

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHARLES MANSON, SUSAN ATKINS,
LESLIE VAN HOUTEN, PATRICIA KRENWINKEL,

Defendants.

103

No. A253156

REPORTERS' DAILY TRANSCRIPT
Monday, September 28, 1970
A. M. SESSION

APPEARANCES:

For the People:

DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
~~BARON H. SEWELL~~ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~RONALD R. KETTER, Esq.~~
RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

VOLUME 103

PAGES 11806 to 11909

JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

COPY

I N D E X

PEOPLE'S WITNESS: DIRECT CROSS REDIRECT RECROSS

FLYNN, Juan 11807 11888F

E X H I B I T S

PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

260 - Photograph of group
 of people 11852

1 LOS ANGELES, CALIFORNIA, MONDAY, SEPTEMBER 28, 1970

2 9:50 o'clock a.m.

3 - - -

4 THE COURT: All parties, counsel and jurors are
5 present.

6 You may proceed, Mr. Bugliosi.

7 MR. BUGLIOSI: People call Juan Flynn.

8 THE CLERK: Raise your right hand, please.

9 Your right hand, sir.

10 Would you please repeat after me.

11 I do solemnly swear --

12 THE WITNESS: I do solemnly swear --

13 THE CLERK: -- that the testimony I may give --

14 THE WITNESS: -- that the testimony I may give --

15 THE CLERK: -- in the cause now pending --

16 THE WITNESS: -- in the cause now pending --

17 THE CLERK: -- before this court --

18 THE WITNESS: -- before this court --

19 THE CLERK: -- shall be the truth --

20 THE WITNESS: -- shall be the truth --

21 THE CLERK: -- the whole truth --

22 THE WITNESS: -- the whole truth --

23 THE CLERK: -- and nothing but the truth --

24 THE WITNESS: -- and nothing but the truth --

25 THE CLERK: -- so help me God.

26 THE WITNESS: -- so help me God.

1 THE CLERK: Would you be seated, please.

2 Would you please state and spell your name.

3 THE WITNESS: It's Juan Flynn.

4 THE CLERK: Would you spell it, please.

5 THE WITNESS: F-l-y-n-n-.

6 THE CLERK: Spell your first name, please.

7 THE WITNESS: J-u-a-n.

8 THE CLERK: Thank you.

9
10 JUAN FLYNN,

11 called as a witness by and on behalf of the People, having
12 been first duly sworn, was examined and testified as
13 follows:

14
15 DIRECT EXAMINATION

16 BY MR. BUGLIOSI:

17 Q Juan, are you originally from Panama?

18 A Yeah.

19 Q When did you come to the United States?

20 MR. KANAREK: Immaterial, your Honor.

21 THE COURT: Overruled.

22 THE WITNESS: About six years ago.

23 MR. KANAREK: Your Honor, may I have a continuing
24 objection on the materiality and relevancy?

25 THE COURT: All right.
26

1 BY MR. BUGLIOSI:

2 Q Have you ever been to Spahn Ranch in Chatsworth,
3 California, Juan?

4 A Yes, I lived there two years and -- well --
5 two years and a half, something like that.

6 Q When did you first go to Spahn Ranch?

7 A At the beginning of '68.

8 Q The first few months of 1968?

9 A Yes.

10 Q Did you work there as a ranch hand?

11 A Yes, manure shoveler.

12 Q Manure shoveler?

13 A Yes.

14 Q For George Spahn?

15 A Yes.

16 Q Okay, and when did you eventually leave Spahn
17 Ranch, Juan?

18 A Oh, well, I left a couple of locations, you
19 know; I, you know, I did jobs in different places, you
20 know.

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1 MR. BUGLIOSI: Do you want to pull the microphone up a
2 little closer, Juan?

3 THE WITNESS: Yes.

4 MR. BUGLIOSI: Q So you left Spahn Ranch off and
5 on; is that correct?

6 A Yes.

7 Q Did you ever go up to the desert, Barker Ranch?

8 A Yes.

9 Q When did you go up there?

10 A Last year I went up there with Sadie Glutz.

11 Q What month was that in 1969?

12 A This was after the raid.

13 Q The raid on August 16th, 1969?

14 A After the raid.

15 Q This was the raid on August 16th, 1969?

16 A Yes.

17 Q Then you went up to Barker Ranch shortly after
18 that?

19 A Yes.

20 Q So, between early 1968, then, and August, '69,
21 you lived at the Spahn Ranch off and on?

22 A Yes.

23 Q Do you know Charles Manson?

24 A Yes.

25 Q Seated to your right front in the blue shirt
26 there?

1 A Yes.

2 Q When did you first meet Mr. Manson?

3 A In early '68.

4 Q After you had already come to the ranch, or
5 before?

6 A I beg your pardon?

7 Q When you came to the ranch in early 1968, was
8 Mr. Manson there?

9 A No.

10 Q He came later?

11 A Later.

12 Q Do you know when?

13 A About four months, somewhere in there, you know,
14 after I was there.

15 Q All right.

16 Did you ever see Mr. Manson bring a long rope to
17 the ranch?

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

19 THE WITNESS: Yes.

20 THE COURT: Overruled.

21 MR. BUGLIOSI: Q When was that?

22 A This was before the raid.

23 Q Do you know when? What month, approximately?

24 A Well, I would say, when I noticed the rope, it
25 was two months.

26 Q Before the raid?

1 A Before the raid, you know: something like that.

2 Q So, June or July of '69?

3 A Something like that, yes.

4 Q Would you describe that rope?

5 A Right there (indicating).

6 Q Seated in front of me here?

7 MR. KANAREK: May the record reflect that Mr. Flynn
8 pointed at an object that I think is on counsel table,
9 and it is some 15 -- well, I'd say about 12 to 15 feet
10 from him, sitting in front of Mr. Bugliosi, without leaving
11 the witness stand.

12 Is that a fair statement, your Honor?

13 THE COURT: Apparently.

14 You are pointing to the rope on counsel table,
15 Mr. Flynn?

16 THE WITNESS: Yes.

17 MR. BUGLIOSI: Q What type of rope was it,
18 Mr. Flynn?

19 A The only way I could describe it is as a
20 mountain climbing rope. You know, a three-strand rope.
21 And I liked the rope. That is why I noticed it, you know.

22 Q Why do you say it was a mountain-climbing rope?

23 A Well, I have done some mountain climbing and
24 that is the type of rope that we use.

25 Q What material was it?

26 A Nylon.

1 Q What color?

2 A It was white like that one.

3 Q I show you People's 41 for identification.

4 You say this is the type of rope that you saw
5 Mr. Manson bring to the ranch?

6 A Yes.

7 Q At the ranch, Mr. Flynn, did you actually hold
8 this rope in your hands?

9 A Yes.

10 Q And you have seen this type of rope before?

11 A Yes.

12 Q When you went mountain climbing?

13 A Yes.

14 Q Is it a pretty expensive type of rope?

15 A Yes. It is more than the ordinary cowboy would
16 use, you know.

17 Q I take it it is a pretty strong rope if you use
18 it for mountain climbing?

19 A Yes, yes, and durable.

20 MR. HUGHES: Could I have the last part of the last
21 answer read back, your Honor? There were two words I missed.

22 THE COURT: Yes.

23 (Whereupon, the answer was read by the
24 reporter.)

25 MR. BUGLIOSI: Q I show you People's 48 for
26 identification.

1 Do you know what is shown in that photograph,
2 Juan?

3 A Yes.

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1 Q What is shown in that photograph?

2 A That is the dune buggy that belonged to Mr.
3 Manson.

4 Q Did you ever see this rope here, People's 41
5 for identification?

6 Did you ever see that rope inside this dune
7 buggy?

8 A Yes.

9 Q Where was it inside the dune buggy?

10 A Well, behind the seat here.

11 Q Behind the front seat?

12 A Yes, or in the middle, like that.

13 Q Did you see that rope in this dune buggy on
14 many occasions?

15 MR. KANAREK: Your Honor, that is ambiguous, is he
16 saying this specific rope or a rope that looked like this
17 rope?

18 THE COURT: The question is this rope.

19 MR. KANAREK: Then, your Honor, I would like to
20 inquire on voir dire as to whether he is speaking of this
21 specific rope or whether he is speaking of a rope similar
22 to this rope?

23 THE COURT: The answer is in. You may inquire on
24 cross-examination.

25 BY MR. BUGLIOSI:

26 Q Did you see this rope here, People's 41,

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1 inside this dune buggy on more than one occasion?

2 MR. KANAREK: It is the same question. May I have
3 a continuing objection on the grounds of ambiguity, and a
4 continuing request for voir dire.

5 THE COURT: No, you may not. The objection is
6 overruled.

7 BY MR. BUGLIOSI:

8 Q You may answer the question, Juan.

9 A Yes.

10 Q On many occasions?

11 A More than one occasion.

12 Q Did you see this rope right here, People's 41
13 for identification on Mr. Manson's person at any time,
14 carrying it around?

15 A Well, I saw it up at the house with him.

16 Mr. Manson here asked George Spahn if he --

17 MR. KANAREK: Your Honor, I ask that be stricken.

18 THE COURT: Wait until he answers, Mr. Kanarek.

19 MR. KANAREK: He is stating hearsay, your Honor.

20 THE COURT: Not necessarily.

21 BY MR. BUGLIOSI:

22 Q You may continue, Mr. Flynn.

23 A Well, Mr. Manson --

24 THE COURT: Do you understand the question, Mr.
25 Flynn?

26 Read the question.

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1 (Whereupon the reporter reads the pending
2 question as follows:

3 "Q Did you see this rope right here,
4 People's 41 for identification on Mr. Manson's
5 person at any time, carrying it around?"

6 THE WITNESS: Up at the house --

7 BY MR. BUGLIOSI:

8 Q What house are you referring to?

9 A George Spahn's.

10 Q What was Mr. Manson doing with the rope at
11 George Spahn's house?

12 A He wanted to keep it at the house.

13 Q At George Spahn's house?

14 A Yes.

15 Q Did he end up keeping it there?

16 A It was at the house for a while.

17 Q And later you say you saw it in the dune
18 buggy?

19 A Yes.

20 MR. KANAREK: There is no question before the
21 witness.

22 MR. BUGLIOSI: He had not finished his answer.

23 THE WITNESS: This is the same rope we tied the dune
24 buggy in the back of the truck, to take it up to
25 Olancha.

26 There was a couple of ropes like this, you see.

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1 BY MR. BUGLIOSI:

2 Q You are pointing to People's 41 for identifica-
3 tion? It is marked People's 41 for identification, Juan,
4 that is why I'm referring to this rope as People's 41.

5 You say you tied a dune buggy with this type of
6 rope?

7 A Yes, there was another rope that we tied a dune
8 buggy with.

9 Q You say "we." About whom are you speaking?

10 A Well, Mr. Manson, Tex Watson, David Hangwong(sic).

11 Q David who?

12 A Hangwong.

13 Q David Hannum?

14 A Yes.

15 Q Did he own a Volvo?

16 A A blue Volvo.

17 Q David Hannum?

18 A Yes.

19 Q Who else?

20 A And I.

21 Q You four did what, now?

22 A We put a dune buggy in back of a truck at
23 Spahn Ranch and took it up to Olancho.

24 It was not this dune buggy.

25 Q You are referring to "this dune buggy" in
26 People's 48.

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It was not this dune buggy.

A It was not this dune buggy.

Q It was another dune buggy?

A Yes.

Q You used a rope like this to tow the dune
buggy up to Olancha?

A Olancha, yes.

Q To your knowledge did Mr. Manson ever let
George Spahn see -- the other rope?

A Yes.

