

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

108

No. A253156

REPORTERS' DAILY TRANSCRIPT
Wednesday, September 30, 1970
P. M. SESSION

APPEARANCES:

DONALD A. MUSICH,
STEPHEN RUSSELL KAY,

For the People:

~~XXXXXXXXXX~~ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~XXXXXXXXXX~~.

For Deft. Krenwinkel:

RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

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

I N D E X

PEOPLE'S WITNESS:

DIRECT

CROSS

REDIRECT

RECROSS

FLYNN, Juan
(Cont'd)

12255H 12260

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 30, 1970

2 2:00 P.M.

3 ---O---

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

6 Do you have additional questions, Mr. Hughes?

7 MR. HUGHES: Yes, I do, thank you. I believe I have
8 a question pending.

9 THE COURT: I think it's in the other room, in the
10 transcribing room, Mr. Hughes; would you reframe the
11 question.

12 Q BY MR. HUGHES: In your opinion, Mr. Flynn, did
13 Charles Manson always tell you the truth?

14 MR. BUGLIOSI: That is not a character question.

15 THE COURT: The objection is sustained.

16 Q BY MR. HUGHES: Did Mr. Manson ever tell you
17 anything which made you believe he was against the
18 Black man?

19 A Yes.

20 Q Did he ever tell you anything which made you
21 believe he was against the White man?

22 A Yes.

23 Q Did he ever tell you anything which made you
24 believe he was against the Establishment?

25 A That he made me believe?

26 Q Did he ever tell you anything which made you

1 believe that he was against the Establishment?

2 A Yes.

3 Q Was he against the Mexicans?

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

5 THE COURT: Sustained.

6 Q BY MR. HUGHES: Did he ever tell you anything
7 that made you believe he was against the Mexicans?

8 A Not that I know of.

9 Q What did Mr. Manson say about the Blacks?

10 A Well, he often spoke of the Tom-Toms and the
11 Muslims.

12 He said that they were a race that was brought
13 here by the white man, you see. They got them out of the
14 bushes and they brought them here, and he said that they
15 have abused them, you know, and that he was nothing but an
16 animal with a white man's suit on and with a white man's
17 thought in his head.

8

1 Q He said that the white man had used the black
2 man; is that correct? Is that what you just said?

3 A Yes, he said that.

4 Q Did he say that that was a bad thing, that they
5 use -- the white man -- had used the black man?

6 A Well, I don't think he said it was bad, but it
7 was done, you see.

8 MR. HUGHES: May I approach the witness, your Honor?

9 THE COURT: Yes, you may.

10 MR. HUGHES: Q Mr. Flynn, I show you People's
11 marked for identification No. 75.

12 What does that appear to be to you?

13 A A leather string.

14 Q I hand you People's Exhibit 244.

15 What does that appear to be to you?

16 A More leather string.

17 Q And People's No. 241?

18 A More leather string.

19 Is this just one or two?

20 Q And People's No. 95?

21 A More leather string.

22 Q Mr. Flynn, if you know, which of those, if any,
23 leather strings were you wearing on August the 16th?

24 MR. BUGLIOSI: I object to the question, your Honor.
25 It assumes a fact not in evidence.

26 MR. HUGHES: If any, your Honor.

9-1

1 Q Knocking on doors?

2 A No.

3 *Question by Mr. Hughes*
4 Q Mr. Flynn, where were you on the evening of
5 August 8th, 1969?

6 A I can say that I was in a trailer at Spahn's
7 Ranch.

8 Q How do you know that, Mr. Flynn?

9 A Because I was.

10 Q Who was with you?

11 A Johnny Swartz and there was some people that
12 came in the trailer, you know, and there was Tanya, you
13 know, the little girl, and I saw Lulu in there and Sadie
14 and Mr. Manson.

15 MR. HUGHES: No further questions.

16 THE COURT: Any redirect examination?

17 MR. BUGLIOSI: Yes, your Honor.

18 REDIRECT EXAMINATION

19 BY MR. BUGLIOSI:

20 Q What did Mr. Manson say about a black man in
21 a suit, what did he say about that?

22 A Well, that he was just an animal with a white
23 man's suit and a white man's thought.

24 Q An animal with a white man's suit and a white
25 man's thought.

26 A Yes.

9-2

1 Q Do you know where you got the leather thongs
2 or string on August 16th?

3 MR. KANAREK: That is ambiguous, your Honor.

4 Does he mean the one that was worn on August
5 16th?

6 THE COURT: Sustained.

7 BY MR. BUGLIOSI:

8 Q The one you had on August 16th, do you know
9 where you got that one?

10 A Well, I just remembered that I had one in the
11 jailhouse, you know. I don't remember how I got it.

12 Q Were you wearing it on your person?

13 A Well, I had it in my hand and how, you know,
14 in the jailhouse, and then I went to the photographs and
15 stuff like that, and prints, and stuff like that, and went
16 all the way to the cell with it.

17 Q And then you left it there when you finally
18 got out of jail?

19 A Yes, sir.

20 Q How old are you, Juan?

21 A 26, something like that.

22 Q And do you know whether or not you are an
23 American citizen?

24 MR. KANAREK: Your Honor, that is calling for a
25 conclusion on the part of this witness.

26 THE COURT: Overruled.

1 BY MR. BUGLIOSI:

2 Q You can answer that question, Juan, if you
3 know.

4 A Well, I have an American passport and I spent
5 three years in the Army and I have a discharge.

6 Q You served in the American Army?

7 A Yes.

8 Q In Vietnam?

9 A Yes.

10 Q For how long?

11 A 11 months and 29 days in the Republic of
12 Vietnam.

13 Q And you got two Purple Hearts there?

14 A Yes.

15 Q You got an Honorable Discharge?

16 A Yes.

17 Q I noticed, I think yesterday morning, Juan,
18 and in the afternoon before that, several times you shook
19 your head rather vigorously on the stand.

20 Was there any reason for that?

21 MR. KANAREK: Now, that, your Honor, I guess he is
22 calling for a conclusion.

23 It is also ambiguous. I don't know what ques-
24 tions he is referring to.

25 If he is relating to a physical infirmity,
26 your Honor, then it is -- the question calls for a

1 conclusion.

2 THE COURT: Overruled, you may answer.

3 THE WITNESS: Well, Mr. Kanarek, there, was standing
4 there, and he was making faces at me, so I shook my head
5 like this to him.

6 MR. BUGLIOSI: Okay, thank you.

7 Q Directing your attention, Juan, to Volume 103,
8 page 11,902, would you please read lines 14 through 25
9 to yourself, just quietly to yourself.

10 MR. SHINN: May we have the page again, your Honor?

11 MR. BUGLIOSI: 11,902.

12 MR. KANAREK: What lines? May I inquire, your Honor?

13 MR. BUGLIOSI: Lines 14 through 25.

14 Q Have you read those lines to yourself, Juan?

15 A Yes, sir.

16 MR. KANAREK: Your Honor, if he is going to read
17 it, this is improper rehabilitation.

18 If it is in the record, just having him
19 reread -- or rereading what was testified, that is
20 improper.

21 Counsel can ask questions --

22 THE COURT: Overruled.

23 Let's proceed.

24 BY MR. BUGLIOSI:

25 Q To these questions by Mr. Fitzgerald, Juan,
26 did you give these answers:

1 "Q Now, do you remember the first time
2 that you had a conversation with Mr. Manson about
3 pigs?

4 "A We had conversations before about pigs.

5 "Q About pigs?

6 "A Yes.

7 "Q Can you remember the first one?

8 "A Well, the one that impressed me the
9 most, is that what you want to know?

10 "Q Can you put that in your mind, the one
11 that impressed you the most, I want to ask you some
12 questions about that.

13 "A Yes."

14 Did you give those answers to those questions
15 by Mr. Fitzgerald?

10 fls. 16 A Yes, I gave those answers.
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1 Q What conversation were you referring to that
2 you had with Mr. Manson about pigs?

3 MR. KANAREK: Your Honor, in the interest of fairness
4 and equal protection of the law, I would ask that
5 Mr. Bugliosi read at the top of 11903 all the way through
6 Line --

7 THE COURT: You may do that on cross-examination,
8 Mr. Kanarek.

9 MR. FITZGERALD: I will object to the question on the
10 grounds that it is ambiguous.

11 Mr. Bugliosi has asked what conversation.

12 MR. BUGLIOSI: These are questions that you asked,
13 Mr. Fitzgerald.

14 MR. FITZGERALD: No. You just asked the question:
15 What conversation were you referring to? When you have
16 already referred to it.

17 MR. BUGLIOSI: No. You referred to it with him, and
18 now I am asking him to relate the conversation. These are
19 your questions. Now I am asking him to relate the
20 conversation.

21 THE COURT: The objections are overruled.

22 You may answer.

23 THE WITNESS: Well, the conversation was that one
24 night -- I can't say the date -- but we went to the ice
25 cream parlor, and we was talking about some relations,
26 some family, you know, relative, and I wanted to look into

1 them, you see, to see where they live, you know, I just
2 wanted to see where they live, look up the street.

3 So, you know, I asked Mr. Manson if he would
4 drive me there, you know, and he says, "Yes," you know.

5 So we went looking for the house and the street,
6 you know, and we found it, and we parked outside.

7 And then Mr. Manson asked me if they had a
8 dog in there, you see, and I says, "Yes, they have a little
9 dog." *DA 103 P 11,923*

10 And then he says, "Well, why don't we go in
11 there and tie them up and cut them up to pieces," you know.

12 And that was most of the conversation, you
13 know.

14 MR. BUGLIOSI: Q Did he mention pigs during this
15 conversation?

16 A Well, the pigs were, you know, he looked at the
17 pigs, you know, because of the houses, you know.

18 MR. KANAREK: Your Honor, may we approach the bench?

19 THE COURT: Very well.

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

23 MR. FITZGERALD: I asked on cross-examination for him
24 to bear in mind this impressionable conversation.

25 He did bear that in mind.

26 Then I asked him who was present.

1 He stated Mr. Manson and himself.

2 I don't know of any rule of law that allows
3 Mr. Bugliosi to go into that conversation. I didn't go
4 into it. I just asked who was present.

5 MR. KANAREK: And in view of the colloquy which
6 occurred afterwards, your Honor, we approached this witness
7 and he was specifically told by Mr. Bugliosi and myself
8 that he wasn't to relate this conversation.

9 MR. BUGLIOSI: No, that is not the one.

10 MR. KANAREK: This is exactly the one.

11 This is where Mr. Bugliosi and I approached the
12 witness.

13 I ask that your Honor issue an order to show
14 cause re contempt in regard to Mr. Bugliosi --

15 THE COURT: Re contempt of what?

16 MR. KANAREK: Contempt of the Court's orders.

17 He was specifically ordered -- I can refer to
18 the transcript --

19 THE COURT: Which order are you talking about?

20 MR. KANAREK: As to what happened on Page 11904.

21 I ask your Honor to read it over. It speaks
22 more eloquently than I possibly can.

23 This is the exact conversation that your Honor
24 forbid when we approached him.

25 We approached him and spoke to him.
26

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THE COURT: That is no order.

Where is the order?

MR. KANAREK: The idea was that Mr. Bugliosi and I were to speak to him and he was not supposed to relate the very type of statement that he just related.

THE COURT: I don't know what you two may have said to Mr. Flynn when you approached the bench.

