

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.

122

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, October 9, 1970
P. M. SESSION

APPEARANCES:

For the People:

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

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~_____~~
RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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

I N D E XPEOPLE'S WITNESS:DIRECT CROSS REDIRECT RECROSS

GRAHAM, Virginia

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1 LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 9, 1970

2 2:03 P.M.

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4 (The following proceedings occur in open
5 court. All counsel present. Defendants and jury absent.)

6 THE COURT: All counsel are present. The jury is not
7 present.

8 Anything further, gentlemen, before I rule on
9 the motions?

10 MR. BUGLIOSI: Nothing further.

11 MR. FITZGERALD: Nothing further, your Honor.

12 THE COURT: Very well.

13 I have carefully considered the various motions
14 and the arguments advanced in support of them and I have
15 concluded that all of the motions should be denied,
16 and that will be the order.

17 Are you prepared to call your next witness at
18 this time, Mr. Bugliosi?

19 MR. BUGLIOSI: Yes, your Honor.

20 There is one legal issue involved here, and I
21 would ask the Court for a ruling on it.

22 Miss Graham was convicted, I am told, of forgery
23 in 1965. However, she received a misdemeanor sentence.
24 She was not sent to the State Prison. And forgery, of
25 course, is a felony misdemeanor.

26 However, she was violated on probation and she

1 ended up eventually being sent to the State Prison.

2 The question, for impeachment purposes, is:
3 Does that constitute a felony?

4 MR. FITZGERALD: Yes.

5 MR. BUGLIOSI: The People's position is that it does
6 not; that she received a misdemeanor sentence.
7 Therefore, I don't believe the defense is entitled to go
8 into that on cross-examination.

9 THE COURT: Well, apparently what she initially
10 received was an order granting probation; is that correct?

11 MR. KANAREK: That is correct.

12 MR. BUGLIOSI: But a misdemeanor sentence.

13 THE COURT: Later revoked. And the sentence was a
14 felony conviction to the State Prison; is that correct?

15 MR. KANAREK: Correct.

16 MR. SHINN: It was not suspended, and then state
17 prison after that.

18 MR. BUGLIOSI: She wasn't sent to the state prison
19 and then had the sentence revoked. She received a
20 misdemeanor sentence.

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1 THE COURT: She cannot be sentenced twice, Mr.
2 Bugliosi. If she had been sentenced on the misdemeanor,
3 there would never have been any subsequent sentence.

4 MR. BUGLIOSI: Very well. We are ready with our
5 next witness.

6 THE COURT: Bring in the jury.

7 (The following proceedings were had in open
8 court in the presence and hearing of the jury, all counsel
9 being present, in the absence of the defendants.)

10 THE COURT: All counsel and jurors are present.

11 You may call your next witness, Mr. Bugliosi.

12 MR. BUGLIOSI: People call Virginia Graham.

13 THE CLERK: Would you raise your right hand.
14 Would you please repeat after me.

15 I do solemnly swear --

16 THE WITNESS: I do solemnly swear --

17 THE CLERK: -- that the evidence I may give --

18 THE WITNESS: -- that the evidence I may give --

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

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

21 THE CLERK: -- before this Court --

22 THE WITNESS: -- before this Court --

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

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

25 THE CLERK: -- the whole truth --

26 THE WITNESS: -- the whole truth --

1 THE CLERK: ~~ee~~ and nothing but the truth --

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

3 THE CLERK: -- so help me God.

4 THE WITNESS: -- so help me God.

5 THE CLERK: Would you be seated, please. Would you
6 please state and spell your name.

7 THE WITNESS: Virginia Kathleen Graham, G-r-a-h-a-m,

8 THE REPORTER: Spell your middle name.

9 THE WITNESS: K-a-t-h-l-e-e-n.
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VIRGINIA KATHLEEN GRAHAM,

called as a witness by and on behalf of the People, being first duly sworn, was examined and testified as follows:

MR. KANAREK: May I have a continuing objection, your Honor, on relevancy and materiality as to this witness?

THE COURT: You may.

MR. KANAREK: Would your Honor request the jury to consider this only as to Susan Atkins?

THE COURT: So stipulated, Mr. Bugliosi?

MR. BUGLIOSI: So stipulated.

THE COURT: Very well. The jury is admonished that the testimony of this witness is to be received solely with respect to Miss Susan Atkins and not with respect to any of the other defendants for any purpose whatever.

MR. BUGLIOSI: May we approach the bench on one brief matter, your Honor?

THE COURT: Very well.

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

MR. BUGLIOSI: It just entered my mind at this moment that Susan Atkins is not in court now for identification purposes. Would there be a stipulation that the person she is referring to is Defendant Susan Atkins in this case?

If not, it seems to me she should be brought down here. I don't have any photograph.

THE COURT: I leave that up to you, Mr. Bugliosi.