Q Were you present when Mr. Manson did that?

A Yes.

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Q And Mr. Spahn felt the rope?

A Yes, he felt that it was a nice rope, too, and he wanted a piece of it.

Q You wanted this rope too, yourself, Juan?

A Yes.

Q I show you People's 40 for identification, have you ever seen that revolver before?

A Yes.

Q When did you see that revolver for the first time?

A Well, I saw it down in the creek, and they used to go down and fire it.

Q When you say "they," about whom are you referring?

A Well, the people up at the ranch like Tex Watson and Randy Starr.

Q Randy Starr?

A Starr.

Q He was the foreman at the ranch?

A Yes.

Q He passed away recently?

A Yes.

Q And Mr. Manson and --

A And Mr. Manson on one occasion fired this gun, you know, in my direction, you see, because I was walking with a girl on the other side of the creek, you know.

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1 Q By Spahn Ranch?

2 A By Spahn's Ranch, you see, and he followed us
3 like this, I was watching him; he followed us.

4 Q Mr. Manson followed you and the girl?

5 A Mr. Manson, yes.

6 MR. KANAREK: Your Honor, I would ask that all of
7 this be stricken on the grounds, your Honor, that it has
8 nothing but prejudicial value.

9 It has no probative value.

10 THE COURT: Apparently he is still answering the
11 question as to the weapon.

12 Reframe the question.

13 BY MR. BUGLIOSI:

14 Q You and this girl were by the creek area?

15 A Yes.

16 Q Behind the main bunch of buildings at the
17 ranch?

18 A This was a bunch of bushes, you know, that we
19 was walking by, you see.

20 Q Okay, ^{but} this is behind the main building?

21 A Yes.

22 Q Down by the creek?

23 A Yes.

24 MR. KANAREK: May we have a foundation as to time,
25 your Honor?

26 MR. BUGLIOSI: I will develop that, your Honor.

1 BY MR. BUGLIOSI:

2 Q And you were with this girl?

3 A Yes.

4 Q When was this, Juan?

5 A This was before the raid, you see, I remember
6 the raid.

7 Q Before August 16th?

8 A Yes.

9 Q Approximately when before August 16th?

10 A A couple of months.

11 Q June or July of 1969?

12 A Yes.

13 MR. KANAREK: Your Honor, I subscribe, when he says
14 a couple of months, your Honor, then the question June or
15 July is not -- is assuming facts not in evidence because a
16 couple of months before August 16th would be June 16th;
17 it would not be July.

18 So I will object to the question as assuming
19 facts not in evidence.

20 THE COURT: Overruled.

21 BY MR. BUGLIOSI:

22 Q And you saw Mr. Manson with this revolver on
23 that occasion?

24 A Yes.

25 Q And he was following you and the girl?

26 MR. KANAREK: I object, "following" is a conclusion,

1 as to whether he was following or not.

2 THE COURT: Sustained.

3 BY MR. BUGLIOSI:

4 Q Was he walking behind you and the girl?

5 A Yes, he was walking on the other side of the
6 creek like that, you know.

7 Q In the same direction that you and the girl were
8 walking, the same direction?

9 A Yes, yes, the same direction.

10 Q Did you see Mr. Manson do something with this
11 revolver here, People's 40?

12 A On our way back, you know.

13 Q On the way back from the bushes now?

14 A Yes, on the way back to the ranch, you know,
15 he fired a couple of shots in the direction in which we
16 was walking by, you know.

17 Q Did you see him hold this revolver in his hand?

18 A Yes, yes.

19 Q And fire a couple of shots in your direction?

20 A No, our direction like that, to scatter us or
21 something, I don't know what he had in mind.

22 MR. KANAREK: May that last be read back? I did not
23 understand that.

24 THE COURT: Read the answer.

25 (Whereupon the reporter reads the answer as
26 follows:

1 "A No, our direction like that, to scatter
2 us or something, I don't know what he had in mind.")
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1 MR. KANAREK: I ask that that statement beginning with
2 "to scatter us" be stricken as conclusionary on the part of
3 this witness.

4 THE COURT: That portion of the answer will be
5 stricken and the jury is admonished to disregard it.

6 MR. BUGLIOSI: Q Did you see the revolver in his
7 hand when he fired the revolver?

8 A Yes.

9 Q Was the barrel pointed upward or was it pointed
10 towards you and the girl?

11 A Well, can I stand?

12 Q Yes, but don't point it at anyone in the court-
13 room.

14 (The witness stands.)

15 THE WITNESS: Like this, but lower.

16 Then he stood like this and looked at us.

17 It was in a clump of garbage, you know, and horse-
18 shit.

19 MR. KANAREK: Your Honor, may that be read back?
20 I can't understand the continuity.

21 THE COURT: Read the answer.

22 (The answer was read by the reporter.)

23 MR. BUGLIOSI: Q So, when he fired this
24 revolver, the barrel here was parallel with the ground; is
25 that correct?

26 A Well, he fired like this. (Indicating.)

Q Straight ahead?

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1 A Straight ahead,

2 Q The barrel was not pointed up in the air?

3 A No,

4 Q Or down in the ground?

5 A No. Nor like that (indicating).

6 Q But straight like that?

7 A Yes. He fired like that.

8 Then he stood and fired again. He fired two or
9 three shots like that.

10 Q In the direction of you and this girl?

11 A Yes.

12 Q Who were down by the creek?

13 A Yes.

14 Q You had just come from the bushes?

15 A Yes.

16 Q How far away was Mr. Manson from you and the
17 girl when he fired the revolver?

18 MR. KANAREK: I must object to that.

19 THE COURT: Will counsel approach the bench, please?

20 (Whereupon, all counsel approach the bench and
21 the following proceedings occurred at the bench outside of
22 the hearing of the jury:)

23 THE COURT: What is the relevancy of this,
24 Mr. Bugliosi?

25 MR. BUGLIOSI: This is the only time that he saw the
26 revolver in Mr. Manson's hand.

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1 THE COURT: I know. He testified to that. So, what
2 is the relevancy of anything further?

3 MR. BUGLIOSI: I am through with it.

4 THE COURT: I will sustain the objection.

5 MR. SHINN: I make a motion to strike the testimony of
6 this witness regarding Mr. Manson shooting at him and the
7 other girl. It is irrelevant and immaterial and it is
8 prejudicial.

9 THE COURT: I am inclined to think so, too.

10 MR. BUGLIOSI: This is the incident that he recalled
11 seeing the revolver in Mr. Manson's hand. This is the only
12 incident that he recalled, and Mr. Manson fired it at him.

13 MR. KANAREK: There are different ways of asking the
14 question. Counsel could ask the question whether he saw
15 Mr. Manson fire the revolver. He could do that without
16 the prejudicial matter of firing the revolver at people.

17 THE COURT: Just a moment.

18 The record does not reflect that the witness
19 has some apparent difficulty with the language. Although he
20 is able to speak it, he speaks it with a rather pronounced
21 accent.

22 I get the feeling that he isn't too concerned,
23 when he answers a question, with being responsive to the
24 question. In other words, he rather effusively goes beyond
25 the question.

26 This certainly was not elicited by the question

1 itself; but I think the point is made now. He testified
2 that Mr. Manson had the gun and fired it. We don't have to
3 go beyond that.

4 MR. BUGLIOSI: All right. Thank you.

5 MR. KANAREK: If I may, your Honor, I would like to
6 make a motion that your Honor order the jury not to consider
7 the alleged firing of this gun in the direction of Mr. Flynn
8 and the girl, and mere admonishment not sufficing, I ask for
9 a mistrial because of the criminality that counsel has
10 allowed to be injected into the case.

11 MR. HUGHES: Join in the motion.

12 MR. SHINN: May I have a ruling on my motion, too?
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1 THE COURT: What was your motion, Mr. Shinn?

2 MR. SHINN: To strike the testimony about the shooting.

3 THE COURT: All the testimony?

4 MR. SHINN: No. Just the portion that he testified
5 that Mr. Manson shot in the direction of him and this girl.

6 THE COURT: I think I am going to do that, Mr.
7 Bugliosi.

8 The only fact that is relevant is the fact that
9 Mr. Manson had the gun.

10 MR. BUGLIOSI: Very well.

11 THE COURT: The rest was volunteered by the witness.

12 MR. KANAREK: May I have a ruling on my request for
13 a mistrial?

14 THE COURT: The motion is denied.

15 MR. KANAREK: But, your Honor will admonish?

16 THE COURT: Pardon?

17 MR. KANAREK: Your Honor is going to admonish?

18 THE COURT: Yes. I'm going to admonish the jury to
19 disregard this witness's testimony about Mr. Manson firing
20 the gun in the direction of the witness, or some other
21 place.

22 MR. KANAREK: I have another completely collateral
23 matter, your Honor.

24 Thursday is a Jewish holiday. I wonder if we
25 might have a recess for Thursday. It is a very important
26 Jewish holiday. Actually it is a two-day holiday, but I

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1 would only ask the Court for a recess for the one day.

2 THE COURT: What holiday is it?

3 MR. KANAREK: It is called Rosh Hashana.

4 THE COURT: I will give that some further considera-
5 tion. I will see what the other courts are doing in that
6 regard.

7 MR. KANAREK: Thank you.

8 MR. SHINN: I join in the motion for a holiday.

9 (Whereupon all counsel return to their respec-
10 tive places at counsel table and the following proceedings
11 occur in open court within the presence and hearing of the
12 jury:)

13 THE COURT: The jury is admonished to disregard the
14 testimony of this witness insofar as it relates to Mr.
15 Manson, in regard to this testimony of having fired the
16 gun in the direction of this witness and another person.

17 All right. You may proceed, Mr. Bugliosi.

18 MR. BUGLIOSI: Is it clear that all of his other
19 testimony with respect to the gun is admissible? Is that
20 correct, your Honor?

21 THE COURT: Yes, it is.

22 BY MR. BUGLIOSI:

23 Q Is there a boardwalk at the Spahn Ranch?

24 MR. KANAREK: Was there. This is assuming facts not
25 in evidence.

26 MR. BUGLIOSI: It might still be there.

1 THE COURT: Are you going to bring in hearsay, Mr.
2 Kanarek?

3 MR. KANAREK: No, your Honor, but I can state --

4 MR. BUGLIOSI: I will withdraw that question.

5 Q Was there a boardwalk at Spahn Ranch?

6 A Yes.

7 Q Where was the boardwalk located?

8 A Well, in front of the buildings.

9 Q In front of the main group of buildings?

10 A Yes, the main group of buildings.

11 Q You are familiar with the saloon, are you?

12 A Yes.

13 Q And there was an undertaking room?

14 A The jailhouse.

15 Q Okay.

16 And the boardwalk was in front of the buildings?

17 A Yes.

18 Q In June or July of 1969, did you have a conver-
19 sation with Mr. Manson on the boardwalk?

20 A Yes.

21 Q And who was present at that time?

22 A Well, there was Mr. Manson and Clem Tufts and
23 Bruce.

24 Q Bruce Davis?

25 A Bruce Davis, yes.

26 Q What about Tex Watson?

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A I can't say for sure.

Q Was there anyone else present?

A Well, they were inside the place there.

Q When you say "they," whom are you referring to?

A The rest of the people that were at the ranch.

Q What time of day was this?

A This was nighttime. Nighttime. Dark-time.

4b fls.