MR. BUGLIOSI: We didn't talk about this at all.

THE COURT: I have no idea of what you said.

MR. BUGLIOSI: We talked about no mention of the Hinman murder or any other murder.

MR. KANAREK: There was to be no mention of other people.

I just ask you to read this.

THE COURT: I call your attention to the fact that the objection that was raised by Mr. Fitzgerald was one of ambiguity with respect to this conversation.

It didn't appear to me that the question was ambiguous. He was referring to the conversation that he referred to, as Mr. Bugliosi explained in the colloquy between him -- between himself and Mr. Fitzgerald.

Now, I agree that I don't see the point of this conversation. What is the point?

MR. KANAREK: I ask your Honor to read this.

MR. BUGLIOSI: The point is that he brought it up, Mr. Fitzgerald brought it up, on cross-examination, the

1 conversation he had with Mr. Manson that most impressed
2 him about the subject of pigs. Now he is referring to
3 that conversation.

4 He brought it up on cross-examination.

5 MR. KANAREK: I make a motion that your Honor
6 request the jury not to consider the question and answer
7 for any purpose. And mere admonishment not sufficing,
8 I ask for a mistrial.

9 I noticed that three or four or maybe more of
10 the jurors were writing down as this answer came in from
11 this witness.

12 Your Honor has ordered me not to interrupt the
13 witness. I ask your Honor most seriously to do that.

14 THE COURT: I think I will ask the jury to disregard
15 this, simply because it doesn't seem to have any relevance.

16 MR. BUGLIOSI: Your Honor, again, we can go back to
17 the MO. This is the exact thing that this man, we are
18 alleging in putting on evidence of it, the exact thing that
19 he did on August the 8th and 9th, ordered people to go
20 into other people's homes, tie them up and cut them up.

21 THE COURT: Maybe I didn't hear the answer correctly.

22 MR. BUGLIOSI: Ordered them to go in and tie people
23 up and cut them to pieces. That is the MO.

24 THE COURT: There is no evidence in this record that
25 I can recall that Mr. Manson ordered anybody to do anything.

26 What are you talking about?

1 MR. BUGLIOSI: On the night of the La Bianca murders.
2 He said, "I tied them up. Go in there and don't let them
3 know you are going to kill them."

4 THE COURT: Yes, I do recall that.

5 I was thinking of the instructions at the ranch,
6 other than to get the clothes and the knife and the gun and
7 get in the car.

8 MR. BUGLIOSI: This is exactly the point.

9 It is so unique. I can't think of any situation
10 like this that happened before, where you stop at a stranger's
11 house and go in and tie them up and cut them up for no reason
12 at all.

13 Of course, the MO doesn't require that it
14 happened before, but we are talking about a substantial
15 similarity.

16 THE COURT: Can you find the answer that the witness
17 gave that preceded this discussion?

11 fls. 18 (The record was read by the reporter.)
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1 THE COURT: Now, a portion of that conversation is
2 apparently at the bottom of Page 11903.

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: I don't see any objection to having the
5 rest of the conversation come in.

6 MR. KANAREK: Well, your Honor, it is prejudicial.

7 THE COURT: It may be prejudicial, Mr. Kanarek, but
8 you can say that about all of the prosecution evidence.

9 MR. KANAREK: No, your Honor. Your Honor made a
10 distinct ruling previously. In fact, your Honor, himself,
11 made the point that no other people in the alleged
12 conspiracy are present.

13 This is not admissible. It has only prejudicial
14 value. It has no probative value.

15 The fact of the matter is, your Honor, that this
16 conversation --

17 All that Mr. Fitzgerald solicited here was
18 really the fact of the conversation, not what this man is
19 relating at the present time and Mr. Bugliosi is deliber-
20 ately --

21 THE COURT: What he solicited and what he got was a
22 portion of the conversation.

23 MR. KANAREK: As your Honor will recall we previously
24 approached the bench and your Honor explicitly ordered or
25 requested that we do not talk with Mr. Flynn --

26 MR. FITZGERALD: What has happened in this case is a

1 very tragic series of events.

2 There has been here, to an extent, in evidence
3 many, many statements that are almost indefensible because
4 there has been no foundation laid for the statement.

5 Witnesses have continually testified in this
6 case that they had conversations at the Spahn Ranch at
7 some time during the summer of 1969.

8 Obviously -- if I may, your Honor -- the
9 reason for laying the foundation is so that you can defend
10 against statements.

11 The reason for asking people who was present is
12 so you can bring these other people in and defend against
13 oral statements.

14 All I was interested in doing, and all I did
15 with Mr. Flynn was to set out a lack of foundation.

16 I wanted to find out when the first conversation
17 he had in regard to this, who was present, so those persons
18 could be called in to testify as to whether or not they had
19 such a statement.

20 I never asked him for the content of the
21 statement.

22 MR. BUGLIOSI: If you look in the transcript, you did
23 ask questions about the conversation.

24 THE COURT: There should have been a motion to strike
25 at that time.

26 A foundation for a conversation is laid when the

1 foundational questions are asked.

2 The fact that he does not remember who was
3 present or the time, does not make it inadmissible. The
4 foundation has been laid even though the result is negative.

5 MR. FITZGERALD: I am not contending that the
6 statements are inadmissible because you don't know the
7 exact time and place.

8 I am just trying to present to the Court a
9 pattern of conduct and behavior on the part of prosecution
10 witnesses; how difficult it is to defend.

11 You may bear this in mind in analyzing my
12 intention in asking the questions. That is all.

13 THE COURT: I see no objection to this. This is the
14 balance of the remainder of a conversation that was brought
15 out on cross-examination.

16 The People have the right to refer to the rest
17 of the conversation on redirect.

18 MR. SHINN: May I say this for the record, your Honor:

19 The fact that we opened the door does not mean,
20 your Honor, that the prosecution has a right to bring in
21 inadmissible evidence, your Honor.

22 THE COURT: It is not inadmissible, Mr. Shinn.

23 MR. SHINN: According to the Court's interpretation,
24 your Honor.

25 I object to it on behalf of Susan Atkins, your
26 Honor, because she was not present, and this conversation

1 should be limited to the declarant only.

2 MR. KANAREK: Furthermore, I have not opened the door
3 here.

4 Your Honor realizes and listens to what the
5 responses to this question -- the Court must, and I
6 request the Court do admonish the jury not to consider
7 those questions and answers concerning the tying up and the
8 cutting up inside the house.

9 I ask the Court to admonish the jury --

10 THE COURT: I think it should be limited to Mr. Manson.

11 MR. BUGLIOSI: All right.

12 THE COURT: I don't know whether Mr. Fitzgerald made
13 that request when he elicited the remainder of the
14 conversation.

15 MR. BUGLIOSI: No objection.

16 THE COURT: I will admonish the jury to consider
17 the evidence of this conversation with respect to
18 Mr. Manson only.

19 MR. KANAREK: I ask your Honor, mere admonishment
20 not sufficing, I ask your Honor to declare a mistrial
21 because of the prejudicial material.

22 THE COURT: All right, the motion is denied.

23 MR. SHINN: I join in that motion.

24 MR. HUGHES: I would like to join in that motion, your
25 Honor.

26

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

THE COURT: Ladies and gentlemen, I admonish you that the testimony of this witness with regard to the conversation that he had with Mr. Manson, that he just related, is to be considered with respect to Mr. Manson only, and is not to be considered in regard to any of the other defendants.

All right, you may proceed.

BY MR. BUGLIOSI:

Q When did this incident occur, Juan?

MR. KANAREK: I object, your Honor.

Your Honor, I object on the grounds that the prejudicial value far outweighs any probative value.

THE COURT: Overruled.

THE WITNESS: This was at night. I don't know the date.

BY MR. BUGLIOSI:

Q Was it in the summer of 1969?

A Well, it was before the raid.

Q Before August 16th?

A Before the raid.

Q Which was on August 16th, 1969, is that correct?

A Yes.

Q How long before then?

11a-2

1 A I could not tell you, but it happened.

2 Q A couple of weeks, a couple of months?

3 A I would say a couple of months.

4 Q Did you decline Mr. Manson's offer to go
5 inside your relative's home?

6 MR. KANAREK: Your Honor, I will object. That is
7 calling for a conclusion and hearsay.

8 THE COURT: Sustained.

9 MR. BUGLIOSI: I think it is part of the conversation,
10 your Honor, whether Mr. Flynn --

11 THE COURT: The objection is sustained to the form of
12 the question, Mr. Bugliosi.

13 BY MR. BUGLIOSI:

14 Q When Mr. Manson said this to you, what did you
15 say to him?

16 MR. KANAREK: I object on the grounds of hearsay,
17 improper foundation, calling for a conclusion, prejudicial
18 value far outweighs any probative value.

19 THE COURT: Overruled.

20 THE WITNESS: I told him no.

21 BY MR. BUGLIOSI:

22 Q With respect to that revolver which I showed
23 you a day or so ago, Juan, that .22 caliber revolver, you
24 say that Randy Starr owned the gun.

25 Do you know when he owned it?

26 A Oh, I will say from six months to a year before

11a-3

the raid, somewhere in that time.

Q Do you know what happened to the revolver thereafter?

A Well, from what I gathered, Mr. Manson got it in some kind of trade, you know, with Randy Starr.

Q Do you recall speaking to this gentleman by the name of Ivar Davis, is that correct?

A Yes.

Q And Mr. Davis was writing a book?

A Yes.

Q What was the main things that you spoke to Mr. Davis about?

A Well, I was asked of my activities up at Barker Ranch, you know and, you know, it was in relation with the story that, you know, that Paul Crockett was being interviewed about, you know.

Q So your main conversation with Mr. Davis was with respect to what you did up at Barker Ranch, is that correct?

A Yes.

MR. KANAREK: Calling for a conclusion and hearsay, your Honor.

As to whether it was main or not would be a conclusion on the part of this witness.

MR. BUGLIOSI: He was a party to the conversation, your Honor. This was gone into by the defense.

1 MR. KANAREK: There is no question it was gone into,
2 but I think the question is improper as to whether it is
3 main or not, that is for the jury, perhaps, to decide or
4 your Honor, but certainly not this witness.

5 It is calling for a conclusion.

6 THE COURT: I think the question is ambiguous.

7 The objection is sustained.

8 BY MR. BUGLIOSI:

9 Q All right, will you relate your conversation
10 with Ivar Davis, Juan?

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

12 MR. BUGLIOSI: Main is a simple word.

13 THE COURT: Do you have an objection, Mr. Kanarek?

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: State the objection.

16 MR. KANAREK: The objection is, your Honor, that the
17 question solicits hearsay.

18 It is outside the scope of cross.

19 The question is going to go into areas in
20 which the Court has ruled cannot be gone into, and I fear
21 that this witness --

22 THE COURT: All right, you have stated the grounds
23 now. Don't give the argument.

24 MR. KANAREK: May we approach the bench?

25 THE COURT: I will sustain the objection.
26

1 BY MR. BUGLIOSI:

2 Q Do you know what the word most means, Juan?

3 A Most?

4 Q Most, m-o-s-t.

5 A Something like brag.

6 Q Not boast, but most, m-o-s-t.

7 A Most?

8 Q Yes, do you know what that word means?

9 A Uh-huh.

10 Q What does it mean?

11 A Well, to define amount, you see.

12 Q To define amount?

13 A Yes.

14 Q So most means the bigger part?

15 A Yes.

16 MR. KANAREK: That's leading and suggestive, your
17 Honor.

18 THE COURT: Overruled.

19 BY MR. BUGLIOSI:

20 Q Was most of your conversation with Ivar Davis
21 concerning what you did up at the Barker Ranch?

22 A Yes.

23 MR. KANAREK: I object, your Honor, calling for a
24 conclusion.

25 THE COURT: Overruled.
26

BY MR. BUGLIOSI:

Q Your answer is yes, Juan?