1 If you think her presence is necessary for identification
2 she will be brought in.

3 MR. BUGLIOSI: Will there be a stipulation that the
4 Susan Atkins she is referring to is the Susan Atkins of the
5 Grand Jury indictment?

6 MR. SHINN: No, I'm not going to stipulate to that,
7 Mr. Bugliosi.

8 MR. FITZGERALD: Do you have a photograph?

9 MR. BUGLIOSI: I would request that she be brought
10 down here.

11 THE COURT: At this time?

12 MR. BUGLIOSI: I would like to have her here during
13 the whole testimony. This is strong evidence against
14 Susan Atkins.

15 I am thinking in terms of an appeal. If no
16 other defendant is down here, I think Susan Atkins should
17 be here.

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1 THE COURT: She will be brought down for the
2 purposes of identification, but she is not going to be
3 brought back into this courtroom to remain until such time
4 as she is willing to agree to conduct herself in a proper
5 manner.

6 MR. BUGLIOSI: Okay.

7 Then I would request, your Honor, that she
8 be brought down.

9 THE COURT: The question is when?

10 It would seem to me that the identification
11 probably should come after the testimony.

12 MR. BUGLIOSI: Okay. All right.

13 THE COURT: Otherwise, the jury won't know what
14 the identification is about. There hasn't been any
15 testimony as to it.

16 MR. BUGLIOSI: Right.

17 Okay.

18 Before I say "No further questions," do
19 you want me to approach the bench, then, and indicate to
20 you?

21 THE COURT: Yes, that would be appropriate.

22 MR. BUGLIOSI: Okay.

23 MR. HUGHES: Your Honor, I notice Mr. Bugliosi
24 appeared to be ready to ask questions off of some sheet
25 other than this edited sheet.

26 MR. BUGLIOSI: Right.

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1 MR. HUGHES: I am curious about that.

2 THE COURT: We have gone over this, gentlemen,
3 and there is no need to go over it any further.

4 Let's proceed.

5 MR. KANAREK: Join in Mr. Hughes' observations.

6 (Whereupon all counsel return to their
7 respective place at counsel table and the following
8 proceedings occur in open court within the presence and
9 hearing of the jury:)

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DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Are you presently married, ma'am?

A Yes, I am.

Q What is your married name?

A Castro; C-a-s-t-r-o.

Q So, your name is Mrs. Virginia Castro; is that correct?

A That's right.

Q And your former name was Virginia Graham?

A Yes.

Q And you still go under that name frequently?

A Occasionally, yes.

Q What is your present occupation?

A I am a clerical worker in an attorney's office.

Q Have you ever been convicted of a felony, Mrs. Castro?

A Yes, I have.

Q And what felony is that?

A I have been convicted of two felonies; petty with a prior, and forgery.

Q Have you ever been incarcerated at Sybil Brand Institute here in East Los Angeles?

A Yes, I have.

Q Were you there in October and November of

10-4

1 1969?

2 A Yes, I was.

3 Q While at Sybil Brand, did you meet a girl
4 named Sadie Glutz?

5 A Yes, I did.

6 Q And you have since learned that her name is
7 Susan Atkins?

8 A That is correct.

9 Q When did you meet Miss Atkins for the first
10 time in Sybil Brand?11 A I would say approximately November 2nd,
12 1969.13 Q Would you briefly explain your acquaintance-
14 ship, if any, with Susan Atkins?15 A Susan and I had the same job together. We
16 were called runners, which means that we delivered messages
17 all over the institution for the authorities, and it put
18 us in personal contact. We sat side by side most of the
19 day.20 Q Were you living in the same dormitory over
21 there?

22 A Yes. In Dormitory 8000.

23 Q Was her bed visible from your bed?

24 A Yes, it was.

25 Q Does the dormitory consist of separate
26 rooms?

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A No.

Q And there are no partitions, then, separating
the beds from each other?

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A No.

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1 Q Approximately how many beds were there in
2 dormitory 8000?

3 A Approximately 60.

4 Q During what period of time were you with
5 Susan Atkins at Sybil Brand, approximately?

6 A Are you referring to the date?

7 Q Not the date, but was it a week, two weeks,
8 three weeks?

9 A I met her approximately November the 2nd and
10 I left Sybil Brand November the 12th.

11 Q During that period of time, did you observe
12 how the other inmates seemed to treat Miss Atkins?

13 A Yes, I did.

14 Q How was it?

15 A They ignored her, they made fun of her, they
16 would laugh about her name, they would make fun because
17 she would get up and go-go dance, or she would do exercises
18 without underclothing underneath; and they would say, "Oh,
19 here comes Sadie Glutz."

20 Q Did she seem to be happy?

21 A Very much so. She was singing and dancing all the
22 time. In fact, it didn't seem to fit a place like that,
23 that type of happiness.