4B-1

1 Q And do you know the particular month this was?

2 A A couple of months before the raid.

3 Q Again, June or July?

4 A June -- what is before June? I mean, which one
5 comes first, June or July?

6 Q June comes first and then July.

7 A July.

8 Q July of 1969?

9 A July, yes.

10 Q What did Mr. Manson say to you?

11 MR. KANAREK: I object on the grounds of hearsay,
12 your Honor, and remoteness.

13 THE COURT: Overruled.

14 MR. SHINN: May this be limited to the declarant, your
15 Honor?

16 MR. BUGLIOSI: It is limited to Mr. Manson, your Honor?

17 THE COURT: Very well.

18 The jury is admonished to consider this
19 testimony only with respect to Mr. Manson and not with
20 regard to any of the other defendants.

21 MR. KANAREK: May I inquire as to what counts, your
22 Honor?

23 THE COURT: All counts.

24 MR. BUGLIOSI: All eight counts.

25 MR. KANAREK: What is your Honor's ruling in that
26 regard, your Honor?

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1 THE COURT: I have ruled.

2 THE WITNESS: Would you repeat the question?

3 MR. BUGLIOSI: Your attention is now directed to one
4 particular night in July on the boardwalk in front of
5 Spahn Ranch, and yourself and Clem Tufts and Bruce Davis
6 and Mr. Manson are there. Is that correct?

7 A. Yes.

8 Q. What did Mr. Manson say?

9 MR. KANAREK: Your Honor, in that regard, I believe
10 that Mr. Bugliosi's question is ambiguous.

11 This witness has made two statements as to the
12 time. One time it was a couple of months before. Now this
13 present question of Mr. Bugliosi makes it in July.

14 Now, I would ask that the question be framed
15 to reflect what it is in fact.

16 There is an ambiguity, your Honor.

17 THE COURT: Your objection is overruled the second
18 time.

19 MR. BUGLIOSI: Q. What did Mr. Manson say, Juan?

20 A. "Well, I have come down to it, and the only
21 way to get going is to show the black man and the pigs is
22 to go down there and kill a whole bunch of these fuckin'
23 pigs."

24 Q. Did he say anything about showing black people
25 anything?

26 MR. KANAREK: Leading and suggestive, solicitation of

1 hearsay, and improper foundation.

2 THE COURT: Overruled.

3 THE WITNESS: What does that mean?

4 THE COURT: You may answer.

5 MR. BUGLIOSI: You can pull the microphone close to
6 you, Juan. And you can sit back and relax.

7 THE WITNESS: Okay.

8 MR. BUGLIOSI: Q Did he say anything about
9 showing black people anything?

10 MR. KANAREK: Your Honor, that is ambiguous in this
11 sense: the man has answered as to what the conversation was.
12 Is this another conversation or is it the same conver-
13 sation?

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Well, He wanted to show the Niggers,
17 you know, the way -- well, he felt this way, you know, that he
18 should show them.

19 THE COURT: Just a moment.

20 The question is what did he say?

21 Relate the conversation.

22 THE WITNESS: ~~That he had to show the Niggers how to~~
23 ~~do it~~ so he had to go down and kill a whole bunch of
24 mother-fuckin' pigs.

25 That is it, you know.

26 MR. BUGLIOSI: Q This is what Mr. Manson said?

↑↑

1 A Yes.

2 MR. KANAREK: Before we proceed, may I ask your Honor
3 to strike that portion of the testimony where he said
4 "he wanted?" That is conclusionary as to Mr. Manson. And
5 "he felt." That is conclusionary as to Mr. Manson.

6 Those portions I ask be stricken.

7 THE COURT: I understood him to be relating the
8 substance of the conversation.

9 Objection overruled. The motion is denied.

10 Let's proceed.

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1 BY MR. BUGLIOSI:

2 Q This "show the black man how to do this," did
3 he say this on more than one occasions?

4 A Yes.

5 Q On how many occasions?

6 A Lots of occasions.

7 Lots of them.

8 Q What were his words?

9 MR. KANAREK: Now I will object on the grounds of
10 improper foundation as to these other occasions, your Honor.

11 THE COURT: Sustained.

12 BY MR. BUGLIOSI:

13 Q So, on many occasions he said he wanted to
14 show the black man how to do it?

15 A Yes.

16 Q Did Manson ever tell you who pigs were?

17 MR. KANAREK: Again, your Honor, no foundation.

18 MR. BUGLIOSI: This is what I am trying to do, Mr.
19 Kanarek.

20 MR. KANAREK: He is now asking for substance.

21 THE COURT: Overruled.

22 BY MR. BUGLIOSI:

23 Q Did Mr. Manson ever tell you who pigs were?

24 A Well, the pigs were --

25 Q You can answer that yes or no, Juan.

26 Did he ever tell you who pigs were?

4c-2

1 A Yes.

2 Q Okay.

3 On how many occasions did he tell you who pigs

4 were?

5 A On more than one occasion.

6 Q At the Spahn Ranch?

7 A At Spahn Ranch, yes.

8 Q During the period of time that you lived there?

9 A Yes.

10 Q Do you know who was present when he told you

11 who pigs were?

12 A (Pause.)

13 Q Do you know who was present when he told you

14 who pigs were?

15 A Well, on this one occasion now that I can recall,

16 you know, there was Bruce Davis, you know, Clem Tufts, and

17 him.

18 Q And yourself?

19 A Well, yes. That, too.

20 Q That is the same occasion on the boardwalk?

21 A Yes.

22 Q Who did Mr. Manson say pigs were?

23 MR. KANAREK: Object on the grounds of hearsay.

24 THE COURT: Overruled.

25 THE WITNESS: Do I answer?

26 THE COURT: Yes.

1 MR. BUGLIOSI: You can answer.

2 THE WITNESS: Pigs were anything that carried or
3 gave the consent to support a system, the establishment,
4 you see.

5 BY MR. BUGLIOSI:

6 Q Were they white people or black people?

7 A They were the white people.

8 Tom-toms were the black people that married
9 white people.

10 Q Did Mr. Manson say that Tom-toms were black
11 people who married white people?

12 A Yes.

13 Q Did he say where these white people, these
14 pigs lived?

15 A They lived in dead bins or tombstones.

16 Q Dead bins?

17 A Yes. This was the tombstones, the symbols.

18 The houses represent the tombstone, you know,
19 and the dead bins is the place where they laid their bodies
20 in there to die, or whatever they were trying to accomplish,
21 you know.

22 MR. KANAREK: Your Honor, may I inquire on voir dire
23 as to whether this is all at this particular occasion?

24 THE COURT: Motion is denied.

25 MR. HUGHES: I didn't understand that answer. I
26 wonder if we could have it read back, your Honor?

1 THE COURT: You can get it during the recess, Mr.
2 Hughes.

3 MR. BUGLIOSI: Q Did Mr. Manson ever talk about a
4 black-white war?

5 A Yes. And he related it to Helter Skelter.

6 MR. KANAREK: Your Honor, may that be stricken as
7 nonresponsive?

8 THE COURT: That portion is stricken.

9 The jury is admonished to disregard it.

10 MR. KANAREK: May we have a foundation, your Honor,
11 as to time and place?

5 fls.

1 THE COURT: Listen to the question, Mr. Flynn,
2 and answer the question.

3 Q BY MR. BUGLIOSI: Manson did speak about a
4 Black-White war?

5 A Yes.

6 Q Did he ever mention Helter Skelter to you?

7 A Yes.

8 Q Did he say what Helter Skelter was?

9 MR. KANAREK: Object on the grounds of hearsay, and we
10 have no foundation, your Honor.

11 THE COURT: Overruled. You may answer yes or no.

12 THE WITNESS: Yes.

13 Q When did he tell you what Helter Skelter was?

14 MR. KANAREK: We have no foundation, your Honor, as to
15 time and place and who was present.

16 MR. BUGLIOSI: You said "time"? I just said when,
17 Mr. Kanarek, that was my question.

18 THE COURT: You interrupted; he is trying to lay the
19 foundation. I admonish you, sir, to stop that.

20 Q BY MR. BUGLIOSI: When did he say what Helter
21 Skelter was?

22 A When he first told me this was when the Beatles
23 record came out, you know.

24 Q Did you see the Beatles record?

25 A I heard the Beatles record.

26 Q Was this in a white album?

1 A I heard the Beatles record, you know; they had
2 so many I cannot say whether it was in a white album or not.

3 Q Did you hear the Beatles sing a song called
4 Helter Skelter?

5 MR. KANAREK: That is immaterial, your Honor.

6 THE WITNESS: Yes.

7 THE COURT: Overruled.

8 Q BY MR. BUGLIOSI: And when was this?

9 A I think -- this was way before the raid, you
10 know, way before, way before the raid.

11 Q Do you know approximately when, a month, do you
12 know what month?

13 A No, but I know it was way before the raid.

14 Q Several months?

15 A Several, several months.

16 Q Do you know who was present when he spoke about
17 Helter Skelter for the first time to you?

18 A Well, on a lot of occasions, you know, there was
19 a lot of people present.

20 Q But this is the first time, now, you and he
21 heard this Beatles record?

22 A Yes.

23 Q And this was several months before August 16th?

24 A Oh, way -- yes, lots of months.

25 Q Mr. Manson said something to you about Helter
26 Skelter?

1 A Yes.

2 Q What did he say to you?

3 MR. KANAREK: Your Honor, then may I object on the
4 grounds no proper foundation has been laid, remoteness and
5 hearsay?

6 THE COURT: Overruled. You may answer.

7 THE WITNESS: What did he say?

8 Q BY MR. BUGLIOSI: About Helter Skelter.

9 A Well, this was the change, the turn of the
10 Karma, you see, you know, and the Black people were to over-
11 come the white people, you know, and, you see, because the
12 love has been kicked so much, you know, on the Black people,
13 you know, and there was a revolution in order, you see, to
14 balance, you know, what the white man had done to the
15 Black man, you know.

16 Q This is what Mr. Manson told you?

17 A Yes.

18 Q Did he ever tell you what would happen even to
19 the Tom-Toms during Helter Skelter?

20 MR. KANAREK: Can that be answered yes or no? I guess
21 he is trying to lay a foundation.

22 THE COURT: Why don't you let him answer the question,
23 Mr. Kanarek, and stop this interruption.

24 MR. KANAREK: May we approach the bench for a moment,
25 your Honor?

26 THE COURT: Yes, you may.

1 (The following proceedings were had at the
2 bench out of the hearing of the jury:)

3 MR. KANAREK: If I may, your Honor --

4 THE COURT: No, you may not. You listen to me, sir.

5 You are starting your old tricks all over
6 again, Mr. Kanarek, and I am not going to permit it.

7 You are interrupting and disrupting the
8 testimony of this witness.

9 I am going to warn you right now for the last
10 time, if you do it again I am going to find you in contempt.

11 MR. KANAREK: May I ask the Court to listen, first,
12 of all --

13 THE COURT: I have listened to everything that has
14 gone on here this morning. It is the same old story all
15 over again.

16 MR. KANAREK: We have the witness, your Honor --

17 THE COURT: Your strategy, Mr. Kanarek, is quite
18 clear to the Court:

19 Whenever there is a witness who has something
20 you consider to be damaging testimony to Mr. Manson, then
21 you proceed to disrupt the testimony of that witness and
22 distract the jury by making repeated and multiple objections
23 on the same point, by interrupting the witness' testimony,
24 by interrupting the witness' answer, and so forth.

25 This is just another repetition of the same
26 conduct that has gone on on many occasions at this trial.

1 I am not going to put up with it. I warn you
2 again.

3 MR KANAREK: May I respond to the Court?

4 THE COURT: You may.

5 MR. KANAREK: The Court is absolutely 100 per cent
6 wrong. There is no such strategy.

7 Your Honor is imputing something to me that is
8 not the case.

9 THE COURT: That is the case.

10 MR. KANAREK: Your Honor is making an assumption that
11 is not so, and I would like to be sworn on it and take an
12 evidentiary hearing on it.