A Yes.

11b fls.

1B-1

1 Q Among other things did you tell him about the
2 so-called last supper?

3 A Yeah.

4 MR. KANAREK: I object to that. as outside the scope
5 of the cross.

6 I don't think I entered into the last supper
7 conversation, or any such thing as that.

8 It is calling for hearsay.

9 THE COURT: Overruled, you may answer.

10 THE WITNESS: Well, we talked about the activities,
11 you know, at the desert, you know, and we talked about some
12 of the incidents that took place out there.

13 Q One of them was the last supper?

14 A Well, one of them was -- I guess you could say
15 that.

16 It was -- yes, you could say that -- I can
17 say that.

18 Q Actually, this was a dinner, and you gave it
19 the name "The Last Supper," isn't that correct, Juan?

20 A Yes.

21 Q Okay, and you told Ivar Davis about that.

22 MR. KANAREK: Calling for a conclusion and hearsay, your
23 Honor.

24 THE COURT: Overruled.

25 THE WITNESS: Yes.

26 Q BY MR. BUGLIOSI: Since the raid, Juan, on

11b2

1 August 16th, 1969, have police officers asked you to come
2 down and see me on several occasions?

3 A Yes.

4 Q And did you turn them down?

5 A Yes.

6 MR. KANAREK: I object, your Honor, to that, calling
7 for a conclusion on the part of this witness.

8 No foundation.

9 THE COURT: Sustained.

10 Q BY MR. BUGLIOSI: How many times did they ask
11 you, Juan?

12 A They asked me a number of times.

13 Q Approximately how many?

14 A Four or five times.

15 Q During what period of time?

16 A In a period of about a year.

17 Q During that one-year period, each time they
18 asked you what did you tell them?

19 MR. KANAREK: Calling for hearsay, your Honor.

20 MR. BUGLIOSI: This was gone into, your Honor, by the
21 defense.

22 They raised this issue and I can point to the
23 place in the transcript, your Honor.

24 MR. KANAREK: It doesn't mean he can solicit hearsay.

25 THE COURT: Do you wish to approach the bench on that?

26 MR. KANAREK: Yes.

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, I am making the
4 objection.

5 THE COURT: I want to hear from Mr. Bugliosi.

6 MR. KANAREK: I'm sorry, your Honor.

7 MR. BUGLIOSI: The defense has raised this issue,
8 each defense attorney has raised the issue that this man
9 did not come forward with his story; that he did not come
10 to tell the police.

11 Mr. Fitzgerald brought it up; Kanarek brought it
12 up; they all brought it up, he did not tell the police
13 about what happened.

14 I can find six places in the transcript, your
15 Honor, where they brought up the fact he did not tell the
16 police about it.

17 THE COURT: Make your offer of proof.

18 MR. BUGLIOSI: The offer of proof is the reason he
19 did not tell the police, and the reason he did not come
20 forward was that he was in fear of his life.

21 Well, you can laugh about it.

22 THE COURT: You have not asked that question.

23 MR. BUGLIOSI: I am going to get into it, why didn't
24 he want to come down? Because he was in fear of his life.

25 I am just going to lay the foundation. He can
26 say he turned them down because he was in fear of his life.

1 They brought out the fact he was trying to
2 further his movie career.

3 THE COURT: Not having heard the question you are
4 asking, I cannot read your mind as to what you are going to
5 get to.

6 MR. BUGLIOSI: Here is the offer of proof:

7 They are bringing out the fact he is trying to
8 further his movie career.

9 Mr. Hughes brought out the fact or tried to
10 get out the fact that Sergeant Gutierrez threatened him with
11 the gas chamber if he did not testify.

12 I am just going on the other side of the fence,
13 and explain to the jury why this man did not come forward
14 earlier.

12-1

1 THE COURT: That isn't the question asked.

2 MR. BUGLIOSI: As soon as he gave the answer, I was
3 going to ask him why.

4 It is something that they raised, your Honor.
5 I never raised this issue why he didn't come forward.

6 THE COURT: That is not the point, Mr. Bugliosi.

7 I think that you can get to your point without
8 the necessity of hearsay.

9 They asked him why he didn't tell the police.

10 You can get the answer.

11 MR. BUGLIOSI: What he is testifying to, that he
12 didn't agree to come forward, I want to ask him why, why
13 he did not agree to come forward. The answer is because
14 he was afraid. That is all.

15 MR. KANAREK: I would add, your Honor, that Mr.
16 Bugliosi has a tendency, your Honor, to slide off the
17 point.

18 The precise point is that the precise question
19 that he asked solicited hearsay.

20 Now, the fact that he wishes to get in some
21 evidence --

22 THE COURT: I have already sustained the objection
23 to that question, I believe.

24 MR. KANAREK: So he is going to now ask another
25 question; is that it?

26 THE COURT: Yes.

1 MR. KANAREK: Thank you.

2 (Whereupon all counsel return to their respec-
3 tive places at counsel table and the following proceedings
4 occur in open court within the presence and hearing of the
5 jury:)

6 BY MR. BUGLIOSI:

7 Q Juan, when the police asked you to come down to
8 see me, did you come down?

9 A No.

10 Q Why didn't you?

11 MR. KANAREK: Calling for a conclusion, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Well, I was living up at the ranch, you
14 know.

15 BY MR. BUGLIOSI:

16 Q Spahn Ranch?

17 A Yes.

18 And I didn't think it was too safe for me to
19 do that, you see.

20 And, you know, I got a couple of threat notes,
21 you know, and I just didn't feel it was safe for me to come
22 down here.

23 MR. KANAREK: Your Honor, I ask that that last portion
24 be stricken about the threat notes as a statement of hearsay
25 and a conclusion on the part of this witness.

26 MR. BUGLIOSI: It is relevant to his state of mind,

1 your Honor.

2 MR. KANAREK: That statement, your Honor, is hearsay,
3 and I ask that it be stricken.

4 MR. BUGLIOSI: The defense placed his state of mind
5 in issue on this very point.

6 MR. FITZGERALD: I would ask that his answer remain.
7 It is responsive.

8 THE COURT: The portion regarding the threat notes
9 will be stricken and the jury is admonished to disregard
10 that portion of the answer only.

11 BY MR. BUGLIOSI:

12 Q Did you receive any threats, Juan, that caused
13 you not to want to come down?

14 A Yes.

15 Q And who threatened you?

16 MR. KANAREK: Object, your Honor, on the ground that
17 it is calling for hearsay, and I would like to approach the
18 bench, your Honor, because it is going to interject --

19 MR. BUGLIOSI: It is not offered for the truth of
20 the matter, your Honor. It is his state of mind, if he
21 received a threat. His state of mind is in issue.

22 MR. KANAREK: Then Mr. Bugliosi slides off the point
23 because --

24 THE COURT: Objection sustained.

25 Mr. Kanarek, don't continue to argue in front
26 of the jury. I have told you that many times.

MR. KANAREK: I am sorry.

12A-1

1 MR. BUGLIOSI: Q What was said to you, Juan?
2 What was said to you by others that caused you not to come
3 down?

4 MR. KANAREK: I object on the grounds of improper
5 foundation.

6 MR. BUGLIOSI: I am laying a foundation right now,
7 Mr. Kanarek.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: Well, one person told me -- two persons
11 came to see me.

12 Q When was this, Juan?

13 A This was, let's see, two weeks ago. Something
14 like that.

15 Q Who were these two people?

16 MR. KANAREK: I object, your Honor, on the grounds
17 that it is -- I would like to approach the bench.

18 THE COURT: Overruled.

19 You may answer.

20 MR. BUGLIOSI: Q Who were these two people,
21 Juan?

22 A One of them was Lynn Fromme.

23 Q Is that Squeaky?

24 A Yes.

25 And the other was Larry Jones.

26 Q Had you ever seen Larry Jones before?

12a2

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A Yes.

Q Where?

A I saw him up at the Spahn Ranch.

MR. BUGLIOSI: Q Does he have kind of curly hair?

A Yes.

Q Short?

A Yes.

MR. KANAREK: May we approach the bench at this time, your Honor?

THE COURT: Do you have an objection?

MR. KANAREK: Yes.

It is collateral, your Honor. Unless there is some connection shown between these people and Mr. Manson, it has only prejudicial value. It has no probative value.

If there has been some wrongdoing, the District Attorney can --

THE COURT: I don't want to hear your argument while you are at counsel table.

MR. KANAREK: Then may I approach the bench?

THE COURT: Very well, you may approach the bench.

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

MR. BUGLIOSI: Your Honor --

MR. KANAREK: I am trying to make an argument,

12a3

1 Mr. Bugliosi.

2 THE COURT: This is not a race to see who can talk
3 first. I will give you both an opportunity to talk.

4 MR. KANAREK: Thank you.

5 Your Honor, if there has been a crime
6 committed, then the District Attorney can prosecute. If
7 there has been someone trying to threaten a witness, they
8 can prosecute. But before evidence can come in against
9 Mr. Manson, there has to be some showing of a connecting
10 link.

11 If someone makes a threat, someone from the
12 New York Times or someone from rural Siberia --

13 THE COURT: Just a moment.

14 Several, if not all, of defense counsel made a
15 point out of the fact that Mr. Flynn had not reported his
16 knowledge concerning these matters to the police.

17 The People have a right to explain, if they
18 can, why he didn't do it, if there is a reason.

19 Now, obviously, this is going to that question.

20 They do not have a right to put in hearsay
21 about threats, and so forth, but he can testify that he
22 didn't come forward because he was afraid to, or whatever
23 the reason was.

24 MR. KANAREK: If I may just try to finish, your
25 Honor.

26 Then I think your Honor has to make the

1 judicial decision whether the probative value far outweighs
2 the prejudicial value; and in any event, your Honor must
3 instruct the jury that this evidence does not inure against
4 Mr. Manson in the substance of these charges.

5 Your Honor should instruct the jury that,
6 whatever it does, it only goes for them to analyze this
7 witness' state of mind.

8 MR. BUGLIOSI: Right. I agree.

12B

12b-1

1 MR. KANAREK: But it cannot be used against Mr. Manson.

2 MR. BUGLIOSI: I agree with that.

3 MR. KANAREK: Your Honor, I object to any of it coming
4 in at all, period, and I want the record to be clear --

5 MR. BUGLIOSI: I am not offering it --

6 MR. KANAREK: May I finish?

7 MR. BUGLIOSI: Sorry.

8 MR. KANAREK: I ask the Court to admonish the jury not
9 to consider it for any purpose, and mere admonishment not
10 sufficing, because of the context of these proceedings about
11 Lynne Fromme and people at the ranch and all of that, I
12 ask for a mistrial.