24 MR. SHINN: Your Honor, may the last portion of the
25 answer be stricken, your Honor, as not responsive.

26 MR. BUGLIOSI: It is foundation, your Honor.

1 MR. SHINN: I will withdraw my objection, your Honor.

2 MR. BUGLIOSI: Q Did you notice whether the other
3 inmates used to sit down and have conversations with her?

4 A Very few.

5 Q Did this cause you to feel somewhat sorry for
6 her?

7 A Yes, I did.

8 Q Did you ever try to become friendly with her?

9 A Yes.

10 Q You, of course, had heard of the Tate murders?

11 A Yes, I had.

12 Q Around the date of November the 6th, 1969, did
13 you have a conversation with Miss Atkins with respect to the
14 Tate murders?

15 A Yes.

16 MR. SHINN: Your Honor, I will object to that question
17 as being too general, your Honor.

18 THE COURT: Overruled.

19 MR. SHINN: It is a shotgun question, your Honor.

20 THE COURT: Overruled.

21 Q BY MR. BUGLIOSI: Approximately what time of
22 day did the conversation take place?

23 A I would say it was about a quarter of 5:00 in
24 the afternoon.

25 Q How do you place it at that time?

26 A We worked until about 3:30, and then after work

1 we would generally have dinner, and by the time we would get
2 back to the dormitory it was about twenty-five of 5:00, or
3 thereabouts, and she came into my bed area shortly there-
4 after.

5 Q So, then, the conversation took place near your
6 bed area?

7 A It took place in my bed area.

8 Q All right.

9 You were seated on the bed?

10 A Yes.

11 Q And she was also?

12 A Yes.

13 She came up and sat down.

14 Q What were the circumstances leading up to the
15 conversation about the Tate murders?

16 A Well, as we started talking, we were talking
17 about many things, and then the conversation drifted on
18 to LSD, which I, myself, had taken one time, and we dis-
19 cussed LSD for a while.

20 And then I warned Sadie that she talked entirely
21 too much.

22 I told her that I didn't care particularly what
23 she had done, but I didn't think it was advisable for her
24 to talk so much.

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1 Q Did you tell her why you didn't think it was
2 advisable?

3 A Yes.

4 In fact, I told her that I had known someone
5 that supposedly had spoken to a cellmate at one time and
6 gotten themselves involved in quite a bit of trouble.

7 Q When you told her of these things, in other
8 words, told her that she should not be talking too much,
9 what, if anything, did she say in response to that?

10 A She told me that she wasn't really worried
11 about it. And she also told me that she could tell by
12 looking at me, my eyes, that I was a kind person; and that
13 she wasn't worried about it anyway. And that the police
14 were on the wrong track about some murders.

15 And I said, "What do you mean?"

16 And she said to me, "The murders at Benedict
17 Canyon."

18 And just for a moment I didn't quite snap to
19 what she meant, and I said, "Benedict Canyon?"

20 And she said, "Yes. The Tate murders." And
21 she said, "You know who did it, don't you?"

22 And I said, "No, I don't."

23 And she said, "Well, you are looking at her."

24 Q When she told you this, I take it you were
25 probably somewhat shocked, is that correct?

26 A Yes.

1 Q Did you start to question her about it?

2 A Yes, I did.

3 Q And she proceeded to tell you certain things
4 about the Tate murders?

5 A Yes, she did.

6 Q Would you please tell the Judge and the jury what
7 Susan Atkins told you she did with respect to these Tate
8 murders?

9 MR. SHINN: Your Honor, I will object to the question
10 as being too general, your Honor.

11 THE COURT: I think you can proceed by question and
12 answer, Mr. Bugliosi.

13 Sustained.

14 MR. BUGLIOSI: Q Did Miss Atkins tell you that
15 she entered the Tate residence?

16 A Yes, she —

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1 MR. SHINN: Your Honor, I wanted to object, that
2 is leading, your Honor, leading and suggestive.

3 THE COURT: Sustained.

4 BY MR. BUGLIOSI:

5 Q ~~Now~~ What did Susan Atkins tell you with
6 respect to the Tate murders, taking it from the very
7 beginning?

8 A She said that after she entered the house,
9 the Tate house, she proceeded toward the bedroom.

10 She noticed a girl sitting in a chair read-
11 ing a book; the girl didn't look up and notice her.

12 She continued toward the bedroom and she
13 reached the bedroom door.

14 ~~There was a~~ Sharon Tate was sitting in
15 bed with a pillow propped up behind her and Jay Sebring
16 was sitting at the side of the bed and they were engrossed
17 in conversation, and at first she wasn't noticed.

18 Q Did you ask her how Sharon Tate was dressed?

19 A Yes, I did, she said she had a bikini bra
20 and pants on.

21 ~~Q Did she say whether or not~~

22 Q Did she identify the person who was seated
23 on the bed with Sharon?

24 A Yes, she did.

25 Q What name did she give?

26 A Jay Sebring.

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1 Q Did she say whether or not Sharon Tate and
2 Jay Sebring eventually entered the living room of the
3 Tate residence?