13 This goes to the vital heart of this case. We
14 have several factors here, your Honor, one factor we have a
15 witness who is not responding to the question.

16 I would ask your Honor to listen to the last
17 question and see if it did not in fact solicit a yes or no
18 answer.

19 Instead of the witness answering yes or no he
20 answers in a narrative fashion with the most prejudicial
21 type of material.

22 I allude to Cooper vs. Superior Court --

23 THE COURT: What does that have to do with it?

24 MR. KANAREK: I have an obligation to interrupt so
25 the jury won't hear what is immaterial.

26 THE COURT: There is nothing in the testimony of this

1 witness which gave rise to any duty on your part to interrupt
2 or disrupt it. You are not foreclosed from objecting. You
3 have the right and the duty to make all legal objections, but
4 you do not have the right or duty to make frivolous
5 objections or multiple objections on the same point, or
6 to interrupt or disrupt the testimony of this witness.

7 MR. KANAREK: May I respond, your Honor?

8 THE COURT: There is nothing to respond to, so let's
9 get back and get on with it.

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1 MR. KANAREK: Say that we --

2 THE COURT: I don't want to hear any more from you
3 at this point, Mr. Kanarek. I have heard all I want to
4 hear from you.

5 I suggest that you bear in mind what I have
6 told you.

7 (The following proceedings were had in open
8 court in the presence and hearing of the jury:)

9 THE COURT: You may proceed, Mr. Bugliosi.

10 BY MR. BUGLIOSI:

11 Q Did Mr. Manson ever tell you what would happen
12 to the Tom Toms during this black-white war, or Helter
13 Skelter?

14 You can answer that yes or no.

15 A Yes.

16 Q When did he tell you this?

17 A He told me that on several occasions, you
18 know.

19 Q During the period you were living at the Spahn
20 Ranch?

21 A Yes.

22 Q Do you know who was present during those
23 occasions?

24 A Well, there was lots of people there you know.
25 On several occasions he told me this.

26 Q Do you know who was present during any of these

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1 occasions?

2 A Well, Bruce Davis and Clem.

3 Q Clem Tufts?

4 A Yes, Clem Tufts, and some of the other people
5 there too, you know, some girls.

6 Q Do you know when he told you about Tom Toms
7 and black-white war and Helter Skelter in the presence of
8 Bruce Davis and Clem Tufts?

9 A Well, he told me this after, you know, the
10 record, the Beatle record, you know.

11 Q Shortly after the Beatle record?

12 A Yes.

13 Q Do you know when the Beatle record came out?

14 A I know when it came out but I don't know the
15 date, you know, and I know that I heard it.

16 Q What did Mr. Manson say about Tom Toms and
17 Helter Skelter and the black-white war?

18 MR. KANAREK: I object on the ground of hearsay, your
19 Honor.

20 THE COURT: Overruled.

21 THE WITNESS: Well, there won't be no room for the
22 Tom Toms, you know, there would just be room for each race.

23 The white people with the white people and the
24 black people with the black people and there would be no
25 middle, you know. So, you know, he spoke of the Zombis and
26 the --

5a-3

1 BY MR. BUGLIOSI:

2 Q You say he spoke of the Zombis?

3 A Yes.

4 Q Who are the Zombis?

5 A The Zombis from the -- it's a religion from
6 the black people.

7 Q He told you that the Zombis came from some
8 black religion?

9 A Yes, they have Zombis here, you see, in this
10 black religion, you see.

11 Q What is a Zombi to you, Juan?

12 A Well, a Zombi is something that serves a cause
13 without, you know, without question.

14 Q Like a robot?

15 A It serves somebody without a question, you see.

16 Q The Zombi serves someone else with questioning
17 that other party?

18 A Right.

19 Q Did he say how the Zombis fit into Helter Skelter?

20 MR. KANAREK: That assumes facts not in evidence, your
21 Honor.

22 THE COURT: Overruled. You may answer.

23 THE WITNESS: Well, yes.

24 BY MR. BUGLIOSI:

25 Q What did he say?

26 MR. KANAREK: I object on the grounds of hearsay, your

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1 Honor.

2 THE COURT: Overruled.

3 THE WITNESS: Well, the Zombis -- it is a religion of
4 the black people.

5 You see, the Tom Toms, they would have no --
6 no -- no people, you see, because they mixed themselves
7 and they weakened the race you see, as well as the white
8 people who weakened them, you see.

9 BY MR. BUGLIOSI:

10 Q This is what Mr. Manson told you?

11 A Yes.

12 Q Talking about Zombis, Juan, did Mr. Manson ever
13 say anything to you with respect to your being a Zombi?

14 A Yes.

15 Q When did he say this?

16 A Well, he mentioned this to me out in the desert.

17 Q At Barker Ranch?

18 A Barker Ranch, and he mentioned this to me a
19 couple of times down here.

20 Q Spahn Ranch?

21 A Spahn Ranch.

22 Q When in Spahn Ranch?

23 A Before the raid.

24 Q During the summer of 1969?

25 A Yes, yes.

26 Q Who was present when he spoke to you about your

5a-5

1 being a Zombi?

2 A Well, up at Barker's there was Danny DeCarlo
3 and Bruce Davis and Tex.

4 Q Tex Watson?

5 A Yes, him and I.

6 Q What about down at Spahn Ranch when he spoke
7 to you about your being a Zombi?

8 A Yes, on occasion when we was traveling to this
9 neighborhood, and he says "I will get you a big gold
10 bracelet and put diamonds in it, you know, and you can
11 be a Zombi, my Zombi, you know, my Zombi."

12 Q Did he say you could be his head Zombi?

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

14 THE COURT: Sustained.

15 BY MR. BUGLIOSI:

16 Q Did he use the word "head" in respect to Zombi?

17 A Yes.

18 Q What did he say?

19 A Well, in regard to strength, you see, that of
20 -- you know.

21 Q You are a pretty strong man?

22 A Just a little bit, but --

23 Q Go ahead.

24 A But he said that, you know, "I will get you
25 a gold bracelet, put diamonds on it; you be my head
26 Zombi," you know, "big strong man, jump over fences across

1 the creek, 20 miles," you know.

2 Q He said this to you more than once?

3 A Yes.

4 Q Were you arrested on August 16th, 1969?

5 A Yes.

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1 Q You don't want to talk too loudly now.

2 THE COURT: That is not necessary, sir, keep your
3 voice down.

4 THE WITNESS: Yes, sir.

5 MR. BUGLIOSI: Your Honor, I have here a photograph
6 depicting a group of people. May it be marked People's next
7 in order?

8 MR. KANAREK: May I see this particular photograph,
9 your Honor?

10 THE COURT: People's 260 for identification.

11 (Mr. Kanarek examines the exhibit.)

12 Q BY MR. BUGLIOSI: I show you People's 260 for
13 identification, Juan, a photograph. Do you know what is
14 shown in that photograph?

15 A Yes.

16 Q Are you shown in that photograph?

17 A Yes.

18 Q Over here to the far left?

19 A Yes.

20 Q With the cowboy hat on?

21 A Yes.

22 Q Do you know who these other people are here,
23 sitting on the ground?

24 A Yes.

25 Q Who are some of them?

26 A There is Barbara Hoyt, Johnny Swartz --

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Q Johnny Swartz?

A Swartz, and Larry.

Q Larry Jones?

A Jones.

Q Sitting down here with the white shirt on?

A Yes.

Kathy --

Q -- Gillis?

A -- Gillis, yes.

Q Is that Danny De Carlo down there?

A Danny De Carlo.

Q To your left?

A Yes.

Q Who is sitting on a rock here?

A I don't recognize that girl.

Q Does that look like Stephanie Schram to you?

A girl named Stephanie?

A No, well, I'm not going to say that because I don't recognize the girl.

Q Does that look like Squeaky over there in front of you?

A This one?

Q No, right here where I am pointing.

A No, that looks more like a man to me.

Q Do you know who that man is? It's kind of hard to tell, isn't it, Juan?

1 A On that picture, just that thing (indicating).
2 Q Do you know who is sitting here at the bottom of
3 the rock?
4 A Garth Tufts.
5 Q Clem Tufts?
6 A Clem Tufts.
7 Q Also known as Garth Tufts?
8 A Yes.
9 Q Do you know when this photograph was taken?
10 A At the raid.
11 Q August 16?
12 A Yes.
13 Q 1969?
14 A Yes.
15 Q At Spahn Ranch?
16 A Yes.
17 Q Where are you located here, just in front of the
18 saloon?
19 A Yes.
20 THE COURT: Let me see that picture.
21 (Exhibit handed to the Court.)
22 Q BY MR. BUGLIOSI: About a week before August
23 16th, 1969 did you notice any group of people leaving
24 Spahn Ranch one night?
25 A Yes.
26 Q Do you know how many days it was before

1 August 16th exactly?

2 A About a week, something like that.

3 Q And about what time of the night was it?

4 A Oh, it was dark. I would say about 8:00.

5 Q 8:00 p.m.?

6 A 8:00 -- something like that, 8:00, 9:00.

7 Q You are not sure of the exact time?

8 A I am sure that it was dark.

9 Q And where were you at the time?

10 A I was in the trailer.

11 Q Whose trailer is this?

12 A This was a trailer next to the house.

13 Q Next to George Spahn's house?

14 A George Spahn's house.

15 Q Do you know whose trailer it was?

16 A It was Johnny Swartz's.

17 Q Johnny Swartz's trailer?

18 A Yes.

19 Q And you were inside the trailer?

20 A Yes, yes.

21 Q Do you know Susan Atkins?

22 A Yes.

23 Q Do you know her as Sadie Glutz?

24 A Yes.

25 Q Was Sadie inside the trailer with you?

26 A Yes, she was there for a while.

Q And did she ^{eventually} ~~eventually~~ leave the trailer?

A Yes.

Q Did she say anything when she left the trailer?

MR. KANAREK: I object on the grounds of hearsay.

MR. BUGLIOSI: Limited to Miss Atkins, your Honor.

THE COURT: You may answer.

THE WITNESS: Yes.

THE COURT: The jury is admonished regarding the conversation, it will be limited as to Miss Susan Atkins only, and is not to be considered with respect to any of the other defendants.

Q BY MR. BUGLIOSI: What did Susan Atkins say as she left the trailer?

A Well, she just went back of the trailer; she had a little black cape with a red bottom and she had two little buttons, you know, and she said, "We are going to get them fucking pigs," you know, and poof, outside they went!

There was two more girls, too, on the boardwalk, you see, the boardwalk like that, for the trailer, you see, the steps to step down, you see.

And then I looked through the window --

Q Of the trailer?

A -- of the trailer.

Q What did you see?

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1 MR. KANAREK: Your Honor, may I ask that this be
2 stricken, the portion there -- you see, this is the vice--
3 you see, we have already forgotten --

4 THE COURT: This is a new question, Mr. Kanarek.

5 MR. KANAREK: No, your Honor.

6 THE COURT: The objection is overruled. You may
7 answer the question.

8 BY MR. BUGLIOSI:

9 Q What did you see when you looked out of the
10 trailer window?

11 A Well, there was three girls, you see, Susan
12 Atkins going out the door, there was two on the steps,
13 they went down, you know, and then when I looked out,
14 you see, they were getting in the car.

15 Q Whose car?

16 A This yellow Ford car, Johnny Swartz's car,
17 you see, and Mr. Manson was (witness indicates).

18 Q Mr. Manson was what?

19 A Was driving.

[Mr. Hyman told J.P. Dutcher on Aug. 16, 1969 that the car was a Plymouth 22

20 Q You saw Mr. Manson behind the driver's seat?

21 A Yes.

22 Q Do you know who else was in the car?

23 A There was Garth Tufts.

24 Q Clem Tufts?

25 A Clem Tufts.

26 There was Tex Watson. There was Lulu.

5c-2

Q When you say Lulu, whom are you referring to?

