a common goal, namely, to put people  
8 off the track as to the true whereabouts of where Shea is?

9 THE COURT: I think it is very hazardous. Of course,  
10 it is not my purpose to tell the People what is hazardous,  
11 but only so far as my ruling on the testimony. There is a  
12 serious question in my mind on it whether to admit it. I  
13 don't know whether it is in fulfillment of that conspiracy to  
14 kill. That is your conspiracy. That is your basic conspiracy.  
15 The basic conspiracy is a conspiracy to commit a crime. The  
16 crime is murder. That is the People's basic theory.

17 I don't know. I have serious questions in my  
18 mind about it.

19 MR. KATZ: May I ask your Honor this. I appreciate the  
20 opportunity to discuss this with you. Do you concede, and by  
21 way of discussion, that certainly it is within the ambit of  
22 a conspiracy to conceal the fruits of the crime?

23 THE COURT: It is, if it is pointed enough. That is the  
24 reason I went around and around with Mr. Weedman on that.  
25 It is, if it is pointed enough. I'm not saying you agree with  
26 me, Mr. Weedman.

27 MR. WEEDMAN: Surely, your Honor.

28 THE COURT: I'm not trying to tie you in by stipulation

1 here.

2 MR. WEEDMAN: That's all right, your Honor. I understand.

3 THE COURT: It is if it is pointed enough.

4 Now, as I say again, in the former conversations  
5 or statements attributed to Manson by the girl on the stand,  
6 Barbara, I believe, in which she speaks of the lye Manson  
7 saying, "What is the best to dissolve the body with, lye or  
8 lime," that definitely is a statement, I think, which is in  
9 fulfillment of a conspiracy.

10 Theoretically, it is true of a body. Let's assume  
11 that by this time Shorty is killed. But the crime is not  
12 complete. A part of the crime, concealment of the body, that  
13 is a part of the conspiracy. That is the reason, that is,  
14 my thinking, constant thinking, revolves around there, "What  
15 are we going to do? We have only partly completed this. We  
16 have killed him, but we have more to do. We have far more  
17 to do. We can't leave the dead body where people can see it.  
18 We have more to do here."

19 So, on that kind of thinking, or that thinking, I  
20 allowed in the statements, "We buried him under the leaves,"  
21 or "down the creek under the sand," or whatever it is.

22 But still the statements of Manson at that time,  
23 "We're still in trouble. We still have got problems. What  
24 are we going to do with his body? Even if buried, or not  
25 buried, we have problems. We have to dissolve it in some way.  
26 What is the best, lye or lime?"

27 So there is a continuation of the fulfillment,  
28 there is an attempt to fulfill the conspiracy. That is the

1 basis of my allowing those statements.

2 I don't know about -- I have a serious question  
3 whether that is a fulfillment of the conspiracy. It is a  
4 method of -- let's take your statement at its fullest. It is  
5 a method of the conspiracy, it is sidetracking third people,  
6 third parties, it is sidetracking them, getting them to think  
7 otherwise: "Shea's not dead. The reason he is not here is  
8 that he has gone to San Francisco."

9 That could be so, but I don't know whether that  
10 is a fulfillment of the conspiracy to murder. Conspiracy to  
11 murder is one thing; a conspiracy or the sidetracking of  
12 people at a later time -- kind of what used to be called or  
13 might still be called an accessory after the fact -- the  
14 crime is committed and there the man goes and hides in John  
15 Smith's house so he won't be arrested.

16 I don't know. I don't know whether the People are  
17 reaching out too far in that statement, in that statement  
18 expected to be elicited from the witness. I have serious  
19 doubts. It is very hazardous. I will say that. It is very  
20 hazardous.

21 I don't know whether you need it. I mean, as far  
22 as -- I'm not the jury. I don't know what they are going to do.

23 fls

23-1

1           You have facts there to argue to the jury. I  
2 think it injects hazardous situations.

3           MR. KATZ: Well, your Honor, you have permitted --

4           THE COURT: I don't think there is any question about  
5 it.

6           Go ahead.

7           MR. KATZ: Your Honor, you have permitted me to express  
8 my opinion in this area, and I am certainly not going to  
9 belabor the point.

10           I appreciate the opportunity you have given me for  
11 expression in this connection, and I will abide by the court's  
12 ruling if the court feels that this is not part of the  
13 concealment aspect of the conspiracy.