4 A Yes, she^{said they} did.

5 Q What did she say?
6 She said that after they were in the living
7 room --
8 Q Did they ~~did~~ enter the living room?
9 Yes, they did, definitely, yes.

10 Q After Sharon Tate and Jay Sebring entered
11 the living room, what did Susan Atkins say took place?

12 A She said that the other man --

13 Q Now, when you say "other man," did she
14 indicate this was a man other than Jay Sebring?

15 A Yes, sir, she did.

16 Q What did she say about this other man?

17 A She said that --
18 MR. KANAREK: Your Honor, may we approach the
19 bench?
20 THE COURT: No, sir.

21 THE WITNESS: She said that the other man ran
22 past her, and as he ran past her she stabbed him four
23 or five times.

24 He got to the door and he started screaming
25 for help. He got out onto the front lawn and he was
26 screaming "Help, help, somebody please help."

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1 And with this she put her hand on her hip
2 and she said to me, "And would you believe that he was
3 screaming 'Help, help' and nobody came?"

4 Q This is what Susan Atkins told you?

5 A That's right.

6 Q What else did Sadie say they did -- when I
7 say Sadie, now, I'm referring to Susan Atkins.

8 MR. SHINN: Your Honor --

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

11 THE COURT: For what purpose?

12 MR. KANAREK: I don't want to enunciate it in
13 the presence of the jury.

14 I would ask your Honor to read the transcript
15 of the in-chambers conference --

16 THE COURT: Let's proceed.

17 THE WITNESS: Would you please repeat that
18 question, Mr. Bugliosi?

19 BY MR. BUGLIOSI:

20 Q What else did Sadie say that she did?

21 A She said that she was holding Sharon Tate's
22 arms behind her, and that Sharon Tate looked at her and
23 she said she was crying and she said to her, "Please,
24 please don't kill me, I don't want to die. I just want
25 to have my baby."

26 She said, "And I looked Sharon straight

1 in the eye and I said to her, 'Look, bitch, you might
2 as well face it right now, you're going to die, and I
3 don't feel a thing behind it,' and ~~in a few minutes she~~
4 ~~was dead.~~"

5 Q Did Susan Atkins say whether she in fact
6 killed Sharon Tate?

7 A Yes, she did.

8 Q What did she say?

9 A She said "I killed her." *Att. I think*

10 Q Did Miss Atkins say anything about blood
11 at that point?

12 MR. SHINN: Your Honor, I'm going to object to
13 that question as being leading and suggestive, your
14 Honor.

15 THE COURT: Overruled.

16 THE WITNESS: Yes, she did.

17 BY MR. BUGLIOSI:

18 Q What did she say?

19 A She said that she had blood in her hand
20 and she looked at her hand and she took her hand and
21 she put it up to her mouth and she said, "To taste
22 death and yet give life, wow, what a ~~trick~~ ^{trip}"

23 Q Did Miss Atkins ask you if you had ever
24 had that type of experience with blood?

25 MR. SHINN: I object, irrelevant, your Honor.

26 THE COURT: Overruled.

1 THE WITNESS: Yes, she did. She asked me if I was
2 interested in blood, and I said I had seen it, and she
3 said that it was really beautiful; that it was warm and
4 sticky.

5 BY MR. BUGLIOSI:

6 Q Did she say anything about the eyes of the
7 people there at the Tate residence?

8 A Yes, she did, she told me that she wanted
9 to take their eyes out and squash them against the wall,
10 and cut their fingers off, but that she didn't have time.

11 Q Did Miss Atkins tell you anything about who
12 was the last to die at the Tate residence?

13 A Yes, she did.

14 Q What did she say?

15 A She told me Sharon Tate was the last to die.

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1 Q Did she say anything about a knife of hers?

2 A Yes, she did, she told me that she lost her
3 knife up there; that she looked for it for a few minutes
4 but could not find it, and then she said she thought the
5 dog had taken it outside and buried it.

6 Q As Miss Atkins was discussing these murders
7 with you, did she say anything about how it felt to stab
8 a human being with a knife?

9 A Yes, she did.

10 Q What did she say?

11 A She said that when the knife went in it
12 felt soft and that it was quite a thrill.

13 Q Did you ask Miss Atkins if she knew the people
14 who lived at the Tate residence?

15 A Yes, I did.

16 Q What did she say?

17 A She said no, that she did not know the people
18 that lived there, but that it did not matter who was there
19 because they would all die.

20 MR. KANAREK: Your Honor, may we approach the bench?
21 THE COURT: Not at this point, Mr. Kanarek.

22 Q ~~Did you ask Miss Atkins how~~
23 she felt after these murders?

24 A Yes, I did.

25 Q What did she say, if anything?

26 A She said that she was tired but she felt

1 elated and at peace with herself.