A Right there, that pretty girl right there.

Q This girl here, I'm pointing to?

A Yes, the pretty one.

MR. BUGLIOSI: May the record show I am pointing to Leslie Van Houten.

THE COURT: The record will so indicate.

BY MR. BUGLIOSI:

Q You knew Miss Leslie Van Houten as Lulu?

A Yes.

Q Who else?

A Patricia Krenwinkel, Miss Susan Atkins, this other girl, that is what is -- Linda Kasabian, you know, I saw her for a couple, you know, her and Mr. Manson driving.

Q There were seven of them -- you say there was Tex Watson?

A Four girls and three boys, yes.

Q Okay, and you say Mr. Manson was driving?

A Yes.

Q You noticed that Sadie had something black on her, right?

MR. SHINN: May I put in an objection, your Honor?

I believe that is a leading question. I object on the grounds it is leading.

THE COURT: Sustained.

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1 THE WITNESS: I didn't say she was --

2 THE COURT: Just a moment, sir, there is no question
3 pending.

4 We will take our recess at this time, Mr.
5 Bugliosi.

6 Ladies and gentlemen, do not converse with
7 anyone or form or express any opinion regarding the case
8 until it is finally submitted to you.

9 The court will recess for 15 minutes.

10 (Recess.)
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1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may continue, Mr. Bugliosi.

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

5 THE COURT: Very well.

6 (Whereupon all counsel approach the bench and
7 the following proceedings occur at the bench outside of the
8 hearing of the jury:)

9 MR. KANAREK: Your Honor, I believe it is a fair
10 statement that when Mr. Bugliosi this morning said some-
11 thing about "is," referring to something at the Spahn
12 Ranch, and I believe my point to the Court was it should be
13 "was," the reaction of the jury was such that I believe,
14 I think a couple of them laughed, indicating that they know
15 about what happened at the Spahn Ranch.

16 Therefore, your Honor, I make a motion that
17 there be a voir dire of the jury as to their knowledge of
18 what happened at the Spahn Ranch.

19 There is a very vituperative article, which I
20 have buried in my briefcase, I have cut it out of this
21 morning's Times, involving the Spahn Ranch, and I would
22 ask that they be voir dired to determine their state of
23 mind, whether or not there has been any effect on their
24 state of mind, as to what they may know concerning the
25 events about this Spahn Ranch and the publicity that has
26 been generated as a result of the Spahn Ranch burning up. ✓

1 Furthermore, your Honor, I also have evidence,
2 newspaper articles --

3 THE COURT: Just a moment.

4 What do you mean "also have"? What evidence
5 do you have?

6 MR. KANAREK: Clippings; clippings from the news-
7 paper, I believe, in the last week.

8 THE COURT: I have read the articles. All right.

9 MR. KANAREK: Wherein there has been mentioned Susan
10 Atkins' confessions that have been alluded to, I believe,
11 by the Los Angeles Times, in connection with, I think it
12 was, Barbara Hoyt's testimony.

13 I would like to voir dire the jury to
14 determine whether they have any knowledge concerning these
15 matters.

16 I believe, your Honor, that as a result of
17 this --

18 THE COURT: That is another example, Mr. Kanarek, of
19 why the jury was sequestered. They don't read newspapers.
20 The newspapers are edited and all references are cut out.

21 MR. KANAREK: But they have conjugal visits, your
22 Honor.

23 I mean, the road to hell is paved with good
24 intentions.

25 THE COURT: All right. Anything else, Mr. Kanarek.

26 MR. KANAREK: My motion is that your Honor allow us,

1 and your Honor himself, to voir dire the jury to find out,
2 since the time they have been sequestered, as to whether
3 any of those matters have come to their attention by way of
4 conjugal visit or otherwise.

5 THE COURT: I see no necessity for it whatever.

6a Fls. 6 The motion is denied.
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1 MR. HUGHES: Your Honor, may I be heard in that
2 regard? I would like to join that motion -- but I wanted to
3 also add that I did hear some audible laughing and certainly
4 a great deal of smiling about that series of questions
5 where it was put, "Is there a boardwalk at Spahn Ranch,"
6 "Was there a boardwalk at Spahn Ranch."

7 There was laughter and smiling from the jury,
8 which gave me the distinct impression, your Honor, that
9 they were at least aware of certain things that recently
10 happened at Spahn Ranch, perhaps the fire that destroyed it,
11 and that led me to believe that if they could read that
12 about Spahn Ranch, they might, indeed, read newspaper
13 articles about other things happening at the Spahn Ranch,
14 or, indeed, the trial itself.

15 MR. SHINN: I will join in the motion, your Honor.

16 THE COURT: I see no reason for it whatever.

17 The jury is permitted to watch television but
18 not any references to this trial.

19 As we all know, over the weekend there have been
20 a series of disastrous brush fires in Southern California,
21 including a fire, according to the news reports, that
22 destroyed all or a portion of Spahn Ranch. It is possible
23 that in reciting the places that have been destroyed, a
24 news report may have referred to the Spahn Ranch. That is
25 possible. But that couldn't possibly prejudice anybody.

26 MR. HUGHES: I wish to state, and I offer to be sworn,

1 that I have heard news reports over the weekend that not
2 only alluded to Spahn Ranch but made other allusions during
3 the news reports to Mr. Manson and this trial:

4 MR. KANAREK: I would like, not at this time with
5 the jury in the box, but when the jury is not in the box,
6 to offer evidence on behalf of this motion, newspaper
7 clippings that I have in my briefcase, for the Court to
8 consider.

9 THE COURT: I read the newspapers, Mr. Kanarek, and
10 I am aware of the references. The jury, however, does not
11 read the newspapers. That is the point.

12 Let's get on with the trial.

13 MR. HUGHES: Thank you.

14 MR. KANAREK: Thank you.

15 (Whereupon, all counsel return to their
16 respective places at counsel table and the following
17 proceedings occur in open court within the presence and
18 hearing of the jury:)

19 MR. BUGLIOSI: Q Mr. Flynn, do you recall how
20 these seven people were dressed at the time they got into
21 the car? ↓ ↓

22 A. No.

23 The only one I remember was Sadie Glutz, you
24 know.

25 Q How was she dressed again? ↑ ↑

26 A. Well, the only garment that I remember, as she

1 walked out the door, she put this cape on.

2 You know, this short cape. It was short like
3 this, and it was red inside, you know, and the outside was
4 black.

5 Q You saw Mr. Manson get behind the driver's
6 seat?

7 A Yes, sir.

8 Q Did you see Mr. Manson start the car?

9 A Yes, sir. I heard him.

10 Q Did you see the car drive off the lot?

11 A Well, I saw it moving, you know. Then I just
12 pulled the shades over like that, and just stayed in there,
13 you know.

14 Q I show you People's 38 for identification,
15 Do you know what is shown in that photograph,
16 Juan?

17 A This is Johnny Swartz's car.

65-1

1 Q This is the car that the seven people were in?

2 A Yes.

3 Q I show you defense exhibit I for identification.

4 Do you know who is shown in that photograph?

5 A Kasabian.

6 Q Linda Kasabian?

7 A Linda Kasabian.

8 Q Did you ever have an argument, Juan, with Mr.
9 Manson in the kitchen at the Spahn Ranch?

10 A Yes.

11 MR. KANAREK: That calls for a conclusion, your Honor.

12 THE COURT: The objection will be sustained.

13 The answer is stricken and the jury is admon-
14 ished to disregard it.

15 BY MR. BUGLIOSI:

16 Q Did you ever have a conversation with Mr.
17 Manson in the kitchen at Spahn Ranch?

18 A Yes.

19 Q When did this conversation take place, Juan,
20 in relation to the evening when you saw these seven people
21 drive off?

22 A A couple of days later, you know.

23 Q You had ^{absolutely} heard about the Tate-La Bianca murders?

24 A Yes. We witnessed it, too, through the media
25 on the television, you know.

26 MR. KANAREK: Your Honor, may that be stricken, the

6b-2

"we witnessed" portion?

THE COURT: The motion is denied.

BY MR. BUGLIOSI:

Q This conversation you had with Mr. Manson in the kitchen at Spahn Ranch, was this before or after you heard about the Tate-La Bianca murders?

A After.

Q And it was a couple of days, one or two days, you say?

A Yes.

Q After you saw the seven people drive off?

A Yes.

Q Who was in the kitchen with you and Mr. Manson?

A Miss Glutz -- well, when I walked in, you know, Miss Glutz was in there, and there was Diane Bluestein?

Q That is Snake?

A Snake. And Ouish, you see.

Q Ruth Morehouse?

A Yes.

I just got through unloading a truck of hay, and I walked in there to get something to eat.

So, I scrounged out something to eat, and I sat down, you know, to have something to eat.

Q What happened next?

A Mr. Manson walked in and he went like this (indicating).

6b-3

Domestic

Q Brushed his left shoulder with his right hand?

A Well, yes. Like that.

And the girls walked out, you know.

Q How long after he brushed his left shoulder did the girls walk out?

A Well, the first one was Miss Glutz, you know. She walked out, you know.

Q How long after he made this brushing motion to his left shoulder did they walk out?

A Right when they noticed it, you know.

Q Immediately?

A Immediately, yes.

Q Okay.

What is the next thing that happened?

A Well, I was going to eat, you know, and I am sitting down at the table like this.

Q There was just you and Mr. Manson there?

A Yes.

I wasn't watching him. I was watching the food, you know.

Then he grabbed me by the hair, you know, and put a knife on my throat, and he said, "You son-of-a-bitch, don't you know I am the one who is doing all these killings?"

Q What is the next thing that happened, Juan?

A I told him -- well, you know, I thought he was just boasting, you see -- so I told him -- he said, "Are you

Are you going to come with me? or do I have to tell you?

And I said, "I am eating and I am right here,
you know."

So he put the knife down.

He says, "Okay. You kill me."

And I says, "I don't want to do that," you know.

~~Then he says:~~

7 fls.

1 THE COURT: Will counsel approach the bench, please?

2 (The following proceedings were had at the
3 bench out of the hearing of the jury:)

4 THE COURT: Mr. Bugliosi, I was not aware of this
5 conversation; of course, no one has ever told me about it.

6 I am concerned with the problem we were dis-
7 cussing the other day.

8 MR. BUGLIOSI: There is no editing; this is the whole
9 conversation. There is no implication of any of the co-
10 defendants.

11 This is the entire conversation, and I have
12 given a copy of the statement to all of the defense counsel,
13 your Honor.

14 THE COURT: There is no reference to any co-defendant.

15 MR. BUGLIOSI: No, your Honor.

16 THE COURT: Or anyone else.

17 MR. BUGLIOSI: No, your Honor.

18 MR. HUGHES: I would object anyway to this whole line
19 on the Aranda-Bruton questions we raised the other day,
20 your Honor.

21 I believe the record there speaks for itself.

22 MR. KANAREK: Yes, your Honor.

23 THE COURT: What does that mean, Mr. Hughes? I haven't
24 the faintest idea what you are talking about.

25 MR. HUGHES: Well, when we had the Barbara Hoyt
26 question, there was a long series of discussions in chambers.

1 THE COURT: Yes, I'm quite familiar with that.

2 MR. HUGHES: Even though no other person is
3 mentioned --

4 THE COURT: What you are saying is that you are
5 contending that this conversation implicates the co-
6 defendants. Is that what you are saying?