13 May I have a ruling on those two requests, your
14 Honor?

15 MR. HUGHES: Join in the motion.

16 THE COURT: The motions are denied.

17 MR. KANAREK: Then I ask the Court to instruct the
18 jury.

19 THE COURT: I want to hear from Mr. Bugliosi.

20 Where are you going?

21 I don't want a constant procession to the bench.

22 MR. BUGLIOSI: These are things that were raised by
23 the defense. Everyone of them raised the issue as to
24 why he didn't come forward.

25 THE COURT: The point is the manner in which you are
26 going about it to rebut this.

12b-2

1 MR. BUGLIOSI: I am not offering this against Mr.
2 Manson, and I think the Court should instruct the jury.
3 I am offering it to show the witness's state of mind, why
4 he didn't come forward.

5 If I don't offer it, then the defense argues
6 at the end of the case that he had the confession, how come
7 he didn't come forward.

8 I am putting on evidence why he didn't. It
9 is not against Mr. Manson.

10 THE COURT: I understand that.

11 MR. BUGLIOSI: I am just trying to show his state of
12 mind, that he had received threats from these people.

13 He didn't receive them from Mr. Manson, although
14 we are going to put on evidence that he did receive a couple
15 of notes from Mr. Manson, and that is another reason why he
16 never came forward. But right now I am offering it not
17 against Mr. Manson, but just to show why he never came
18 forward.

19 MR. KANAREK: Then, at this time, I make a motion
20 to discover those notes.

21 MR. BUGLIOSI: They are lost.

22 MR. KANAREK: If they are lost, your Honor, then I
23 ask that they not be allowed and that we have an evidentiary
24 hearing outside of the presence of the jury.

25 THE COURT: I am going to limit the testimony to
26 this, Mr. Bugliosi. He can testify that he received some

12b-3

1 notes and that, as a result of those notes, he became
2 frightened, if that is the fact.

3 MR. BUGLIOSI: If Mr. Manson had made threats to a
4 prosecution witness --

5 THE COURT: We are talking about something different.
6 Let's not get ahead of ourselves.

7 MR. BUGLIOSI: Right.

8 These are verbal threats by Squeaky and Larry
9 Jones.

10 THE COURT: He cannot testify to the content.
11 All he can say is that as a result of conversations that
12 he had with somebody --

13 MR. BUGLIOSI: He cannot testify that they threatened
14 him, and if he testified they would kill him, and that is
15 the reason why he never came forward?

16 Otherwise, your Honor, how can I argue -- the
17 defense can argue that she had a conversation with him.
18 So what? The fact that he didn't want to come forward is
19 totally irrelevant. There is no evidence that she threatened
20 him with bodily harm.

21 I agree with Mr. Kanarek that the Court should
22 instruct the jury that it is not coming in against Mr,
23 Manson, that it is coming in to show this witness's state
24 of mind why he did not come forward.

25 MR. SHINN: Then the judge has to instruct the jury
26 that it is not to be held against any of the defendants.

120-1

1 MR. BUGLIOSI: I agree. I agree.

2 MR. KANAREK: When he injects the name of Lynn Fromme,
3 then he is getting before this jury someone that this jury
4 knows is close to Mr. Manson is making threats, and the
5 inference is going to be there no matter how much you
6 instruct, and whether the threat came from Lynn Fromme or
7 whether it came from the recesses of inner Tiberia, it
8 doesn't make any difference, because if his state of mind
9 is that he had threats, then this is the state of mind
10 that he had, but to allow him to pinpoint who the people
11 are, if those people are close to Mr. Manson, it fetters
12 Mr. Manson's right to a fair trial.

13 THE COURT: You can't go into all of these things
14 on cross and expect the other side to do nothing about
15 them, Mr. Kanarek.

16 MR. KANAREK: I am not asking that.

17 THE COURT: You can't paint them into a corner and
18 say they can't work their way out of it.

19 MR. KANAREK: But he doesn't have to mention the
20 names.

21 I am saying that if he had a fear, he can state
22 he had a fear, but your Honor has to invoke a balancing
23 process and determine whether the right of the defendants
24 to a fair trial is invaded by bringing in people that are
25 close to Mr. Manson, because there is no showing that
26 these people acted on Mr. Manson's orders, or anything like
that.

1 If he wants to bring that in and can show that,
2 that is a different ball of wax.

3 Also, as far as using notes and all of that,
4 he has to lay a foundation that those notes are from
5 Mr. Manson.

6 As I stated before, I ask for an evidentiary
7 hearing on that outside of the presence of the jury,
8 if he is going to attempt that.

9 MR. BUGLIOSI: Your Honor, my position is that it is
10 bad enough that the prosecution witnesses are threatened
11 with their lives, but then for the defense to have the
12 audacity, on cross-examination, to bring out in front of
13 the jury, "Why didn't you come forward," if they do that,
14 we have just got to explain.

15 MR. FITZGERALD: I am tired of hearing that.
16 My life has been threatened three times and I haven't come
17 forward and talked about my life being threatened.

18 MR. BUGLIOSI: Has the prosecution threatened you?

19 MR. FITZGERALD: No, I am not saying that, but this
20 record is replete with statements that just don't happen to
21 be true. We don't have evidence of that.

22 MR. SHINN: Aside from that, if the notes were a
23 certain type of notes, that is the opinion of the witness.

24 THE COURT: Is there any reason why you can't bring
25 out conversations without identifying the persons?

26 MR. BUGLIOSI: All right.

1 THE COURT: I will instruct the jury to consider it
2 only in connection with Mr. Flynn's state of mind.

3 MR. BUGLIOSI: All right.

4 THE COURT: It is not to be considered for any
5 purpose as to Mr. Manson.

6 MR. BUGLIOSI: All right.

7 Later I will get into the notes that Mr. Manson
8 sent.

9 MR. KANAREK: I will ask that that be done outside
10 of the presence of the jury initially because I don't think
11 there is any foundation for it.

12 THE COURT: Sent how? How were the notes sent?

13 MR. BUGLIOSI: They were given to him by Squeaky,
14 Lynn Fromme, with the statement, "These are from Charles
15 Manson."

16 THE COURT: That is hearsay.

17 MR. BUGLIOSI: Again, though, it doesn't have to be
18 offered for the truth of the matter. If he believed it,
19 that is the relevance. His state of mind is in issue.

20 It is the state of mind exception to the hear-
21 say rule, your Honor.

22 THE COURT: I will admit that only to the extent of
23 having him testify that he received some notes, but as to
24 the identity of the senders, I would not permit that.

25 MR. BUGLIOSI: Okay. As to the nature of the notes,
26 but not the identity of the sender. All right.

1 Then I think the Court would properly instruct
2 the jury that it is not to be considered against the
3 defendants in this case, but goes toward his state of mind.

4 MR. KANAREK: I would object to any such use unless
5 we have an evidentiary hearing, and I would ask your Honor
6 to ask Mr. Bugliosi not to identify people like Lynn
7 Fromme and Sandra Goode.

8 THE COURT: I just told him that, Mr. Kanarek.
9 Weren't you listening?

10 MR. KANAREK: Yes. But would your Honor instruct the
11 jury that the name of Lynn Fromme must not be used for any
12 purpose at all? It is already in the record. He mentioned
13 Lynn Fromme and Larry Jones. That those names are not to
14 be considered for any purpose in deciding this case, state
15 of mind or otherwise.

16 THE COURT: What were the names?

17 MR. BUGLIOSI: Lynn Fromme, also known as Squeaky,
18 and Larry Jones.

19 THE COURT: All right.

20 MR. SHINN: I will join in all the motions at the
21 bench of Mr. Kanarek.

22 (Whereupon, all counsel return to their
23 respective places at counsel table and the following
24 proceedings occur in open court within the presence and
25 hearing of the jury:)

26 THE COURT: We will take our afternoon recess at this

1 time.

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

5 The Court will recess for 15 minutes.

6 (Recess.)

13

13-1

1 THE COURT: All parties, counsel and jurors are
2 present.

3 MR. KANAREK: Your Honor, may we approach the bench?

4 THE COURT: Very well.

5 (The following proceedings were had at the
6 bench out of the hearing of the jury:)

7 MR. KANAREK: Your Honor, if I may I would object,
8 your Honor, to this last colloquy, this last statement.

9 Also on the additional ground it calls for the
10 failure of the prosecution to make discovery in that this
11 statement is not part of any discovery that has been given
12 to us.

13 I ask your Honor to read this over, and your
14 Honor will agree with me.

15 Furthermore, Mr. Manson is not bound by the
16 interrogation of Mr. Fitzgerald in the context of when you
17 see what we did when this interrogation took place.

18 We object. We did everything we possibly
19 could.

20 Mr. Fitzgerald went ahead on this interroga-
21 tion.

22 Now, to allow this to come in against Mr.
23 Manson --

24 THE COURT: Allow what to come in?

25 MR. KANAREK: This last statement, the last couple
26 of statements.

13-2

1 THE COURT: As to state of mind?

2 MR. KANAREK: About the cutting up of people, the tying
3 and the cutting up, obviously it was offered against Mr.
4 Manson, on the substantive charges.

5 There is nothing in any discovery that shows
6 that that statement was given to us.

7 I ask it be suppressed on that ground, failure
8 of the prosecution to make discovery, in addition to the
9 fact that Mr. Fitzgerald brought this in in his interroga-
10 tion.

11 We objected; what more could we do?

12 And we did not allude to it.

13 THE COURT: How do you know the prosecution knew
14 about it?

15 MR. KANAREK: I would certainly ask your Honor to
16 interrogate Mr. Bugliosi. Obviously he knew this statement
17 was coming, and he had given us purportedly this discovery,
18 and there is no allusion to this whatsoever.

19 THE COURT: I don't know there is any rule or law
20 that requires evidence to be excluded where the identity
21 of the witness is disclosed, and his participation in the
22 events is disclosed, simply because every single thing
23 he ever said was not disclosed.

24 Perhaps it is not even known to the prosecution.

25 MR. KANAREK: I make a motion for an evidentiary
26 hearing in that regard.

13-3

1 This is not every single little thing, or one
2 little thing. This is very vital.

3 This is most unbelievably prejudicial material.

4 It is vicious. It tends to inflame the jury
5 against Mr. Manson, and Mr. Fitzgerald brought it up.

6 Mr. Manson did not. It was not brought up
7 on Mr. Manson's behalf. We objected at the time when it
8 was first initiated.

9 But what more can we do? I did not allude to
10 it in my cross-examination. I stayed away from it.

11 I stayed away from all of this subject matter,
12 and for Mr. Manson to be saddled with it is violative of
13 his right to a fair trial.

14 MR. BUGLIOSI: It was very vicious, what Mr. Manson
15 did, asking Mr. Flynn to kill his relatives, Mr. Kanarek.

16 You are the one who always talks about letting
17 the chips fall where they may.

18 MR. KANAREK: That is not an answer. I'm trying to
19 make an argument to the Court in a polite manner.

20 That is not a response, Mr. Bugliosi's response.

21 THE COURT: I agree. That is not a legal response.

22 Well, I am not going to exclude it on the
23 ground you have given, Mr. Kanarek.

24 MR. KANAREK: May I ask your Honor to exclude it
25 and order the jury not to consider it for any purpose?

26 Clearly, I will offer into evidence what the

13-4

1 prosecution has made in the form of discovery.

2 MR. BUGLIOSI: I don't have to put down there every
3 single thing --

4 THE COURT: I have already covered that point.

5 MR. BUGLIOSI: I just spoke to Mr. Flynn right now
6 and he told me something else. Are we supposed to have
7 a discovery hearing every time he tells me something?