14           THE COURT: I think an objection from Mr. Weedman as he  
15 either has done or is about to do would be a very serious  
16 objection.

17           I take it you are making the objection?

18           MR. WEEDMAN: Yes, I am. Thank you, your Honor.

19           THE COURT: I am not trying to argue something that  
20 isn't there. You are objecting to the answer as indicated,  
21 or the offer of proof as indicated by Mr. Katz?

22           MR. WEEDMAN: Yes, your Honor.

23           THE COURT: To pinpoint it?

24           MR. WEEDMAN: Yes, your Honor, I will object to that  
25 conversation offered by Mr. Katz on the ground that it is  
26 hearsay to my client.

27           THE COURT: I would further add -- and I am not asking  
28 you to stipulate to this because it may be my basic reason in



23-2

1 the matter. I don't think it is in fulfillment of the  
2 conspiracy.

3 I am not asking you to stipulate to that. I am  
4 not asking you to stipulate to the fact that there is a  
5 conspiracy. I am not trying to tie your hands in any way.

6 I am adding that as an objection in there.

7 MR. WEEDMAN: Very well, your Honor.

8 THE COURT: And I would, --and of course, if that is  
9 correct it would be hearsay. I would sustain the objection on  
10 both counts.

11 I am scared of it -- an awkward way of a court  
12 putting it, but I am not so much scared of it, I am disturbed  
13 about it.

14 I would be inclined to sustain the objection.

15 MR. KATZ: All right, your Honor.

16 I will abide by the court's ruling.

17 THE COURT: All right. Thank you, gentlemen.

18 MR. WEEDMAN: Thank you, your Honor.

19 THE COURT: All right, fine.

20 (The following proceedings were had  
21 in open court in the presence of the  
22 jury.)

23 THE COURT: Objection sustained.

24 You may proceed.

25 Objection sustained.

26 MR. KATZ: Yes, Thank you.

27 Q Mr. Swartz, directing your attention to the latter  
28 part of August or the very first part of September 1969 did



23-3

1 Mr. Manson leave with some of the family and go to the desert?

2 A Yes, he did.

3 Q Did all of the family leave at that time, or just  
4 some?

5 A Oh, just part of them.

6 Q Now, shortly after Mr. Manson left to go to the  
7 desert with some of the family did you see Bill Vance and Danny  
8 De Carlo?

9 A Yes, I did.

10 Q At the ranch?

11 A Yes.

12 Q Approximately how many days would that be after you  
13 became aware of the fact that Manson went to the desert?

14 A Oh, three days, four days.

15 Q That is a rough estimate, is it?

16 A Roughly, yes.

17 Q Did you see them in possession of any guns?

18 A Yes, I did.

19 Q Can you tell us where it was that you saw them in  
20 possession of the guns?

21 A Was at -- was at the ranch in a small room down  
22 at the end of the row of buildings.

23 Q Is that one of the buildings that fronts the Spahn  
24 Ranch?

25 A Yes, it is.

26 Q And what is the name of that particular room, if  
27 you know?

28 A Well, used to call it the prop room a long time ago.

23-4

1 Q Was there another name that was given to that room,  
2 if you know?

3 A Oh, the gun room. That is where they kept most of  
4 the --

5 Q In any event, did you see Mr. De Carlo and Mr.  
6 Vance in possession of a certain pair of guns?

7 A Yes, I did.

8 Q And do you know whose guns those were?

9 A Yes, I do.

10 Q Whose guns were those?

11 A Shorty's guns.

12 Q Had you seen Shorty with those before?

13 A Yes, I have.

14 Q First of all I am going to show you 32-F for  
15 identification. Do you recognize this as Mr. De Carlo?

16 A Yes.

17 Q And showing you 32-E for identification, do you  
18 recognize that as Mr. Bill Vance?

19 A Yes, I do.

20 Q Like to show you 9-A and 9-B for identification and  
21 ask you whether or not you recognize these guns to be Shorty's  
22 guns.

23 A Them are his guns.

24 Q All right. Do these guns appear to be the same  
25 guns that Bill Vance and Danny De Carlo had at Spahn Ranch in  
26 the first part of September of 1969?

27 A Yes.

28 Q And did Mr. Vance or Mr. De Carlo have anything

23-5

1 else in their possession?