7 MR. HUGHES: Yes.

8 MR. SHINN: Indirectly.

9 THE COURT: It certainly has not yet. That is why I
10 am calling you gentlemen to the bench, to find out if any-
11 thing else is going to be said.

12 MR. BUGLIOSI: This is not a situation where there
13 has been any deletions, your Honor. This is the entire
14 statement and I typed up a report and gave it to defense
15 counsel about a month and a half ago.

16 He is testifying substantially in accordance
17 with that report. No other people are mentioned.

18 THE COURT: In the future, to avoid the necessity of
19 my having to stop a witness in the middle of a conver-
20 sation because I don't know what is coming, let me know in
21 advance and we will have a conference in chambers and we
22 will discuss these conversations which may raise the
23 Bruton-Aranda problem, and iron it out in advance.

24 MR. BUGLIOSI: I apologize.

25 MR. KANAREK: I would like your Honor, if I may,
26 to point out where the Court interrupted the witness.

1 THE COURT: It was for the protection of all
2 parties.

3 MR. KANAREK: By the same token --

4 THE COURT: If you don't see the difference, get
5 somebody to explain it to you, Mr. Kanarek. That will be
6 enough. I don't want to hear any more.

7 MR. KANAREK: May I make some argument?

8 THE COURT: You may not.

9 (The following proceedings were had in open
10 court in the presence and hearing of the jury:)

11 Q BY MR. BUGLIOSI: Now, what did you say to
12 Mr. Hanson when he placed the knife there?

13 A I told them that I was not going to do --
14 I was not going to kill him or harm him, you know,
15 And he said to me that if that was the way I felt then I
16 should, you know, if I do like that to him, then I should
17 go down the creek to the waterfall and make love to his
18 girls, you know.

19 Q What did he say, what were his words,
20 essentially, his words?

21 MR. KANAREK: I object on the grounds of hearsay, your
22 Honor. I ask that the previous statement be stricken on the
23 grounds of hearsay as to what this witness stated, your
24 Honor.

25 THE COURT: The motion is denied.

26 Q BY MR. BUGLIOSI: What did he say to you in his

1 words, Juan?

2 A He said, "Go down the creek and make love to
3 my girls."

4 Q What did you say to him in response to that?

5 A Well, I said that if I wanted to contract a
6 nine-month case of syphilis or gonorrhea, he would be the
7 first one I would come to see.

8 Q In other words, you did not want to go down
9 and make love to his girls?

10 A No, no, I felt that they are beautiful but, you
11 know --

12 THE COURT: All right, that's enough.

13 MR. KANAREK: May I inquire, your Honor, has the
14 witness finished?

15 Your Honor interrupted the witness, I believe
16 he had not finished the question.

17 THE COURT: That will be enough, Mr. Kanarek.

18 Q BY MR. BUGLIOSI: Did you ever drive around
19 in the Chatsworth area with Mr. Manson?

20 A Yes. I did not drive; he drove.

21 Q BY MR. BUGLIOSI: And you were in the car with
22 him?

23 A Yes.

24 MR. FITZGERALD: Your Honor, I think this involves the
25 very thing we discussed at the bench.

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

1 THE COURT: Very well.

2 (The following proceedings were had at the
3 bench out of the hearing of the jury:)

4 MR. FITZGERALD: The prosecutor is about to refer to
5 another conversation that allegedly he had in regard to
6 Manson that could be denominated an admission or confession.

7 MR. KANAREK: Depending on the time, your Honor,
8 you had the foundation, according to the statement,
9 according to the statement there was a traveling around in
10 this area with the idea of going into houses to kill people.
11 That is what this witness alleges.

12 Now, evidentiary-wise it is important,

13 THE COURT: I don't know what you are talking about.

14 MR. FITZGERALD: May we have an offer of proof?

15 MR. BUGLIOSI: I think Mr. Fitzgerald is correct.
16 I just overlooked it, although, again, there won't be an
17 Aranda problem.

18 They stopped in front of this house, a rich
19 house, in June or July of 1969 in the Chatsworth area, and
20 he said he was in the car and Clem Tufts was there, Bruce
21 Davis, and he thinks Watson, he is not sure.

22 Again this is only offered as to Mr. Manson,
23 not the other defendants.

24 Mr. Manson stopped in front of the house and
25 told Juan to go inside the house and tie the people up,
26 and then open the door and let Manson and the rest go in.

1 He said, "We'll go in there and get those
2 M.F. pigs, kill them with acid, cut the kids up to pieces
3 and then when the parents are hysterical tear their guts out,"
4 or words to that effect.

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1 THE COURT: What is the relevance of this?

2 MR. BUGLIOSI: This is exactly what we are alleging
3 he did on the evening of August 9th and 10th. He ordered
4 people to go into the house and tie them up.

5 This is to show his state of mind, circum-
6 stantial evidence.

7 THE COURT: Showing state of mind on another occasion
8 with respect to other people?

9 MR. BUGLIOSI: It is circumstantial evidence, your
10 Honor.

11 THE COURT: Of what?

12 MR. BUGLIOSI: That it was he who ordered these
13 murders on August 9th and 10th.

14 It is the identical type of thing, to stop
15 in front of a wealthy home, sending someone in to tie them
16 up and then going in there and cutting the people to
17 pieces.

18 It shows his state of mind.

19 THE COURT: Of course they did not do it, did they?

20 MR. BUGLIOSI: Because Mr. Flynn declined. Mr. Flynn
21 said no.

22 The fact that they did not do it -- the point
23 is that Manson is asking these people, including, he thinks,
24 Tex, but he is not sure, the same thing that Linda Kasabian
25 basically said occurred on August 9th and 10th.

26 On the 9th he sent other people to go in and cut

7a-2

1 them up in a wealthy home.

2 On the 10th he went in to tie them up, and
3 let the others go in to finish them off.

4 MR. SHINN: May I respond to that?

5 THE COURT: Who do you contend was present on that
6 occasion?

7 MR. BUGLIOSI: He was there, Mr. Manson and Clem
8 Tufts.

9 Of course, Clem was with them on the night of
10 August 10th, and Bruce Davis, he is not sure about Tex
11 Watson.

12 THE COURT: Any other girls?

13 MR. BUGLIOSI: No, it would only come in against
14 Mr. Manson. It is limited to him, but it is extremely
15 relevant.

16 THE COURT: Well, I could see how if some of the
17 members of the alleged conspiracy were present it could
18 come in as circumstantial evidence, perhaps, of the
19 conspiracy.

20 But apparently none of them were present.

21 MR. BUGLIOSI: Clem Tufts was there.

22 THE COURT: He is not alleged to have been a member
23 of the conspiracy.

24 MR. BUGLIOSI: Isn't he in the indictment?

25 MR. FITZGERALD: No.

26 MR. HUGHES: No.

7a-3

1 MR. KANAREK: No, he is not.

2 MR. SHINN: No, he is not.

3 MR. BUGLIOSI: As I say, this is only coming in against
4 Mr. Manson -- it doesn't have to come in on Count No. VIII,
5 the conspiracy count; it is coming in on the first seven
6 counts.

7 We are charging Mr. Manson with seven counts
8 of murder.

9 It is only coming in against him, no one else.

10 We are alleging and we put on strong evidence
11 that he ordered these murders.

12 Now, here he is within a month or two ordering
13 other people including Clem Tufts who was with him on the
14 9th and 10th to do the same thing.

15 Juan declined the offer.

16 I cannot see what would have more relevance,
17 your Honor.

18 MR. SHINN: May I respond to that, your Honor?

19 THE COURT: Yes.

20 MR. SHINN: Your Honor, I believe the Court has a
21 wide discretion of powers in admitting --

22 THE COURT: Let's get to the point. I have a wide
23 discretion.

24 What is your point?

25 MR. SHINN: Under Section 352 I believe the Court
26 could keep this out, your Honor, because it is very prejudicial

7a-4

1 to other defendants who are not involved.

2 THE COURT: The fact it is prejudicial is not a
3 ground for excluding it if it is otherwise admissible.

4 You can contend all evidence the prosecution
5 puts in in a criminal trial is prejudicial.

6 MR. SHINN: But it's being put in for Manson on
7 this point and it would be prejudicial to other defendants.

8 THE COURT: How.

9 MR. SHINN: You mean this testimony is not going to
10 be prejudicial to other defendants, your Honor?

11 THE COURT: I'm not going to argue with you. I'm
12 trying to find out what your contention is and on what
13 basis.

14 MR. FITZGERALD: It is evidence of other acts of
15 criminality and would be inadmissible until it meets one
16 of the necessary elements of common scheme, plan, modus
17 operandi.

18 I suggest the People did not meet those
19 standards, because there is not the identity in Chatsworth,
20 where there is with the others, in the event your Honor
21 does let the matter in in front of the jury, inasmuch as
22 Manson has been so intimately associated with the other
23 defendants, prejudice is going to inure to Manson and is
24 going to move over to the shoulders of the other co-defendants
25 merely because they are co-defendants in the same trial,
26 and there is a conspiracy alleged, and there has been a

7a-3

1 great deal of evidence associated with one of them.

2 MR. KANARAK: I will subscribe to the comments of
3 Mr. Fitzgerald and I would like to object to the offer of
4 proof.

5 My contention is it is not relevant, it is not
6 material. It supposedly antedated the dates, what we call
7 the two days.

8 Furthermore, your Honor -- when your Honor says
9 that all evidence is prejudicial, it is clear the doctrine
10 of the law is that if the prejudicial value far outweighs
11 the probative value --

12 THE COURT: Don't paraphrase my remarks, Mr. Kanarak.
13 They were used in another context.

14 Go ahead.

15 MR. KANARAK: It is my position, your Honor, this is
16 hearsay. It is inadmissible hearsay. It is a conclusion.
17 There is no foundation for it.

18 It is done just to show criminality. It is a
19 solicitation for murder.

20 Now, Mr. Bugliosi made a representation to this
21 Court prior to the time, I think it was even during the
22 voir dire of the jury, that he was not going to offer any
23 evidence of any other crimes.

24 This is a clear violation of the Penal Code,
25 a solicitation to murder.

26 So Mr. Bugliosi is going against representation,

7a-6

1 so therefore I would object on the grounds of due process.

2 It is State action, and equal protection -- it
3 is State action, the prosecutor being part of the State
4 action has violated his word to this court that he is not
5 going to offer criminality.

6 THE COURT: I don't think that is the point at all,
7 Mr. Kanarek.

7b fls.

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1 MR. BUGLIOSI: When I mentioned other crimes I meant
2 actual crimes.

3 Furthermore, I learned about this after the voir
4 dire.

5 THE COURT: I have grave doubts as to this. I will
6 sustain the objection.

7 MR. BUGLIOSI: On the grounds it is not relevant,
8 you mean?

9 THE COURT: Well --

10 MR. BUGLIOSI: I cannot think of what is more relevant.

11 In the first place this is not evidence of other
12 crimes or acts in the typical sense of the word, in that
13 the crime is not actually committed.

14 THE COURT: I think the prejudicial effect far outweighs
15 the probative value.

16 MR. BUGLIOSI: Here is another instance where he is
17 doing the same identical thing, ordering the other murders.

18 This is so unique that the Court could hold
19 that it could come in under MO.

20 It is unheard of anywhere in the world, that
21 a guy pull up in front of a wealthy home and send these
22 Zombis in there to commit a murder and for no reason at
23 all.

24 THE COURT: If these were the same defendants that
25 would be another matter.

26 MR. BUGLIOSI: This is not coming in against them, it

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1 is only coming in against Mr. Manson to show state of mind,
2 as reflecting what happened on August 10th.