8 Do you want to take up a couple of minutes
9 right now, and I will tell you what he told me outside?

10 MR. FITZGERALD: Yes.

11 MR. BUGLIOSI: He told me they used to call him on the
12 phone and say "Oink, oink," and hang up, and he had to change
13 his number.

14 Now, every time I hear something like that am
15 I supposed to call a hearing on it?

16 MR. SHINN: Who used to call him?

17 THE COURT: Well, we have covered that point.

18 Is there anything else?

19 MR. BUGLIOSI: Yes, your Honor, I was going to come
20 up here -- the court reporter clearly made an error here,
21 I have shown it to several people. I just want to go over
22 this again with Mr. Flynn and have him repeat what Mr.
23 Manson said on the boardwalk.

24 It doesn't make sense right here.

25 I heard him, and he did not say this.

26 I don't think there is any objection to asking

1 him again. It reads here:

2 "Well, I have come down to it and
3 the only way to get going is to show the black
4 man and the pigs, is to go down there."

5 He said "The only way I can show the black
6 man and the pigs is to go down there," and so forth.

7 I want to ask the question over again because
8 I believe in good faith that the transcript is inaccurate.

9 MR. KANAREK: That is not the legal way to do it.
10 We have a hearing in which the court reporter is called,
11 his notes are read --

12 MR. BUGLIOSI: I am just asking the question a
13 second time, that is all.

14 THE COURT: Very well.

15 MR. BUGLIOSI: There is no rule which says you
16 cannot ask a question the second time.

17 MR. SHINN: We object. It has been asked and
18 answered.

19 THE COURT: I will not take it up at the bench here.

20 MR. KANAREK: I never went into that at all, your
21 Honor.

22 THE COURT: Gentlemen, we are not going to conduct
23 this trial at the bench.

24 If you intend to have long conferences, let
25 me know before we start these proceedings and I bring the
26 jury down.

1 The only reason I let you come up to the bench
2 is for brief matters that come up during the course of the
3 testimony, not to rehash every objection.

4 MR. BUGLIOSI: I agree with the Court.

5 Mr. Kanarek objects to every question; I was
6 going to bring it up to the Court. This is not asking for
7 a stipulation for argument as to what the transcript said.

8 I will ask him again.

9 THE COURT: He said it correctly and the transcript
10 is incorrect, just correct the transcript.

11 MR. BUGLIOSI: To save all that time I will just ask
12 the question again.

13 THE COURT: At what point do you want me to admonish
14 the jury with respect to the conversation --

15 MR. BUGLIOSI: Admonish the jury that --

16 THE COURT: I know what to admonish them, I am saying
17 at what point? Are we now going into that?

18 MR. BUGLIOSI: Yes.

19 THE COURT: I will wait until you ask the first
20 question, and I will admonish them, so the admonishment
21 will come within the context of what we are talking about.

13a fls.

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1 MR. BUGLIOSI: Your Honor, I am just asking for a
2 correction on the transcript.

3 THE COURT: Mr. Bugliosi, you have it. The witness
4 so testified. You are saying the transcript is incorrect.

5 MR. BUGLIOSI: My position and the position of other
6 people who heard him is that he did not say this.

7 Now, just to save time I am just asking him
8 again for that statement.

9 MR. KANAREK: We are not asking to save time.

10 MR. BUGLIOSI: I am not asking for a stipulation.
11 This is an error.

12 MR. SHINN: Mr. Bugliosi, may I ask you a question?

13 MR. BUGLIOSI: I am not asking for a stipulation that
14 the court reporter made an error.

15 I want him to repeat it again.

16 MR. SHINN: Mr. Bugliosi, is he going to repeat the
17 substance of that answer with those dirty words in it?

18 MR. BUGLIOSI: I am going to ask him what he said on
19 the boardwalk.

20 MR. SHINN: Look at the words there.

21 MR. BUGLIOSI: I can find a thousand places in the
22 transcript where a witness has given the same answer more
23 than once.

24 Certainly in a case like this where, number one,
25 it is crucial and number two, I am saying in good faith this
26 is an error, I should be able to ask it a second time.

1 Witnesses repeat things two or three times or
2 four times that are inconsequential, and there is no
3 allegation that the transcript is in error.

4 MR. HUGHES: I think it is just clear you want to
5 emblazon those words in the minds of the jury and, number
6 two, it is clearly, highly prejudicial to the other defen-
7 dants, since they are not the declarant.

8 THE COURT: Let's get on with the trial, gentlemen.

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

11 Q BY MR. BUGLIOSI: Juan, you say about two
12 weeks ago two people came to see you, right?

13 A Right.

14 Q What did they say to you?

15 MR. KANAREK: I object on the grounds of hearsay,
16 your Honor, improper foundation.

17 MR. SHINN: Join in the objection, your Honor.

18 THE COURT: The objections are overruled.

19 However, the jury is admonished that the
20 testimony of this witness as to the conversations about
21 which he is to testify are to be considered solely as to
22 what this witness' state of mind may have been with respect
23 to relating to law enforcement persons the substance of the
24 matters covered by his testimony in this trial.

25 This testimony is not to be considered for any
26 purpose with regard to Mr. Manson, that is, his testimony on

1 these conversations.

2 And you are further admonished to disregard
3 the prior references by this witness to Lynn Fromme and
4 Larry Jones.

5 All right, repeat the question, Mr. Bugliosi.

6 Q BY MR. BUGLIOSI: About two weeks ago two people
7 came to your residence, Juan.

8 A Yes.

9 Q And they had a conversation with you?

10 A Yes.

11 Q What did they say?

12 A Well, they said that I was supposed to come
13 downtown --

14 Q -- and see someone?

15 A -- yes, and see someone, and I said that I was
16 chopping wood; that I wasn't going nowhere.

17 So then they said that, you know, they were
18 going to do me in right there, you know.

19 And I says, "Well, you know, have your pick,
20 you know."

21 I had an axe with me, you know, a small axe,
22 I was chopping wood.

23 And I just told them to, you know, to help
24 themselves, you know.

25 And nothing happened, you know, they just left.

26 Q Did they say anything about your testifying?

1 A Well --

2 MR. KANAREK: Same objection, your Honor, hearsay.

3 THE COURT: Overruled.

4 THE WITNESS: Well, it was just to come downtown and
5 see someone, you know.

6 Q BY MR. BUGLIOSI: They told you who this person
7 was?

8 A Yes.

9 Q Okay, did they say anything about testifying?

10 A Well, in a way they did.

11 Q What did they say?

12 MR. KANAREK: May I have a continuing objection
13 on hearsay as to this, your Honor?

14 MR. SHINN: I join in that, your Honor.

15 THE COURT: You may.

16 MR. KANAREK: Thank you, your Honor.

17 Q BY MR. BUGLIOSI: What did they say, Juan?

18 THE COURT: Pull the microphone back, Mr. Flynn, and
19 sit back in your chair.

20 THE WITNESS: Well, now, you know, I just forgot
21 what they said, but it had something to do with, you know, --

22 Q Something to do with that?

23 A With testifying.

24 B

25

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13b-1

1 Q With your testifying for the prosecution?

2 A Yes.

3 MR. KANAREK: May that be stricken in view of the
4 fact that the witness said he forgot, your Honor, and I
5 would ask that the last answer be stricken.

6 THE COURT: The motion is denied.

7 BY MR. BUGLIOSI:

8 Q What language did they use when they threatened
9 to do you in?

10 A Well, just common English, you know.

11 Q What words did they use?

12 A Well, first they told me that someone wanted
13 to see me down here, you know, and I says, "Well, I can't
14 go down there because I am chopping wood," you know. I
15 detailed myself to do something.

16 And then they says, "Well, if you are not
17 going to go, or not going with us, then we are going to
18 do you right here," you know.

19 And that was the conversation, you know.

20 And then when they saw I wasn't giving in,
21 then one of the members started crying, you know.

22 MR. KANAREK: Your Honor, "one of the" -- there was
23 an allusion to one of the members, may that be stricken,
24 your Honor?

25 THE COURT: That part is stricken and the jury is
26 admonished to disregard it.

13b-2

BY MR. KANAREK:

Q Prior to that occasion, Juan, did you receive any other threats?

A Yes.

Q When and where and what was the nature of the threat?

MR. KANAREK: Conclusion, your Honor, hearsay.

THE WITNESS: One of the threats read --

BY MR. BUGLIOSI:

Q You say "one of the threats read," did you receive something?

A Yes.

Q What did you receive?

A It was a note.

Q Did you receive more than one note?

A Well, I received more than one note.

Q How many notes did you receive?

A Two notes.

Q How long ago was that?

A Oh, this was from six months to -- I will say nine months.

Q Where were you at the time?

A Well, I was at Spahn Ranch.

Q You were living there?

A Yes.

Q And someone handed you these notes?

1 A Yes.

2 Q Do you know what the notes said?

3 A Yes.

4 Q What did they say?

5 MR. KANAREK: I object, your Honor. I must object
6 on the grounds it is not the best evidence, in addition to
7 the continuing objection of hearsay, your Honor.

8 THE COURT: Did the witness testify as to the existence
9 of these notes, Mr. Bugliosi?

10 MR. BUGLIOSI: I will lay a foundation.

11 THE COURT: Lay the foundation.

12 MR. BUGLIOSI: Yes, sir.

13 THE COURT: Ladies and gentlemen, the admonishment
14 I just gave you with respect to the conversations applies
15 also to the notes, and again let me repeat:

16 The testimony of this witness as to these con-
17 versations and notes is not to be considered for any
18 purpose as against any of these defendants, and is solely
19 for the purpose of allowing the jury to consider this
20 testimony on the question of what this witness's state of
21 mind may have been with regard to his relating or not
22 relating whatever he knows about the case to law enforcement
23 persons.

24 Go ahead, Mr. Bugliosi.

k4-k

1 Q Do you know where these notes are now, Juan?

2 A These notes somebody washed them.

3 Q Do you know who washed them?

4 A Yes.

5 MR. KANAREK: Immaterial.

6 MR. BUGLIOSI: Q Who washed them?

7 THE COURT: Are you stipulating that the foundation
8 has been laid?

9 MR. KANAREK: No, your Honor.

10 THE COURT: Then are you withdrawing the objection?

11 MR. KANAREK: No, I am not withdrawing the objection.

12 THE COURT: You can't have it both ways.

13 The objection is overruled.

14 MR. BUGLIOSI: Do you know who washed the notes?

15 A Yes. Lee Sanouke.

16 Q Who is Leese?

17 A Lee; L-e-e.

18 Q Who is Lee?

19 A She rents this house.

20 Q She used to do your laundry?

21 A Yes.

22 Q Does she still do your laundry?

23 A Yes.

24 Q And you had these notes in your clothing?

25 A Yes.

26 Q And she washed them?

1 A Yes.

2 Q And you lost them?

3 A Yes.

4 Q What did the notes say, Juan?

5 A Well, one of them said, "How many changes does
6 it take to make one big change, or does it take ten little
7 changes to make one big change, or does it take one big
8 change to scrub away off the face of the earth a lacey
9 image like you?"