2 Q During your conversation with Miss Atkins did
3 you again remind her that she should not tell people
4 about what she was telling you?

5 A Yes, I did.

6 Q What did she say, if anything?

7 A She smiled and she told me that she wasn't
8 worried about it; that she knew how to play crazy and how
9 to act like a little girl, and besides that that she had
10 an alibi anyway-

11 Q Would you describe for the Judge and the jury
12 in your own words Sadie's demeanor, Susan Atkins'
13 demeanor when she spoke to you about these murders?

14 A Well, I would say she was highly excited about
15 it, and was very intense about it, almost to the point of
16 reliving it again and enjoying it.

17 Q Did she speak to you loudly when she told you
18 about these murders?

19 A Yes, she did, she raised her voice quite a bit.
20 In fact a few times I told her to lower her voice.

21 Q Did Miss Atkins say that she was sorry or had
22 any remorse for these murders?

23 A Absolutely no remorse, nothing.

24 Q Have you, yourself, ever been to the Tate
25 residence, Mrs. Castro?

26 A Yes, I was, one time in 1962.

1 Q And what were those circumstances?

2 A I was looking for a house to rent, and I was
3 with my ex-husband, and a girl friend, and we drove up
4 there.

5 Q For the purposes of --

6 A For the purposes of renting, which we did not
7 do.

8 Q Did you actually enter the premises?

9 A We went --

10 THE COURT: Just a moment, just a moment.

11 Would you care to approach the bench,

12 Mr. Bugliosi?

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

3 THE COURT: What are you going to get into now?
4 I don't want you to get into anything about Terry Melchior.

5 MR. BUGLIOSI: No, just that she went to rent the
6 house. The defense knows this.

7 THE COURT: I wasn't sure.

8 MR. BUGLIOSI: No, no, I deleted -- she blurted out a
9 couple of words she should not have, but I think by and
10 large she conformed her testimony quite a bit to what we
11 discussed.

12 But it is difficult for her to change her story.

13 MR. FITZGERALD: It certainly is. She already
14 violated. We had a long discussion --

15 MR. BUGLIOSI: On what?

16 MR. FITZGERALD: For an hour and a half, or 45
17 minutes about who got stabbed walking by who else.

18 MR. BUGLIOSI: No, the thing that was stricken was
19 the fact that he had gotten loose and he was bloody.
20 It was not stricken that he was stabbed.

21 THE COURT: That is correct.

22 MR. FITZGERALD: What is to prevent Mr. Shinn to ask
23 who the first was to die, the second was to die and the
24 third was to die if you are entitled to ask who was the last
25 to die?

26 What about the first four?

1 THE COURT: Hold it down.

2 MR. BUGLIOSI: This is all in the statement, your
3 Honor, I'm not going over anything. There are things which
4 I am going into that has nothing to do with the murders.
5 They are background material.

6 THE COURT: Like what?

7 MR. BUGLIOSI: Like I asked her if she ever had been
8 to the Tate residence, and as to the conviction of a felony
9 on her part.

10 THE COURT: What difference does it make if she has
11 been to the Tate residence?

12 MR. BUGLIOSI: The defense knows that.

13 THE COURT: That does not answer the question.
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1 MR. BUGLIOSI: I don't think it is irrelevant
2 either, I don't want to go into things like this.

3 THE COURT: Leave it out. I don't want to pose
4 any additional problems, Mr. Bugliosi. That cannot
5 possibly help your case, why she was ever there.

6 MR. BUGLIOSI: It is not offered to help my case,
7 just like her being convicted of a felony does not help
8 my case at all either, but it is something the defense
9 brings up.

10 I have a right to bring it up first.

11 Now that we have raised the point that she's
12 been to the Tate residence, I want to continue further.

13 She did not enter the premises. I mean, she
14 went up to the house, and it was closed, but that is in
15 her statement here which is nothing new.

16 MR. SHINN: What is the relevancy of it?

17 MR. BUGLIOSI: What is the relevancy of her being
18 convicted of a felony too?

19 THE COURT: Let's take one thing at a time. That
20 is something that is well established by the law they have
21 a right to go into.

22 What I am concerned with is this witness
23 rambling on about something and getting into an area --

24 MR. BUGLIOSI: I am not going to --

25 THE COURT: I know you are not going to. I don't
26 know what she is going to do. Unless I see it is clearly

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relevant --

MR. BUGLIOSI: I have instructed her --

THE COURT: I know what her statements are. I read them all over and over and over again. I cannot see what this possibly has to do with the case.

MR. BUGLIOSI: It doesn't have anything to do with it. The only reason I bring it in is because the defense on cross-examination brings these things up.

THE COURT: If she doesn't testify to it, it won't come in on cross-examination.

MR. KANAREK: Your Honor, if I may, the other man -- your Honor made it clear that this was to be a man ran by, and not "the other man." That was part of your Honor's --

MR. BUGLIOSI: The man other than the man on the bed.