3 THE COURT: Nevertheless I'm going to sustain the
4 objection.

5 (The following proceedings were had in open
6 court in the presence and hearing of the jury:)

7 BY MR. BUGLIOSI:

8 Q Did Mr. Manson ever say anything to you about
9 Adolph Hitler?

10 MR. KANAREK: Your Honor, Mr. Hughes was speaking to
11 me. I did not hear that question.

12 MR. FITZGERALD: Calls for hearsay, your Honor.

13 THE COURT: Overruled.

14 THE WITNESS: Yes.

15 BY MR. BUGLIOSI:

16 Q When did he talk to you about Adolph Hitler?

17 A He talked to me about Adolph Hitler on many
18 occasions.

19 Q At Spahn Ranch and Barker Ranch?

20 A Mainly at Spahn's Ranch.

21 Q Do you know who was present when he spoke to
22 you about Adolph Hitler?

23 A There was other people too, you know, when he
24 discussed those things.

25 Q Do you know who they were?

26 A Well, members of the Family usually, you know,

1 he discussed this in front of them.

2 Q Do you know who the exact people were?

3 A Well, I can say all of them.

4 Q But you don't know -- you cannot name the
5 exact people that were there other than there were other
6 members of the Family?

7 A Yes.

8 Q What did he say about Adolph Hitler?

9 MR. KANAREK: I object on the grounds of hearsay
10 and a conclusion, your Honor.

11 Its prejudicial effect far outweighs the
12 probative value.

13 MR. SHINN: I object as to Susan Atkins.

14 MR. BUGLIOSI: It is only offered as to Mr. Manson,
15 your Honor.

16 MR. SHINN: Immaterial.

17 THE COURT: There seems to be a question of relevancy,
18 Mr. Bugliosi.

19 MR. BUGLIOSI: May we approach the bench, your Honor?

20 THE COURT: Very well.

21 (The following proceedings were had at the
22 bench out of the hearing of the jury:)

23 MR. BUGLIOSI: The offer of proof is that he is going
24 to testify that he told Juan Flynn that Adolph Hitler had
25 the best answer for everything.

26 Well, Hitler's best answer of course was murder.

1 Now, here is a man whom we are accusing of
2 ordering these murders who did not commit one himself,
3 Charlie Manson.

4 Adolph Hitler had the same MO. He had other
5 people do his murders for him.

6 Again it is circumstantial evidence of this
7 man's state of mind. He is looking up to a man like Adolph
8 Hitler, whose answer to everything was murder.

9 I will draw your Honor's attention to the reverse
10 side of the coin:

11 Mr. Hughes asked -- I think it was Danny DeCarlo--
12 whether a certain song, and he related the words of the song,
13 was Manson's song.

14 He said, "Doesn't this song indicate love to
15 you?"

16 I did not object to that because I think it is
17 perfectly proper that came in to show Mr. Manson's state of
18 mind was not violence but it was love.

19 I think this is admissible. I did not object.
20 I think the jury should hear this.

21 The reverse side of the coin again, here/^{he}is
22 telling someone Adolph Hitler had the best answer to every-
23 thing. Again it is circumstantial of this man's state of
24 mind. I am trying to illuminate his mind for the jury.

25 The defense, I think, is entitled to, and I am
26 sure they will during their defense, put on evidence that

1 Charles Manson was a man of peace and of love.

2 I feel they have a right to do that.

3 By the same token I think we have a right to
4 explore his state of mind which is reflective of murder.

5 THE COURT: I think it is remote and I don't see any
6 relevance whatever.

7 MR. BUGLIOSI: Then how can the defense, your Honor,
8 then put on the song that he wrote?

7c fls.

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1 MR. KANAREK: We haven't started the defense.

2 THE COURT: I don't recall the circumstances of that.

3 MR. BUGLIOSI: Danny De Carlo was on the witness
4 stand.

5 THE COURT: You can ask him questions on cross-
6 examination that you could not get away with on direct.

7 MR. HUGHES: I suggest you could have objected, too.

8 MR. BUGLIOSI: There was an offer to impeach De Carlo.

9 THE COURT: I don't know what you're referring to now.

10 MR. BUGLIOSI: Mr. Hughes read some words to a song,
11 and he said, "Mr. De Carlo, is this Mr. Manson's song?"

12 Mr. De Carlo said, "Yes," and the words of the
13 song are indicative of love.

14 THE COURT: I don't remember the context, but I don't
15 see what that has to do with this.

16 I am going to sustain the objection.

17 (The following proceedings were had in open
18 court in the presence and hearing of the jury:)

19 Q BY MR. BUGLIOSI: Are you currently employed,
20 Mr. Flynn?

21 A Yes, I do work.

22 Q Are you doing any acting work?

23 A I haul hay from Bakersfield and Lancaster and I
24 landscaping.

25 Q And off and on do you do any acting?

26 A Yeah.

Q In movies?

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1 A Yeah.

2 Q Do you work regularly as an actor at all?

3 A Well, not really, you starve half of the time,
4 you know.

5 Q You starve half of the time, you say?

6 A Yes.

7 Q But you know it is something to do, too, some
8 nice people to play with.

9 MR. BUGLIOSI: Okay, thank you. I have no further
10 questions.

11 THE COURT: Mr. Fitzgerald.

12

13 CROSS-EXAMINATION

14 BY MR. FITZGERALD:

15 Q But you know how to act, don't you, Mr. Flynn?

16 A Yes.

17 Q Actually during the month of July, 1969 you
18 were on location with a movie, weren't you?

19 A I would not say July.

20 Q What would you say?

21 A I would say in the period between the raid
22 and about two months back, you know.

23 Q For a two-month period?

24 A Yes, something like that -- two and a half months
25 back, you know.

26 Q Well, what are you saying, are you saying you

7c3

1 were gone for the two and a half months preceding August
2 16th, or are you saying two and a half months before the
3 16th you were on location somewhere?

4 A Before the 16th, you know.

5 Q How long a period were you on location?

6 A I guess a month, maybe more than a month,
7 something like that.

8 Q And where were you on location, in Utah?

9 A Yes.

10 Q Filming a Western movie?

11 A Uh-huh.

12 Q You were playing a cowboy?

13 A Yeah.

14 Q Was it a Western movie?

15 A Yeah.

16 Q You were paid for this?

17 A Yes.

18 Q Who paid you?

19 A The director.

20 Q Who were you working for?

21 A Well, I don't want to get those people mixed
22 up in here, you see.

23 Q You don't remember when you worked there,
24 right?

25 A Well, I do, I do. I remember the director's
26 name, you know, he asked me to work, you know.

7c4

1 Q Well, can you give us the dates that you were
2 on location in Utah, filming a film?

3 A Not right now offhand, but I can get them for
4 you.

5 Q Were you employed by Paramount or Universal or
6 someone like that?

7 A Oh, no, no, no, no, no, no, no.

8 They have the studios down here, you know, it's
9 -- you see, I don't want to mention those people's names in
10 here, you know.

11 THE COURT: Just wait for the question, Mr. Flynn,
12 don't volunteer.

13 Q BY MR. FITZGERALD: Because you are afraid if we
14 check we will find you were in Utah in July, isn't that
15 correct, Mr. Flynn?

16 A Well, if you keep off the record, you know,
17 I can give you outside the time, you know, and you can
18 check it out, you know.

19 Q Is it your testimony here under oath that you
20 were here at the Spahn Ranch during the entire month of
21 July, 1969?

22 A I know I am on the road, you know, and I can say
23 that I was there on July.

24 I am saying that I was there on July,

25 Q The whole month?

26 A You see, maybe the 29th, maybe the 28th, you

7c5

1 know.

2 I would not say the whole month, you know,
3 but I will get these things for you, you know.

4 Q Do you recall whether or not you were at the
5 Spahn Ranch for the entire month of July, 1969?

6 A Yes, I recall being there in July.

7 Q What were you doing there?

8 A Well --

9 Q Shoveling manure?

10 A Yes, and taking care of the horses, the saddles,
11 you know.

12 Q Were you employed by Mr. Spahn to do this?

13 A Yes.

14 Q Did you make money doing this?

15 A Well, he did not have the money, you know,
16 but I did the work, you know.

17 Q So you worked free?

18 A Well, it was for a purpose, you know, because --

19 Q You did not get any money for it?

20 A Not from him.

21 Q Did you get money from other people?

22 A Well, from the people I worked for who asked me,
23 you know, on location or something like that.

24 Q I'm talking about when you worked at the Spahn
25 Ranch, were you getting paid?

26 A I was not getting paid.

1 Q So you were working for nothing, is that a fair
2 statement?

3 A Well, I would not say for nothing.

4 Q What did you get in return for your work?

5 A Well, I got my food and I had shelter so I
6 would not have to walk on the streets, you know.

7 Q Room and board?

8 A Well, I would say that, yes.

9 Q You would not or you would? You were actually
10 paid room and board?

11 A Yes.

12 Q Is that true?

13 A Yes.

14 Q But you were not getting any money in addition?

15 A Not from Mr. Spahn, no.

16 Q Nor from anybody else at the ranch for your
17 work at the ranch, is that right?

18 A Right.

19 Q When you got off location you came directly to
20 the ranch, right?

21 A Yes.

22 Q You were at the ranch immediately before you
23 went on location in Utah, right?

24 A Immediately before I went on location?

25 Q Yes.

26 A Well, I was, yes.

1 Q At the ranch?

2 A I was at the ranch when I went to Utah, you
3 know, and then from the ranch I went to Utah.

4 Q Did you stay at a particular place at the Spahn
5 Ranch, sleep at a particular place?

6 A Well, yes, I slept in this green trailer.

7 Q Regularly? You slept in the green trailer
8 regularly?

9 A Yes.
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8-1

1 Q You never slept any place but the green
2 trailer?

3 A I wouldn't say that.

4 Before that, there was a man that slept there
5 too, you know.

6 Q Did you sometimes stay in the woods for two or
7 three weeks at a time, Mr. Flynn?

8 A Yes.

9 Q When was that?

10 A Whenever I felt like it, you know.

11 Q Whenever you felt like it you would go away
12 for two weeks or a week?

13 A Yes.

14 Q And live in the woods; is that right?

15 A Yes.

16 Q You wouldn't take any food with you; right?

17 A Well, I wouldn't say that now, you know.

18 Q Sometimes you were actually physically on the
19 premises at the ranch, and then sometimes you would be off
20 in the woods; correct?

21 A Well, on the premises?

22 The premises is all those back hills back there,
23 you know. That is the only premises that the ranch has.

24 Q There is a portion of the ranch where there are
25 dwelling houses; correct? Or was there a portion of the
26 ranch where there were dwelling houses; right?

8-2

1 A Where there were houses, right.

2 Q And a couple of trailers; right?

3 A Yes.

4 Q And then there is a wooded hilly section to the
5 ranch; right?

6 A Yes.

7 Q And there aren't many dwelling houses in that
8 area; right?

9 A What is a dwelling house?

10 Q Well, that is where people sleep or live.

11 A Oh, well --

12 Q Four walls and a roof.

13 A There was houses on Spahn's Ranch, and there are
14 hills all around it, you see.

15 I lived at Spahn Ranch, you know, when I lived
16 there, and when I wanted to go in the bushes, I go in the
17 bushes, and then I live in the bushes, you see.

18 Q That is what I am talking about. When you
19 lived in the bushes.

20 That was up in the hills; right?

21 A Yes.

22 THE COURT: You will have to answer audibly.

23 MR. FITZGERALD: Q And you would sometimes live
24 in the bushes for as long as two weeks; correct?

25 A Well, before Mr. Manson and the people came
26 to the ranch, you see, I did live up there for three months,

J-3

1 and ate corn, you see.