10 Q A lacey image?

11 To scrub off the earth a lacey image like you;
12 is that correct?

13 A Yes.

14 Q Did you receive any other threat in addition to
15 the ones that you already related?

16 A Well, I received one other threat, too.

17 Q From whom? Strike that.

18 Did this note come in the mail?

19 A No. It was handed to me.

20 Q When was it?

21 A This was seven, eight months ago; something like
22 that.

23 Q Were you living at the Spahn Ranch at the time?

24 A Yes.

25 Q Do you know where that note is now?

26 A It was washed with the other one.

1 Q All right.

2 What was the nature of that note?

3 A What it said?

4 Q Yes.

5 A Well, it said, "This is an indictment on your
6 life because it is coming down, and when in the course of
7 human events life becomes intolerable to sustain under a
8 power, the people will invoke this initial right to
9 revolution," you see, and "Where the eagle flies we will
10 lie under the sun; where the eagle flies we will die to be
11 one."

12 Q And you considered these threats; is that
13 correct, Juan?

14 A Well, they sounded, you know, pretty strong to
15 me.

16 Q You considered them to be threats?

17 A Yes.

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14A

14a-1

1 Q Are these among the reasons why you didn't
2 want to come downtown and talk?

3 MR. KANAREK: Calling for a conclusion and ambiguous,
4 your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: Well, this was one of the reasons, yes.
7 BY MR. BUGLIOSI:

8 Q Because of fear of your life?

9 A Well, yes.

10 Q Did you receive any other threats other than
11 the ones you have just mentioned?

12 A Yes.

13 I had to change the phone number.

14 Q Where you live?

15 A Yes.

16 Q When did you change the phone number?

17 A Oh, I'd say about five, six months ago.

18 Q And why did you change the number?

19 A Well, I kept getting phone calls, you know, at
20 2:00, 3:00 o'clock in the morning, and then you answer,
21 you know, and you say "Hello," and then somebody at the
22 other end says, "Oink, oink, oink," (grunting), "Oink,
23 oink, oink," (grunting). And that is the only answer that
24 you would get.

25 Q Pig sounds; right, Juan?

26 A Yes.

14a-2

1 So, after about a week or more of this, then I
2 came up with the bright idea to change the phone number.

3 Q Did you receive any other threats?

4 A Not that I can remember.

5 Q Has anyone been driving by your house where
6 you live right now?

7 A Yes.

8 They drive by there and they scream words at
9 nighttime, you know.

10 Q Words that you can hear?

11 A Yes, yes.

12 You can't distinguish them too much, you know.
13 You can understand the ones that are more commonly used,
14 like "mother-fuckers," and stuff like that, you know.

15 Q Any other words that you remember?

16 A No.

17 They probably said "figs," you know.

18 Q Figs?

19 A Figs. It sounded like "figs." That is what
20 it sounded like. As they drove by.

21 Q Does that word have any significance to you?

22 A Well, a fig is just a fruit, you know.

23 Q This has been happening recently?

24 A Yes. Yes.

25 Q Rather frequently?

26 A Well, not too much, but it happens, you know.

1 It has took place, you know.

2 Q As a result of your testifying, are you
3 presently in fear of your life, Juan?

4 THE COURT: I will sustain my own objection to that.

5 MR. KANAREK: Your Honor, may the record reflect
6 that Mr. Flynn now appears to be smiling or laughing?

7 I think that is a fair statement, your Honor,
8 for whatever it may be worth.

9 MR. BUGLIOSI: You have got kind of an imperceptible
10 look on your face too, Mr. Kanarek.

11 THE COURT: All right, gentlemen.

12 Anything further?

13 MR. BUGLIOSI: Yes. Quite a bit.

14 Q About the time that you saw these seven people
15 leave in Johnny Swartz's car about a week before August 16th,
16 was Manson talking about Helter Skelter around that period
17 of time?

18 A Yes. The word was promoted, you know.

14b fls.

4B-1

1 Q What do you mean, "The word was promoted"?

2 A Well, it was talked about more.

3 Q Did you hear Manson talk about Helter Skelter
4 around that period of time?

5 A Yes.

6 MR. HUGHES: Beyond the scope of the direct.

7 THE COURT: Overruled.

8 THE WITNESS: What does that mean?

9 MR. BUGLIOSI: Q Did you hear Mr. Manson talk
10 about Helter Skelter around that period of time, the
11 period when you saw the seven people leave at night?

12 A I believe I did, yes.

13 Q What would he say about Helter Skelter?

14 MR. KANAREK: Your Honor, that certainly is outside
15 the scope of my cross-examination.

16 MR. BUGLIOSI: I will ask to reopen direct, your
17 Honor.

18 THE COURT: Very well, you may.

19 THE WITNESS: You may what?

20 MR. BUGLIOSI: You may answer the question, Juan.

21 THE WITNESS: Oh?

22 Well, you know -- what was the question?

23 MR. BUGLIOSI: Q Around the period of time
24 that you saw these seven people leave at night in Johnny
25 Swartz's car, that is, about a week before August 16, 1969 --

26 A Yes.

1 Q Was Mr. Manson talking about Helter Skelter
2 around that period of time?

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

4 THE COURT: Overruled.

5 THE WITNESS: Yes. Yes.

6 MR. BUGLIOSI: Q What was he saying about
7 Helter Skelter?

8 MR. KANAREK: I object on the grounds of hearsay, your
9 Honor.

10 THE COURT: Overruled.

11 THE WITNESS: There was talk about the black people,
12 you know, and Helter Skelter, and just whatever was coming
13 down, you know.

14 Q BY MR. BUGLIOSI: Did Mr. Manson say what was
15 coming down?

16 A Helter Skelter. He described that, you know.

17 Q What were his words?

18 A Well, I can't define them that well, but I know
19 that these words were promoted mostly, you know, during that
20 period of time, you see.

21 Q Now, you had heard Mr. Manson talk about
22 Helter Skelter before that period; is that correct?

23 A Yes.

24 Q Was he talking more about Helter Skelter around
25 that period than usual?

26 MR. KANAREK: Calling for a conclusion, your Honor,

1 and assuming facts not in evidence, that there was some
2 kind of a "usual."

3 THE COURT: Sustained.

4 MR. BUGLIOSI: Q Did you hear him talk about
5 Helter Skelter more around that period than you had
6 previously heard him?

7 A Yes.

8 Q You mentioned that Randy Starr used to have a
9 lead rope out at the ranch.

10 What is a lead rope?

11 A Well, it is a lead rope for horses, you know.

12 Q What type of rope is that?

13 A Well, you put it underneath the halter, you
14 see, they have a snap, you know, and you can leave the
15 halter on the horse, and you can take the snap off and the
16 horse could stay with the halter and walk around the corral,
17 you know, and you have the rope on you.

18 Q What type of material is the rope made out of?

19 A It was real rough, brown. Something like that.

20 Q Was it nylon?

21 A I think it was.

22 Q And it was brown?

23 A Yes.

24 Q And did it look like the rope I showed you
25 Monday?

26 A No. That is a fine rope.

1 Q That is a fine rope?

2 A No. The one that you showed me.

3 Q Monday?

4 A Yes.

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14c-1

1 Q So, the rope I showed you Monday didn't look
2 anything like the rope that Randy Starr used to use?

3 A No. No.

4 This was just a small piece of rope, you know,
5 about this long. (Indicating.)

6 Q About --

7 A About like that.

8 Q Five feet?

9 A Something like that; six feet.

10 Q Directing your attention, Juan, to Volume 104,
11 page 11,911.

12 Will you read lines 6 through 10 to yourself?

13 (Pause while the witness reads.)

14 MR. BUGLIOSI: Have you read those lines to yourself?

15 THE WITNESS: I want to look at them.

16 (Pause while the witness reads.)

17 BY MR. BUGLIOSI:

18 Q Did you read those lines to yourself?

19 A Yes.

20 Q To those questions, did you give these
21 answers. Referring to the knife incident where Mr. Manson
22 put a knife at your throat.

23 "You thought he was boasting, in
24 other words?

25 "A Well, yes.

26 "Q You did not take him seriously?

14c-2

1 "A Well, I took him just as seriously
2 as he said them, you see, because they were
3 coming from him, you see."

4 What did you mean by that?

5 MR. KANAREK: Your Honor, that is assuming facts not
6 in evidence.

7 That refers to statements. It did not refer --
8 the transcript clearly reveals it did not refer to any
9 knife incident, your Honor.

10 Mr. Bugliosi's statements about the knife
11 just don't apply.

12 THE COURT: I don't understand what you are saying,
13 Mr. Kanarek.

14 MR. KANAREK: Well, counsel prefaced, before he read,
15 counsel prefaced some comment about the knife incident.

16 Well, the transcript reveals that this was a
17 colloquy involving statements. There is no reference to
18 the knife in connection with statements that Mr. Bugliosi
19 just read.

20 THE COURT: The witness may explain that answer.

21 Overruled.

22 THE WITNESS: Would you read that again, sir?

23 MR. BUGLIOSI: Yes.

24 "Q. You thought he was boasting, in
25 other words?

26 "A. Well, yes.

1 "Q You did not take him seriously?

2 "A Well, I took him just as seriously
3 as he said them, you see, because they were coming
4 from him, you see."

5 Q What did you mean when you said that?

6 MR. KANAREK: Well, your Honor --

7 THE COURT: You have already objected, Mr. Kanarek.
8 Don't object again to the same question.

9 Overruled.

10 You may answer.

11 THE WITNESS: Well, I felt that he was boasting, you
12 see.

13 I didn't want to believe him, you see, but I
14 was there, sitting, you know, and he had this thing on
15 my throat, you know.

16 BY MR. BUGLIOSI:

17 Q The knife?

18 A Yes, the knife.

19 And he was saying these things. So, I believe
20 him, you know.

21 But I, myself, didn't want to believe him.
22 I thought, "Well, he better be joking," you know.

14d fls.

4D-

1 Q I direct your attention to Volume 105, again
2 referring to the knife incident, Page 12,051.

3 Would you read Lines 3 through 8 to yourself.

4 (Pause while the witness reads.)

5 Q Have you read those lines to yourself, Juan?

6 A Yes.

7 MR. BUGLIOSI: "Q BY MR. KANAREK: Did you
8 believe it when you heard it there at the Spahn
9 Ranch?

10 "A I didn't want to believe it.

11 "Q You didn't want to believe it,
12 but my question is, and would you answer yes or no:
13 Did you believe it?

14 "A Yes, I believed it."

15 Q Now, asking you once again, Juan, when Mr.
16 Manson put that knife at your throat and said that he was
17 the one that was doing all these killings, did you believe
18 him or not?

19 A Well, yes and no.

20 Q Would you explain that?

21 A I believed that, you know, I was hearing the
22 things that were coming from him, you see, and he had that
23 knife on my throat, you know; but I believed that he was
24 boasting, you see.