THE COURT: I think that is strictly correct, Mr. Kanarek, I cannot recall precisely.

In any event what do you propose to do?

MR. KANAREK: I propose to strike the word "other," and that a man ran by.

THE COURT: "Other" is made clear by the context of her testimony, when she was asked whether this was the same man.

MR. KANAREK: That was not part of our arrangement, your Honor. That was not part of what your Honor specifically said in chambers.

1 THE COURT: It was not an arrangement --

2 MR. KANAREK: But your Honor specifically said --

3 THE COURT: Even if you are right, it has been done.

4 MR. KANAREK: I suggest the word "other" be
5 stricken.

6 THE COURT: That would leave an ambiguity.

7 MR. KANAREK: No, than a man approached the witness.

8 MR. BUGLIOSI: There was a man other than Jay
9 Sebring. I have a right to put that in.

10 MR. KANAREK: That goes to the heart of our defense,
11 if your Honor allows that.

12 THE COURT: I am not going to have this witness
13 testify to something that is not true.

14 If that word were stricken, then its testimony
15 would lend itself to an interpretation which in the light of
16 her complete statement is not true.

17 MR. KANAREK: No, but your Honor --

18 THE COURT: That is all, Mr. Kanarek, I heard that.
19 I discussed it at length.

20 Anything else, gentlemen?

11c fls. 20

lc-1

1 MR. SHINN: Are you finished now?

2 MR. BUGLIOSI: With her? No. I have a couple more
3 questions.

4 MR. KANAREK: Then, your Honor, may I allege that
5 this word, the use of "the other man," is a deliberate
6 violation of your Honor's own editing?

7 THE COURT: I don't know if it was deliberate or if
8 it was a violation at all. I consider it to be entirely
9 immaterial.

10 MR. KANAREK: Is it true --

11 THE COURT: It is not inaccurate.

12 MR. KANAREK: Is it true that your Honor did say --

13 THE COURT: I don't know. The record will reflect
14 what I said.

15 MR. KANAREK: I would ask to be sworn on that, your
16 Honor, that your Honor did say --

17 THE COURT: What difference does it make?

18 MR. KANAREK: Because it goes to the heart of our
19 defense.

20 THE COURT: What you want, Mr. Kanarek, is for this
21 witness to end up testifying to something that is not in
22 fact true, so you can use it as your defense.

23 MR. KANAREK: Not so, your Honor --

24 THE COURT: That is enough.

25 MR. BUGLIOSI: I just want to bring out she did
26 not rent the house.

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

3 Q BY MR. BUGLIOSI: On that occasion, did you
4 actually enter the Tate residence?

5 A I did not go inside of the house. I did go
6 into the gate.

7 Q All right, and you never did rent the Tate
8 residence?

9 A No, I did not.

10 Q Do you know Roni Howard?

11 A Yes, I do.

12 Q Was Roni incarcerated with you at Sybil Brand
13 at the same time you were there with Susan Atkins?

14 A Yes, she was.

15 Q Is Roni married to your second husband?

16 A Yes, she is.

17 Q How long had it been since you had last seen
18 Roni?

19 A Approximately four to four and a half years.

20 Q So you had seen her about four or four and a
21 half years prior to seeing her at Sybil Brand?

22 A I saw Roni last, I believe, in 1964.

23 Q And you saw her in court here yesterday for a
24 few minutes?

25 A Yes.

26 Q After Susan Atkins spoke to you about these Tate

1 murders did you then talk to Roni Howard?

2 A Yes, I did.

3 Q About your conversation with Susan Atkins?

4 A Yes, I did. I told --

5 Q Without going into what you told her, you did
6 talk to her about your conversation with Susan?

7 A Yes, I did.

8 Q Did you talk to her the same day?

9 A I certainly did, within a few minutes after
10 our conversation ended, Miss Atkins and mine.

11 Q Was there any reason for talking to Roni Howard
12 about what Susan told you?

13 MR. KANAREK: Your Honor, if I may, I think that is
14 outside the scope of any kind of materiality or relevancy.
15 It has no --

16 Her subjective state of mind for talking has
17 no meaning in this trial, your Honor.

18 THE COURT: Sustained.

19 Q BY MR. BUGLIOSI: At the time you spoke to
20 Susan Atkins was it your belief that you were going to be
21 transferred out of Sybil Brand?