2 Q Wild corn; right?

3 A Not wild corn.

4 Q The corn you feed the horses?

5 A Yes.

6 That is when I first got up there, you know.

7 Q What happened after that, after Mr. Manson came?

8 A What happened?

9 Q You never went back to the bushes?

10 A Well, what do you mean, I never went back to
11 the bushes?

12 There are bushes all around there.

13 Q You said before Mr. Manson came you lived for
14 a period of time in the bushes and ate corn; right?

15 A Well, yes.

16 Q Did you ever go back to the bushes after Mr.
17 Manson came to the ranch?

18 A Oh, yes, yes.

8a fls.

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1 Q And sometimes you would stay there as long as a
2 week; is that right?

3 A Well, I stayed around the hills back there, you
4 know.

5 Q For a week or so; right?

6 A A couple of days, two or three days, you know,
7 something like that, a week.

8 Q Actually, you don't know what dates you were
9 at the ranch and what dates you were elsewhere; isn't that
10 correct?

11 A You are saying that.

12 Q Well, I am asking you.

13 A Oh?

14 Q Do you?

15 A Well, if you are more specific as to what dates
16 I wasn't at the ranch, you know, I might be able to answer
17 you.

18 Q All right.

19 Where were you July 1st?

20 A On July 1st?

21 Q Yes. July 1st.

22 A What comes after July anyhow?

23 Q You mean after the 1st, or the month?

24 A The month.

25 Q August.

26 A August?

8a2

1 Q Yes.

2 A Well, in July I was at the ranch, and July 1st
3 I was at the ranch.

4 Q You are sure of that?

5 A Yes.

6 Q Is there any reason you happen to remember you
7 were at the ranch on July 1st?

8 A Well, I don't remember that I was there because
9 it isn't my birthday on that date.

10 Q What about July 17th? Where were you then?

11 A July 17th?

12 Q Yes.

13 A I couldn't tell you on July 17th where I was,
14 you know.

15 Q What about July 28th?

16 A I couldn't tell you.

17 Q What about July 8th?

18 A July 8th?

19 Q Yes.

20 A Well, there are a lot of days that I can't
21 tell you, you know.

22 Q Do you remember any particular Sundays during
23 the month of July?

24 A No.

25 Q What about any particular Saturdays during July?

26 A No.

1 Q Now, you would go to the bushes occasionally
2 because you preferred to be with animals rather than
3 people; isn't that right, Mr. Flynn?

4 A Well, I wouldn't go as far as saying that, you
5 know. I just wouldn't say that.

6 Q Why did you go into the bushes to live?

7 A Because I felt like it.

8 Q Was there any particular feeling you had?

9 A I just felt like it.

10 Q Were you required to work seven days a week
11 during the month of July at the ranch?

12 A Well, I did my share.

13 Q Did you leave any time you wanted to?

14 A Well, I could.

15 Q Did you?

16 A Did I?

17 Q Yes.

18 A Uh-huh, yes.

19 Let's see. Did I leave any time during the
20 month of July?

21 Q What I mean is, could you just pick up and go to
22 the bushes, or were you required to work every day?

23 A Well, I could do whatever I wanted to, you know.

24 Q And did you do whatever you wanted to?

25 A Uh-huh, yes.

26 Q Did you check ⁱⁿ with Mr. Manson before you went to

1 work in the morning?

2 A (Pause.)

3 Q Did you?

4 A Would you repeat that question?

5 Q Well, did you check in with Mr. Manson before
6 you went to work in the morning when you were working at
7 the ranch?

8 A Well, I worked for Mr. Spahn.

9 Q You didn't work for Mr. Manson?.

10 A Uh-uh, no.

11 Q Did Mr. Manson order you around?

12 A Well, he didn't order me, you know.

8b

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8b-1

1 Q Mr. Manson actually didn't have anything to
2 do with you at the ranch, did he?

3 A Well, I could answer that question in a lot
4 of ways, you know.

5 Q But you didn't work for Mr. Manson, did you?

6 A No.

7 Q You worked for Mr. Spahn?

8 A Yes.

9 Q You didn't live with Mr. Manson; right?

10 A I lived at the ranch.

11 Q But, I mean, you didn't live in a trailer with
12 him or anything?

13 A I lived at the ranch, but I didn't live, you
14 know -- I just lived at the ranch.

15 Q You said earlier in your testimony, you talked
16 about members of a so-called Family; right?

17 Family members? You said that all the members
18 of the Family were there; right?

19 A Well, yes.

20 Q Well, were you a member of the Family?

21 A What Family is that?

22 Q Was there a time when you weren't and there was
23 a time when you were?

24 A I was just working there, you know.

25 Q Were you ever a member of the Family at any
26 time during your life?

8b-2

1 A Just my family, yes; and I worked at the Spahn
2 Ranch.

3 Q What about this Family that you talked about in
4 your direct testimony, this Manson Family or something?

5 A Well, they lived there.

6 Q But you didn't belong to them; right?

7 A No.

8 Q And you didn't like them, did you?

9 A Well, I didn't set my values, you know, --
10 I wouldn't say that I didn't like them, you know.

11 Q Would you say that you liked them?

12 A Well, I wouldn't say that I liked them.

13 I just worked there, you see.

14 Q Now, do you remember the first time that you
15 had a conversation with Mr. Manson about pigs?

16 A We had conversations before about pigs.

17 Q About pigs?

18 A Yes.

19 Q Can you remember the first one?

20 A Well, the one that impressed me the most --
21 is that what you want to know?

22 Q Can you put that in your mind, the one that
23 impressed you the most. I want to ask you some questions
24 about that.

25 A Yes.

26 Q What date was that?

8b-3

1 A Well, I don't remember the date, you see.

2 Q Do you remember the time of day?

3 A Well, this could be a month before July. That
4 is June; right?

5 Q Right.

6 A Right.

7 And then a month before that; right?

8 Q May?

9 A Okay. May.

10 In, say, May, huh, after a hard day at work,
11 you know, me and Mr. Manson went to the ice cream parlor,
12 you see, and in the conversation, you know, he talked
13 about my family, you see, which lives at Porter Ranch,
14 you see.

15 So, I wanted to see where they lived at, you
16 know, and I was looking into it, you know.

17 So I says, "Why don't we look up this address
18 and go down and see where my family lives."

19 So we went. We did that, you see.

20 And then we got right in front of this house,
21 and this man right here, you know, asked me if I would go
22 in there --

8c fls.

8c-1

1 MR. KANAREK: Your Honor, may we approach the bench?
2 I think it is in line with your Honor's previous ruling,
3 your Honor.

4 MR. BUGLIOSI: He is answering the question, your
5 Honor.

6 THE COURT: What is your point, Mr. Kanarek?

7 MR. KANAREK: I believe, your Honor -- I don't know
8 for sure, your Honor, but I believe that there may be error,
9 in view of what we had at the bench just moments ago, your
10 Honor. I don't know, but I fear so.

11 May we approach the bench?

12 MR. BUGLIOSI: He is answering the question, your
13 Honor. This is cross-examination.

14 THE COURT: How is approaching the bench going to help?

15 MR. KANAREK: May we then approach the witness?

16 THE COURT: He never answered the question before.
17 We don't know what the answer is going to be.

18 MR. KANAREK: May we approach the witness in line
19 with what has been occurring previously in this case?
20 Your Honor himself has suggested this on occasion.

21 THE COURT: I have no objection to that.

22 MR. KANAREK: Thank you. May we?

23 MR. BUGLIOSI: I object to approaching the witness.
24 It doesn't seem to be any purpose to be served, your Honor.

25 We can approach the bench, if the Court wants
26 to direct us to do anything, but just approaching the witness,

8c-2

1 I don't see any reason for it.

2 THE COURT: You are talking about a conversation in
3 May; is that correct, Mr. Fitzgerald?

4 MR. FITZGERALD: Yes.

5 MR. BUGLIOSI: And he has a question about pigs,
6 your Honor, and now the witness is answering the question.
7 He is entitled to answer it.

8 THE COURT: I suggest that you pinpoint the subject,
9 Mr. Fitzgerald, and then proceed.

10 MR. FITZGERALD: All right.

11 Q Bearing in mind the first time you had a
12 conversation with Mr. Manson in regard to pigs, Mr. Flynn.
13 Who was there, if anybody?

14 A We went to the ice cream parlor, me and him.

15 MR. FITZGERALD: All right. That is the answer.

16 THE COURT: Just the two of you; is that right?

17 THE WITNESS: Just the two of us.

18 THE COURT: Listen to the question and then answer
19 the question.

20 MR. FITZGERALD: Q Now, after that conversation,
21 did you ever have another conversation with Mr. Manson
22 about pigs?

23 A Well, frequently, you know, the word "pig" was
24 discussed, you see, with Mr. Manson and other members of
25 the Family.

26 Q But can you pinpoint the date and the time and

1 the persons that were present at the time you had these
2 various conversations with Mr. Manson that you have
3 testified to on direct examination?

4 A Well, I can pinpoint some of the names.

5 I can say, for instance, to start with, you
6 know, Mr. Manson, Bruce Davis, and Garth Tufts, you know.

8d fls.

-1
1 Q Now, when you had this conversation with
2 Mr. Manson in regard to Zombies, you were there, right?

3 A Yes.

4 Q And Mr. Manson was there; right?

5 A Yes.

6 Q I take it that you don't remember the date or
7 the time of this conversation either; right?

8 A Well, this was -- I know it was before the
9 raid, and this was discussed up at the Barker Ranch, too,
10 you see.

11 Q Twice?

12 A Well, more than twice. I would say, you know.

13 Q Well, let's take the first time you heard the
14 conversation about Zombies with Mr. Manson.

15 Can you tell us who was there?

16 A Well, I can say that Mr. Manson, Bruce Davis,
17 Tex, Danny De Carlo, and I were sitting at the table when
18 this conversation happened, you know.

19 Q That is one conversation you can remember up at
20 Barker Ranch, sitting at a table?

21 A Meyers Ranch.

22 Q Meyers Ranch?

23 A Yes.

24 Q When you heard Mr. Manson converse with you
25 about pigs and helter skelter and Zombies, did you think he
26 was crazy?

8d2

1 MR. BUGLIOSI: Calls for a conclusion, your Honor.

2 THE COURT: Overruled.

3 MR. FITZGERALD: A lay witness can give an opinion.

4 THE COURT: You may answer.

5 THE WITNESS: Did I think he was crazy?

6 MR. FITZGERALD: Yes.

7 MR. KANAREK: Your Honor, I will join in on that
8 objection of Mr. Bugliosi, your Honor. Calling for a
9 conclusion.

10 It is now 12:00 o'clock, your Honor. May we
11 have the noon recess at this time?

12 THE COURT: Is that part of your objection,
13 Mr. Kanarek?

14 MR. KANAREK: No, your Honor.

15 THE COURT: The objection is overruled.

16 You may answer.

17 THE WITNESS: Did I think he was crazy?

18 MR. FITZGERALD: Yes. Right.

19 THE COURT: What was the ground of your objection,
20 Mr. Kanarek?

21 MR. KANAREK: Calling for a conclusion without any
22 showing of any expertise, your Honor.

23 THE COURT: I think it is ambiguous. I will sustain
24 my own objection.

25 We will take the recess at this time.

26 Do not converse with anyone, ladies and
gentlemen, or form or express any opinion regarding the case

8d3

1 until it is finally submitted to you.

2 The Court will recess until 2:00 p.m.

3 You may step down, sir.

4 (Whereupon, at 12:00 p.m. the court was in
5 recess.)

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