25 Q Did he appear to be serious about what he was
26 saying to you?

14D2

1 A Well, he was convincing. He was convincing,
2 you see.

3 Q Did he appear to be angry when he was saying
4 this to you?

5 A Well, convincing, yes.

6 Q So, you say you believed it but you didn't
7 believe it?

8 A Well, I did and I didn't.

9 Q You didn't know how to take it?

10 A No.

11 Q Is that correct?

12 A Correct.

13 Q While at the desert, Juan, did Mr. Manson
14 ever ask you to join his group?

15 MR. KANAREK: That is outside the scope, clearly, of
16 cross-examination.

17 MR. BUGLIOSI: This was gone into on cross, your
18 Honor.

19 MR. KANAREK: About joining the group?

20 MR. BUGLIOSI: Not that language, but asking him to
21 come along with him.

22 THE COURT: You may answer.

23 MR. BUGLIOSI: If not, I will ask to reopen the
24 direct.

25 THE COURT: You may answer.

26 THE WITNESS: Yes.

1 MR. BUGLIOSI: Q And where was this in the
2 desert?

3 A Well, this was sometimes at Barker Ranch and
4 sometimes at Meyers Ranch.

5 Q In other words, more than once?

6 A Yes.

7 Q And what would he say to you?

8 A Well, he would say: "Are you going to go with
9 us," you know. "Are you going to go with me?"

10 And I'd say, "Well, I am just going to do
11 whatever I am going to do, and that is what I am going to
12 do. I am going to do and go wherever I want to."

13 Q When you would tell him these things, what would
14 he say to you?

15 MR. KANAREK: I object on the grounds of hearsay, your
16 Honor. Outside the scope of cross.

17 MR. BUGLIOSI: It is part of the conversation, your
18 Honor.

19 THE COURT: I am concerned about the relevancy as
20 to time.

21 MR. BUGLIOSI: This is everything that was gone into
22 by the defense, your Honor, on cross-examination. The
23 transcript is full of it.

24 MR. KANAREK: I submit that is not so, your Honor.

25 THE COURT: I am going to sustain the objection.

26 MR. BUGLIOSI: Q Before the knife incident,

1. which you say was a few days after you saw these seven
2. people leave at night, before that knife incident, Juan,
3. wherein Manson said, "I am the one who has been doing all
4. these killings," did Manson ever ask you to join his group?

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1 MR. KANAREK: I object to that, your Honor, on the
2 grounds of improper foundation as to time. It could go
3 all the way back to 1968.

4 MR. BUGLIOSI: I am laying a foundation now, Mr.
5 Kanarek.

6 MR. KANAREK: Ambiguous.

7 THE COURT: Overruled.

8 THE WITNESS: Before that.

9 BY MR. BUGLIOSI:

10 Q Before the knife incident, when he placed the
11 knife at your throat, at any time before that, Juan,
12 had he asked you to join his group?

13 A Yes.

14 Q When had he asked you to join his group?

15 A Well, it was close to that knife incident,
16 because I remember him saying or asking me if I was going
17 to go out to this place that you could look over like an
18 Indian and you wouldn't see no houses, no road or nothing,
19 you know.

20 He asked me something like that, to join the
21 Family and go and live at some place where you could look
22 over and you wouldn't see no houses.

23 Q What did you say to him? Did you turn him
24 down?

25 MR. KANAREK: Hearsay, your Honor. Improper founda-
26 tion as to time and people present.

14e-2

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: I said that I was going to do what I was
4 going to do, and I did.

5 BY MR. BUGLIOSI:

6 Q Did you turn him down?

7 A Yes.

8 Q Did you turn him down at the desert when he
9 asked you to join his group?

10 MR. KANAREK: Your Honor sustained an objection on
11 that, I believe, just a few minutes ago.

12 MR. BUGLIOSI: Just as to the conversation, not as to
13 the fact that he may have turned Mr. Manson down and refused
14 to join the Family.

15 MR. KANAREK: It is still a solicitation of hearsay,
16 your Honor.

17 THE COURT: Sustained.

18 MR. BUGLIOSI: It is part of the conversation, your
19 Honor.

20 THE COURT: Sustained.

21 MR. BUGLIOSI: Has the Court ruled on that?

22 THE COURT: Yes. The objection is sustained.

23 MR. BUGLIOSI: Okay.

24 Q Referring to Tex Watson, Juan. Did he threaten
25 you at any time?

26 MR. KANAREK: I object, your Honor.

1 THE WITNESS: No.

2 MR. KANAREK: That I must object to on the grounds
3 of the Sixth Amendment right to confront.

4 May I approach the bench in that regard, your
5 Honor?

6 THE COURT: Yes.

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

10 MR. KANAREK: Your Honor, I object on the grounds
11 that it is outside the scope of cross.

12 THE COURT: First of all, the question calls for a
13 conclusion. As to form it is objectionable.

14 MR. KANAREK: Your Honor, Mr. Bugliosi, in chambers,
15 said that Mr. Watson isn't here as a defendant.

16 THE COURT: Let's have an offer of proof.

17 MR. BUGLIOSI: Just the fact that the word "threat"
18 again is a very common word, and I think everyone knows
19 what it means.

20 The answer is "No," that Mr. Watson never
21 threatened him. It was always Manson.

22 Also, Watson never asked him to join the Family.
23 It was always Manson.

24 Again showing Manson's domination over the
25 group.

26 I am trying to reopen direct to paint a picture

1 of Charles "Tex" Watson as the type of individual he was.
2 He was quiet, kind of easy going. He never threatened him,
3 never asked him to join the group.

4 I am reopening direct with this witness on this
14 f. fls. issue of Charles "Tex" Watson.

14F-1

1 MR. KANAREK: Your Honor, if I may --

2 THE COURT: What is the relevancy, Mr. Bugliosi?

3 MR. BUGLIOSI: It is what I have been doing with all
4 the witnesses, your Honor, showing the type of individual
5 Charles Tex Watson was.

6 It is extremely relevant, your Honor. All he was
7 was a dune buggy mechanic, and on the two nights in
8 question he was taking orders from Charles Manson.

9 Charles Manson was in charge of the group.
10 Manson was giving all the orders at Spahn Ranch.

11 This is what I have been doing with all the
12 witnesses. It is just another example.

13 I did it with Danny De Carlo, I did it with
14 Barbara Hoyt, and I did it with Linda Kasabian.

15 THE COURT: You didn't ask these questions.

16 I can't rule on areas of inquiry, Mr. Bugliosi,
17 I have to rule on specific questions.

18 MR. BUGLIOSI: I realize that.

19 THE COURT: I have no idea what you are doing or
20 where you are going. We have to take the question as it
21 comes, and I rule on it.

22 MR. BUGLIOSI: The picture I am painting of Charles
23 Watson was that he was in control of everything out there.
24 He was the one making the threats and he was the one
25 asking people to join the Family. Tex Watson was kind of a
26 zero nonentity.

1 This is what I am putting on evidence of right
2 now.

3 THE COURT: The question is objectionable now because
4 it calls for a conclusion as to whatever he said was a
5 threat, unless it is a negative answer. It doesn't make the
6 question any less objectionable.

7 MR. BUGLIOSI: If the witness said, "Yes," then I
8 would say, "What was the nature of the threat?" And if it
9 comes out that it was not a threat, that is a matter for
10 argument. But the word "threat," I don't think the word
11 "threat" has to be reduced to anything more simple than
12 that.

13 MR. SHINN: What do we care about the conduct of
14 other people?

15 THE COURT: Mr. Manson may have said many things, and
16 some of the things may have constituted threats. When you
17 ask if it is a threat, that is calling for a conclusion.

18 MR. BUGLIOSI: He testified to a threat that Manson
19 made to him.

20 MR. KANAREK: May we have an offer of proof?

21 Your Honor stated this was just as to form.
22 May we have an offer of proof as to what Mr. Bugliosi
23 intends to prove?

24 THE COURT: He told us that he expects to get a
25 negative answer.

26 MR. KANAREK: You could get a negative answer against

1 all kinds of people, Governor Reagan and all kinds of
2 people. I think Mr. Bugliosi, in his zeal, is overlooking
3 the fact of what the charges are in this case.

4 Mr. Manson is charged with seven substantive
5 charges or murder, and also in connection with a conspiracy.
6 Mr. Manson is not charged with browbeating people.

7 THE COURT: I am inclined to agree. I just don't
8 see the relevancy. The form is objectionable.

9 MR. BUGLIOSI: I won't go into that line, but I
10 will ask a question about Tex Watson and his behavior and
11 things like that.

12 The Court already permitted me to ask.

13 MR. KANAREK: You can't confront --

14 THE COURT: One moment.

14G

14g-1

1 MR. BUGLIOSI: The fact that he is quiet and easy
2 going; the fact that Manson did order him to do things,
3 and that he never ordered Manson.

4 I have gone into this with everyone, your
5 Honor.

6 MR. KANAREK: Your Honor --

7 MR. BUGLIOSI: There is one point here. This state-
8 ment right here about the notice of the murders.

9 Now, the fact that the court reporter makes
10 an error, this in no way precludes the prosecution from
11 asking the question again.

12 As I say, I am saying in good faith that the
13 court reporter made an error; and even if he didn't make
14 an error, I have a right to ask the question more than
15 once.

16 We have 12,000 pages of questions that were
17 asked more than once, many, many times, on far out
18 peripheral issues.

19 Now, on a question like this, which is crucial--

20 THE COURT: What is the necessity of asking it twice
21 if you already asked it once and have gotten an answer?

22 MR. BUGLIOSI: Because I am stating that is not the
23 answer he gave.

24 MR. KANAREK: Let's have a hearing.

25 MR. BUGLIOSI: I am making that representation as
26 an officer of the court. That is not the answer he gave.

14g-2

1 MR. KAMAREK: There is a way of correcting the
2 transcript.

3 THE COURT: Is what he said what he will say now?

4 MR. MUSLICH: Yes.

5 THE COURT: Then you have it all.

6 What is the need to correct the transcript?

7 MR. MUSLICH: There is an error in the transcript.

8 I can't correct the transcript. I don't have
9 the power to do that.

10 THE COURT: I understand that. But you can make a
11 motion to correct the transcript. I can make the order.

12 MR. MUSLICH: Assume, hypothetically, that he goes
13 back and he finds out that this is what he thinks the
14 witness said. Does that preclude me then from asking this
15 witness what he told me ten times, which is not this?

16 These court reporters are not infallible, they
17 make errors just like anyone else.

18 THE COURT: Let's do it in the accepted way.

19 If the court reporter indicates that he did, in
20 fact, say what the transcript shows, and you think that is
21 not what he said, that is another matter entirely.

22 MR. MUSLICH: All right.

23 THE COURT: Then the transcript is not in error, but
24 the witness, perhaps, mispoke himself.

15 fix

-1
1 MR. BUGLIOSI: I will never stipulate that these court
2 reporters are infallible.

3 THE COURT: No one is asking you to.

4 MR. BUGLIOSI: The point is --

5 THE COURT: We are not going to argue that up here.
6 Let's get going.

7 MR. BUGLIOSI: All right, we will discuss it tomorrow.

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

10 Q BY MR. BUGLIOSI: How long a period of time,
11 Juan, did you know Charles Tex Watson?

12 A Over a year.

13 Q Was that at Spahn Ranch and then up at the
14 desert?

15 A Yes.

16 Q At Meyers Ranch?

17 A Yes.

18 Q Barker Ranch?

19 A Yes.

20 Q How would you describe Tex Watson?

21 MR. KANAREK: Your Honor, I must object to that as
22 calling for a conclusion by this witness.

23 THE COURT: Overruled.

24 THE WITNESS: Tall, slim, quiet, like that.

25 Q BY MR. BUGLIOSI: He did not talk much?

26 A No, he did not talk much.

1 Q Around August, September and October of 1969
2 did you notice any difference in his behavior?

3 MR. KANAREK: Your Honor, I must object to that,
4 what happened after these two days is completely outside
5 the scope --

6 MR. BUGLIOSI: I said August, also, your Honor.

7 THE COURT: The objection is sustained.

8 Q BY MR. BUGLIOSI: Around August of 1969 did you
9 notice any difference in his behavior?

10 MR. KANAREK: It's ambiguous, compared with what, your
11 Honor.

12 MR. BUGLIOSI: Compared with other periods when he
13 knew him.

14 THE COURT: Overruled, you may answer.

15 THE WITNESS: Yes.

16 Q BY MR. BUGLIOSI: What difference did you
17 notice?

18 A Well, he was peppier, you know, he was snappy,
19 he was sharp, you know, he was -- he just moved fast, you
20 know. You know, he moved fast; you know, he ran up in front
21 of the Spahn's Ranch, you know, pop his chest out, put
22 his shorts on, you know, and he was really peppy, you know.