22 A Yes, it was.

23 Q To go elsewhere?

24 A Yes.

25 Q Where was that?

26 A To Corona.

1 Q Were you eventually transferred to Corona?

2 A Yes, I was.

3 Q Go ahead.

4 A November 12.

5 Q 1969?

6 A Correct.

7 Q Corona is a State Prison for Women?

8 A Yes, it is.

9 Q While at Corona did you decide to tell the
10 authorities what Susan Atkins told you?

11 A Yes, I did.

12 Q And who is the first person that you told about
13 what Susan Atkins told you?

14 A Are you speaking of the verbally told?

15 Q Yes.

16 A Miss Mary Ann Dorn, she was my counsellor,
17 and I told her on November 26th, 1969.

18 Q Did the Los Angeles Police Department eventually
19 contact you?

20 A They did that same day.

21 Q November 26, 1969?

22 A That's correct.

23 Q You had a conversation with them?

24 A Yes, I did.

25 Q With respect to what Susan told you?

26 A That's right.

1 Q Mrs. Castro, you are aware of a \$25,000 reward
2 in this case?

3 A Yes, I am.

4 Q Are you also aware that you might receive a
5 portion of that \$25,000?

6 A Yes, I am.

7 Q Are you also aware that testifying in court is
8 not a requirement to collect the money?

9 MR. KANAREK: Just a minute --

10 MR. FITZGERALD: Is it? Is it?

11 MR. BUGLIOSI: Do you want to testify, Mr. Fitzgerald?
12 You can take the stand.

13 MR. FITZGERALD: This is assuming facts not in
14 evidence, your Honor.

15 MR. BUGLIOSI: I am interested in her state of mind,
16 your Honor.

17 THE COURT: The objection is sustained.

18 Q BY MR. BUGLIOSI: When did you first learn of
19 this \$25,000 reward, Mrs. Castro?

20 A After I talked with Sergeant Nielsen on the
21 26th of November, 1969.

22 Q And is he the one that told you about it?

23 A Yes, he is, he told me after our conversation
24 about the matter was over.

25 Q After you already related to him what Susan
26 told you, he mentioned the reward to you?

1 A That's right.

2 Q Have you ever entered into any contract with
3 anyone to sell your story?

4 A No, I have not.

5 Q Have you ever negotiated with anyone with
6 respect to selling your story?

7 A No, I have not.

8 Q In July of 1970, a few months ago, did you have
9 any conversation with anyone at Merrick Studios here at
10 Los Angeles?

11 A Yes, I did.

12 Q Please relate that.

13 MR. KANAREK: Well, your Honor, I don't know what she
14 is going to say --

15 Q BY MR. BUGLIOSI: Without going into the conver-
16 sation of what Susan Atkins told you, would you relate
17 what conversation you had with the representative of Merrick
18 Studios?

19 MR. KANAREK: That is hearsay, your Honor, in any
20 context.

21 Q BY MR. BUGLIOSI: You did not enter into any
22 contract with Merrick Studios, is that correct?

23 A I did not.

24 Q Did you negotiate with them at all?

25 A No, I did not.

26 MR. BUGLIOSI: Thank you, I have no further questions.

1 THE COURT: Did you wish to identify her, Mr. Bugliosi?

2 MR. BUGLIOSI: I would, if possible, ask to have
3 Susan Atkins brought down.

4 THE COURT: All right, Mr. Skupen, we desire to
5 have Miss Atkins brought into this courtroom.

6 MR. VANARUK: Your Honor, while he is doing that may
7 we approach the bench on a matter?

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1 THE COURT: In connection with what?

2 MR. KANAREK: In connection with -- it is a legal
3 point, your Honor.

4 THE COURT: Very well.
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12-2

1 (All counsel approach the bench and the
2 following proceedings occur at the bench outside of the
3 hearing of the jury:)

4 MR. KANAREK: Your Honor, the Clerk informs me
5 that the exhibits that your Honor assembled as to each
6 of these is in your Honor's chambers.

7 I wonder if I might have those? I would like
8 to look at them.

9 THE COURT: They are in my folder here.

10 I was going to refer to them, if necessary,
11 during the course of the examination.

12 MR. KANAREK: May I have them?

13 THE COURT: You have copies of them.

14 MR. KANAREK: I know; but I want to see the exact
15 Court Exhibit if I may, if it wouldn't be imposing.

16 MR. BUGLIOSI: You have photostatic copies.

17 MR. KANAREK: I would like to see the exhibit, if
18 I may.

19 THE COURT: The Court Exhibit, Mr. Kanarek, consists
20 of copies of the exact, identical documents that you have
21 received copies of, and I am going to use these during the
22 course of the examination.

23 MR. KANAREK: At this instant, may I have them?

24 THE COURT: Well, we are going to continue here in
25 a moment.

26 For what purpose?

12-3

1 MR. KANAREK: Because I want the record to reveal
2 that your Honor struck out the word "other."

3 THE COURT: The record will either reveal it or
4 it won't.

5 What difference does it make what appears on
6 a piece of paper?

7 MR. KANAREK: It is a part of the official file.

8 THE COURT: It wasn't put in for that purpose.
9 The documents were put in for the purpose of indicating
10 what the totality of the statements of this witness were
11 with respect to her conversations with Miss Atkins.