2 A Oh, the small case the guns were kept in.

3 Q Did Shorty use the small case of some kind to keep  
4 the guns in?

5 A Yes, he did.

6 Q Did he also keep another object in that case  
7 together with the guns?

8 A Yes.

23a

9  
10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

23a L  
22xk -

1 Q What did he keep in there?

2 A The bowie knife, about 8 or 9 inches long.

3 MR. KATZ: I think with the assistance of Mr. Hogan we  
4 are going to conclude this testimony.

5 THE COURT: All right.

6 (Short pause.)

7 THE COURT: Here we are.

8 MR. KATZ: Thank you.

9 Q I would like to show you People's 10 for identifi-  
10 cation, this brown attache case with the name inscribed  
11 Rev. Donald Jerome Shea.

12 I show you this, and I will open it for you and  
13 ask you whether or not you recognize this case as having seen  
14 it before?

15 A Yes, I do.

16 Q Whose case was that?

17 A Belonged to Shorty. He kept a matched set of  
18 pistols in it.

19 Q The pistols that are identified as 9-A and 9-B,  
20 is that correct?

21 A Yes.

22 Q Now, after this event at Spahn Ranch, can you tell  
23 us whether or not Danny De Carlo stayed at Spahn Ranch or did  
24 he leave?

25 A Well, it wasn't too long he left, too.

26 Q All right.

27 And did Bill Vance stay, or did he leave?

28 A He left.

23a-2

Q Incidentally, do you know where Bill Vance is?

A No, I don't.

MR. KATZ: If I may have a moment, your Honor, I think I may have concluded my examination.

THE COURT: Yes. All right.

MR. KATZ: Thank you. I have nothing further.

THE COURT: Cross.

INDEX

## CROSS-EXAMINATION

BY MR. WEEDMAN:

Q So we will be clear about it, Mr. Swartz, did you know a man back in those days at Spahn Ranch named Bruce Davis?

A Yes, I did.

Q Did you ever see Bruce Davis help Shorty Shea change a flat tire on Shorty's car?

A I don't remember.

Q Particularly directing your attention to a time after the August 16, 1969 raid, do you recall seeing Mr. Davis help Shorty change a flat tire on his car?

MR. KATZ: I am going to object. That is assuming facts not in evidence and as having been asked and answered.

THE COURT: You may answer the question.

THE WITNESS: If I did, I don't remember.

Q BY MR. WEEDMAN: Did you ever see Bruce Davis anywhere near Mr. Shea's automobile? Again, after the August 16th raid.

A Oh, it's hard to pinpoint one person because everybody walks by the car and looks at it. And --

23a-3

1 Q And were you ever aware that Shorty Shea did in  
2 fact have a flat tire on his automobile after the August 16th  
3 raid?

4 MR. KATZ: I am going to object now. That assumes facts  
5 not in evidence in the manner in which the question is  
6 framed.

7 THE COURT: Read the question, please.

8 MR. WEEDMAN: I will withdraw the question.

9 THE COURT: All right. Withdrawn.

10 Q BY MR. WEEDMAN: Did Mr. Shea ever have a flat tire  
11 on that car after the August 16th raid?

12 A I don't know whether he had or not.

13 Q Okay.

14 Were any charges filed against you, Mr. Swartz,  
15 in connection with your being arrested on August the 16th,  
16 1969?

17 A No.

18 Q Did you feel somehow angry at the police as a  
19 result of that arrest?

20 MR. KATZ: Objection, on the grounds that his state of  
21 mind is not in issue.

22 THE COURT: Read the question, please.

23 MR. KATZ: Would be immaterial.

24 (The question was read by the reporter  
25 as follows:

26 "Q Did you feel somehow angry at  
27 the police as a result of that arrest?")

28 MR. KATZ: Your Honor, would be immaterial.

27-4

1 THE COURT: I will sustain the objection the way it is  
2 framed.

3 You can reframe it if you desire.

4 Q BY MR. WEEDMAN: Did you feel that the other  
5 persons at the ranch were somehow responsible for your being  
6 arrested on August the 16th, 1969?