23 Q He was acting different in August than he had
24 previously?

25 A He acted more vivid.

26 Q More vivid?

1 A Yeah.

2 Q More lively?

3 A More lively, yes, more hurry.

4 Q More hurry?

5 A More hurry.

6 Q You noticed this change in him in August of
7 1969?

8 A Yes. (Witness makes guttural sounds.)
9 And I noticed his eyes, you know.

10 Q He seemed to be more nervous around that period
11 of time?

12 MR. KANAREK: Leading and suggestive, calling for
13 a conclusion, your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: What does that mean?

16 THE COURT: You may answer.

17 THE WITNESS: More nervous, did you say?

18 Q BY MR. BUGLIOSI: Yes.

19 A Well, I guess you could say he was nervous.

20 I can say that he was nervous, you see, when
21 I know -- it was just change, you know, it's like you have
22 a man that does something all the time naturally, you know,
23 as I watched him, and then all of a sudden, poof, you know,
24 and he is out, you know, he is moving around and, you know.

25 Q Prior to August, you say -- well, you say he
26 was kind of a quiet individual, is that correct?

1 A Yes.

2 Q Was he a little more slow-moving than prior to
3 August?

4 A Prior to August he was --

5 Well, I noticed this when he was peppy, you
6 know.

7 I know the eyes, you know and -- but before he
8 was just Tex, you know.

9 Q Would you describe him as kind of an easy-
10 going fellow?

11 A Oh, yeah, an easy-going fellow, you know, you
12 know, a big smile, blue eyes, something like that.

13 Q What did you observe him do most of the time at
14 Spahn Ranch?

15 MR. HUGHES: Your Honor, I object to this whole line
16 of questions on the grounds of relevancy.

17 THE COURT: Overruled.

18 Q BY MR. BUGLIOSI: You may answer the question,
19 Juan.

20 A Well -- well, what I saw him doing?

21 Q Yes.

22 A Fixing dune buggies, and doing mechanical work,
23 you know.

24 Q Did you ever hear Mr. Manson tell Mr. Watson to
25 fix the dune buggies?

26 A Yes, he wanted Mr. Watson to fix one dune buggy

1 that he wanted made for himself.

2 Q For Mr. Manson?

3 A For Mr. Manson, you see, he says if anybody else
4 wants a dune buggy, they go get a dune buggy.

5 Q You heard Mr. Manson tell Mr. Watson to fix the
6 dune buggy, then?

7 A Well, he wanted Mr. Watson to fix the dune buggy.

8 Q For him?

9 A Yes, for him, and if anybody else, you see, they
10 were going to do an experimental motor, and then they were
11 going to use this for Mr. Manson, you see, and if anybody
12 else wants a dune buggy, they can go get another dune buggy
13 for themselves, you know.

14 Q Did Mr. Manson tell Mr. Watson to fix a dune
15 buggy for him?

16 A Well, when they started getting the dune buggies,
17 one night we put this one in the saloon.

18 Q Well, do you remember when Mr. Manson told
19 Mr. Watson to fix a dune buggy? When was that?

20 A I cannot recall the date. He told
21 Mr. Watson, and Mr. Bruce Davis, to fix the dune buggy, you
22 know, them two.

15a-1

1 Q What did you observe Mr. Watson do after Mr.
2 Manson told him to fix the dune buggy?

3 A Well, I didn't stick around, you know, I didn't
4 like dune buggies.

5 Q Did you ever hear Tex Watson tell Mr. Manson
6 to do anything?

7 A No.

8 Q On cross-examination, Juan, you were explaining
9 an incident at the cabin in Barker Ranch, when you said
10 Mr. Manson and Clem Tufts crept up on you, do you remember
11 that?

12 A Yes.

13 Q Did that happen in October of 1969?

14 MR. KANAREK: Your Honor, I object to that on the
15 ground this is outside the scope of cross-examination.

16 MR. BUGLIOSI: This came out on cross-examination,
17 your Honor.

18 THE COURT: Overruled.

19 MR. KANAREK: Because he uttered those words, your
20 Honor.

21 THE COURT: Overruled.

22 MR. BUGLIOSI: Okay.

23 Q Was this at Barker Ranch?

24 A Yes.

25 Q In October of 1969?

26 A Yes.

15a-2

1 Q Were you sleeping in a cabin at the time?

2 A Yes.

3 Q On the ranch?

4 A Yes, at Barker Ranch, yes.

5 Q Yes?

6 A Yes.

7 Q Were you sleeping in the cabin with anyone?

8 A Yes.

9 Q Who was that?

10 A That was Paul Crockett, Postin, Paul Watkins,

11 I and the dog.

12 Q All of you were living in this cabin?

13 A Yes.

14 Q And what time of the day did this incident
15 take place?

16 A Oh, it was nighttime.

17 Q The approximate time at night?

18 A About 12:00 o'clock.

19 Q Around midnight?

20 A Yes.

21 Q Would you relate what happened?

22 MR. KANAREK: Your Honor, may I object on the ground
23 of hearsay.

24 The prejudicial value far outweighs the
25 probative value.

26 It is remote, calls for a conclusion, --

15a-3

1 In addition to the continuing objection of
2 relevancy and materiality, it is in October, your Honor,
3 and outside the scope of any cross-examination.

4 MR. BUGLIOSI: This was all brought out on cross,
5 your Honor.

6 MR. KANAREK: He just uttered a couple of words,
7 but we did not go into the incident, your Honor.

8 THE COURT: I don't recall, Mr. Bugliosi.

9 MR. BUGLIOSI: Well, it was gone into on cross-
10 examination about the relationship that Mr. Flynn had with
11 Mr. Manson up at Barker and the Meyers Ranch.

12 The defense went into this in considerable
13 depth.

14 Among the events they went into were some
15 incidents where, apparently, Mr. Manson and Clem Tufts
16 were creeping up on Mr. Flynn's cabin, and I am simply
17 asking now for him to elaborate on this, and tell the jury
18 what the details were.

19 MR. KANAREK: I pursued no such incident, your Honor.

20 I would ask Mr. Bugliosi to show us in the
21 record what he is depending upon for this line of questions.

22 DEFENDANT MANSON: This proves that they are all
23 prosecutors, there is no defense here.

24 THE COURT: The objection is overruled, you may
25 answer.
26

15a-4

BY MR. BUGLIOSI:

Q Relate the incident, Juan.

A Well, the dog barked -- when I woke up the dog was barking, you know.

Then these other three fellows, Paul, the two Pauls and Brooks, went outside looking for something, you know, that the dog was barking at, and they could find nothing, so they came back in, you know, and then the dog came over by my bed, you know.

They lay down and went back to sleep, you know, and the dog came by my bed and he wouldn't bark no more, he would just growl, you know, he would just (witness makes growling noises), you know, he wouldn't bark, just right next to my bed.

So I sit up and I just sit there, you know, for a while, and then I look outside and Mr. Manson was creeping up from next to the street like this, you know, came around the tree and then he started tip-toeing, you know, because he did not want us, you know, to hear, you know, or something, you know, and he was tip-toeing like this, you know.

And I believe he had a knife in his hand, you know, and then I just waited until he got right in the middle of the yard so he could not jump behind anything, you know, and then I walked out there naked, you see, because it was pretty warm, too, you know.

And then Mr. Manson stopped, you know, and he

1 was going like that, you know, maybe it was the fringes
2 -- he had a brown suit on with leather, made out of leather
3 and he was going (witness makes noises), you know.

4 And I says, "Oh, it's you, huh?"

5 And he said, "Yea, hello," you know.

6 So we went back in the tent, you know, and --

7 BY MR. BUGLIOSI:

8 Q The tent or the cabin?

9 A The cabin, but before we went in there he called
10 his partner, one of his coolies, you know.

11 Q One of his coolies?

12 A Yeah, he hollered his name out, you know.

13 Q What name did he call out?

14 A Garth Tufts, you know, Clem.

15 Q Clem Tufts?

16 A Yeah.

17 Q Is that the end of the incident?

18 A Well, he asked me to go down the street with
19 him that night, too, you know, but I said unh-huh, no, no.

20 Q You thought it was a lot safer in the cabin,
21 Juan?

22 A Yes.

23 MR. KANAREK: I object to that question.

24 THE COURT: Sustained.

25 BY MR. BUGLIOSI:

26 Q When did you first hear the word "program", Juan?

1 A Well, I heard the word program first when I got
2 to Spahn Ranch.

3 Q And who did you hear use the word program?

4 A Well, Mr. Manson and members of the Family,
5 you see.

6 Q Did Mr. Manson ever tell you what programming
7 meant?

8 MR. KANAREK: Your Honor, that is remote.

9 MR. BUGLIOSI: It is so remote that the defense brings
10 it up on cross-examination, your Honor, and it isn't remote
11 anyway.

12 MR. KANAREK: Your Honor, this is not a tale of two
13 cities, this is a trial.

14 THE COURT: Do you have an objection, Mr. Kanarek?

15 MR. KANAREK: Yes, your Honor, it is his state of
16 mind we are going into, not Mr. Manson's.

17 MR. BUGLIOSI: I am very concerned about Mr. Manson.

18 MR. KANAREK: Outside of the scope.

19 THE COURT: The objection is sustained.

20 MR. BUGLIOSI: This was brought up on cross-examination,
21 your Honor. This was not brought out on direct.

22 THE COURT: We will adjourn at this time, ladies and
23 gentlemen, do not converse with anyone or form or express
24 any opinion regarding the case until it is finally submitted
25 to you.

26 The court will adjourn until 9:45 tomorrow morning.
(Whereupon the court was in recess until 9:45
o'clock a.m. of the following day.)

1 THE COURT: What facts?

2 MR. BUGLIOSI: Assumes a fact not in evidence.

3 THE COURT: What facts?

4 MR. BUGLIOSI: The way it is framed, as if he were
5 wearing one of those.

6 THE COURT: He said, "If any."

7 Overruled.

8 You may answer.

9 THE WITNESS: I wasn't wearing any of these.

10 MR. HUGHES: Q. How do you know, Mr. Flynn?

11 A. Well, I left it inside the jail house.

12 Q. On August 16th, you left the leather thongs
13 inside the jail house; is that correct?

14 A. No. The day I left the jail house.

15 Q. You left it there?

16 A. Yes.

17 Q. Do any of those look similar to the one you left?

18 A. I couldn't tell you.

19 Q. Why couldn't you tell me, Mr. Flynn?

20 A. Because I just couldn't tell you.

21 Q. Do you recall a time last year when you got
22 stoned on acid?

23 A. (Pause.)

24 Q. When you were bare-chested and went running down
25 to L.A.?

26 A. No.