7 A Oh, yes, I did. I didn't know why, though.

8 Q Pardon me?

9 A I didn't know why.

24

24

1 Q Were any charges filed against any of the persons  
2 that were arrested on August 16, 1969, if you know?

3 A As far as I know, no.

4 Q Pardon me?

5 A Not as far as I know.

6 Q Were you released by the police at about the same  
7 time the other persons were released?

8 A There were only two others besides myself released  
9 at the same time.

10 Q And what are their names again, please?

11 A Larry Craven and Larry Jones.

12 Q And Shorty came down and helped you get out, is  
13 that correct?

14 A Yes, he did.

15 Q Was Bruce Davis arrested? Do you know?

16 MR. KATZ: At which time? Excuse me. There is an  
17 objection.

18 MR. WEEDMAN: I'm sorry. On August 16, 1969.

19 MR. KATZ: Thank you.

20 THE WITNESS: I don't think he was there.

21 Q BY MR. WEEDMAN: Did you see Bruce Davis after you  
22 went back to Spahn Ranch after being released following the  
23 August 16 arrest?

24 A I can't remember whether I did or not.

25 Q Did you ever see Bruce Davis after the August 16,  
26 1969, raid during the month of August?

27 A I can't remember.

28 Q Can you give us now, Mr. Swartz, your best



1 estimate, your best recollection, when you last saw Mr. Shea.

2 A Well, it was after the raid, after we had gotten  
3 out of jail. Oh, probably ten days, two weeks; in there  
4 somewhere.

5 Q How do you fix the time as being ten days to two  
6 weeks, approximately?

7 A Well, it is just a rough estimate because I can't  
8 pinpoint a date.

9 Q Mr. Schwartz, when were you first interviewed by  
10 the police in connection with this case?

11 A This case?

12 Q Well, let me withdraw that.

13 When were you first interviewed by the police,  
14 let's say, after you were released 48 hours after your arrest  
15 of August 16?

16 A Oh, it must have been a month or better, because  
17 I was working out in another place when they came and got me  
18 and wanted to talk to me.

19 Q Where were you working when the police came and  
20 got you and wanted to talk to you?

21 A In the Bar None Ranch in Chatsworth.

22 Q How far is that from the Spahn Ranch?

23 A It is about a mile further up the road.

24 Q When did you go to work up there?

25 A After I left the Spahn Ranch.

26 Q I'm sorry. When was that?

27 A Oh, a month or so after we got out of jail.

28 Q And it was after you left the Spahn Ranch, then,

1 that you first talked to the police, is that so?

2 A Yes.

3 MR. WEEDMAN: If I may have a moment, I found what I  
4 am looking for.

5 THE COURT: That's all right.

6 Q BY MR. WEEDMAN: Where was my client, Mr. Grogan,  
7 when you saw these guns in the possession of Danny De Carlo  
8 and Bill Vance?

9 A I don't know where he was.

10 Q When again did you first go up to Spahn Ranch,  
11 Mr. Swartz, to work?

12 A The first time?

13 Q Yes.

14 A About 1963.

15 Q While you were there, did my client come up there  
16 and begin working?

17 A In '63?

18 Q Well, after that; any time after that did my client  
19 begin working at Spahn Ranch, if you know?

20 A Not during all them years, no.

21 Q During all what years?

22 A Well, from '63 to '69.

23 Q My client did come up to the ranch before 1969,  
24 didn't he?

25 A Oh, yes. Approximately a year before that -- year,  
26 eight months.

27 Q And the Manson, so-called Manson family, showed up  
28 there in 1969, didn't they?

1 A Yes.

2 Q My client was there before the Manson family  
3 arrived, isn't that so?

4 A I don't think so. I'm not sure. I'm not going to  
5 say for sure "No."

6 Q All right. What was my client doing at the ranch,  
7 if anything, in connection with any employment or chores there,  
8 if you know?

9 A Oh, he would help us doing what we were doing --  
10 cleaning the barns, feeding the horses.

11 Q What else were you doing?

12 A That barn kept us pretty busy.

13 Q Did Clem, the defendant, help you clean out the  
14 barns?

15 A Oh, yes, all the time.

16 Q Help you with the horses at all?

17 A Yes.

18 Q What other chores did my client do up there?

19 A That is about all there was to do except go get  
20 a load of corn every once in a while.

21 Q Were you at Spahn Ranch when they had the big fire  
22 there in 1970?

23 A No.

24 THE COURT: Gentlemen, let's go over to tomorrow.

25 We will recess, ladies and gentlemen, till 9:30  
26 tomorrow.

27 Kindly return promptly, as you have been.

28 Do not discuss the case or come to any opinion

1 or conclusion.

2 Thank you. Recess till 9:30 tomorrow.

3 (Adjournment was taken until 9:30 a.m. of the  
4 next day, Tuesday, August 10, 1971.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28