12 The short, but complete, statement, as has
13 been referred to, taken by Mr. Key, was the basis -- was
14 the basis, that is all --

15 MR. KANAREK: I recognize that.

16 THE COURT: -- for the determination of whether
17 effective deletions could be made, and that is all it was
18 intended for.

19 So, don't try to make something out of
20 nothing.

21 MR. KANAREK: Your Honor is the one to rule.

22 May I look at it?

23 THE COURT: The question that was asked and the
24 answer that was given in front of the jury, that consti-
25 tutes the deleted and edited statement. Nothing else.

26 MR. KANAREK: I understand.

12-4q

1 THE COURT: I just want to make this clear, Mr.
2 Kanarek, because I don't want you twisting this around
3 into something it wasn't intended to be.

4 MR. KANAREK: I am merely asking your Honor to
5 see an official court document.

6 THE COURT: The deleted statement is now on the
7 record as the testimony of the witness in front of the
8 jury.

9 Don't try to read anything else into it.

10 MR. KANAREK: May I finish?

11 Your Honor is the one to rule.

12 I deem it a denial of due process, the
13 right to effective counsel, the right to confront, your
14 Honor not allowing me to have the exhibit, which is right
15 at your Honor's elbow at this crucial point.

12a fls

12a-1

1 THE COURT: You have a copy of it.

2 MR. KANAREK: I am talking about the Court Exhibit
3 where the word "other" was stricken out.

4 THE COURT: Let's proceed.
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(Whereupon all counsel return to their respective place at counsel table and the following proceedings occur in open court:)

(Defendant Atkins is brought into the courtroom.)

BY MR. BUGLIOSI:

Q Mrs. Castro, you see a girl walking into the courtroom?

A Yes, I do.

Q Do you know who she is?

A Yes, I do.

Q Who is she?

A That is Sadie Glutz.

Q That is the person about whom you have been referring?

A Yes, it is.

Q The girl who told you about the Tate murders at Sybil Brand Institute?

A Yes.

Q And you have now learned that her true name is Susan Atkins?

A Yes.

DEFENDANT ATKINS: Why don't you take off your wig and your phony face.

THE COURT: You may take Miss Atkins from the courtroom.

12a-3

1 DEFENDANT ATKINS: You are not a very good actress.

2 (Defendant Atkins is taken from the court-
3 room.)

4 THE COURT: Does that conclude your direct examina-
5 tion?

6 MR. KANAREK: Your Honor, there was a colloquy
7 between Miss Atkins and the witness made a response. All
8 I ask is, for the record, I wasn't able to hear it.

9 THE COURT: I wasn't able to hear it either.

10 MR. KANAREK: I would like the record to indicate
11 what it was, whatever it was.

12 THE COURT: We won't bring it out since, apparently,
13 it wasn't heard.

14 Do you care to cross-examine, Mr. Fitzgerald?

15 MR. FITZGERALD: Excuse me. I'm sorry.

16 No, no questions of this witness.

17 THE COURT: Mr. Shinn?

18 MR. SHINN: Yes, your Honor. Thank you, your
19 Honor.

20
21 CROSS-EXAMINATION

22 BY MR. SHINN:

23 Q Miss Graham, I believe you testified that
24 you were convicted of two felonies; is that correct?

25 A That is correct. That's right, sir.

26 Q When was the first one?

12a-4

1 A It was a forgery.

2 Q What date was that?

3 A The date that I was convicted, are you
4 referring to?

5 Q Yes.

6 A It was, I believe, June 4th I was arrested,
7 1964. I think it was probably a few months later that I
8 was convicted.

9 Q '64 or '65?

10 A I think it was '64.

11 Q What name did you use at that time?

12 MR. BUGLIOSI: That is irrelevant.

13 THE COURT: Sustained.

14 MR. SHINN: May we approach the bench on this,
15 your Honor?

16 THE COURT: Proceed.

17 BY MR. SHINN:

18 Q Did you ever use the name of Virginia
19 Katherine Lopez, L-o-p-e-z?

20 MR. BUGLIOSI: Irrelevant.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: Yes, I did.

24 BY MR. SHINN:

25 Q Was that in 1965?

26 A I believe so.

1 Q And the second conviction of a felony was
2 when? 1967?

3 A I believe I was convicted in 1966, and I went
4 to Corona in '67.

5 Q And that is a State Prison for Women?

12b file. A Yes.

12QB

1 Q And what name did you use at that time?

2 A I was incarcerated under Virginia Graham.

3 Q Not Virginia Kathleen, spelled K-a-t-h-l-e-e-n,
4 Graham?

5 A Yes. Virginia Kathleen Graham is the name I was
6 incarcerated in Corona under.

7 Q And did you ever use the name Virginia
8 Katherine, K-a-t-h-e-r-i-n-e, Lopez?

9 A Quite possibly.

10 Q You don't recall?

11 A Not Katherine. My name is Kathleen.

12 I am not saying that I didn't. At the moment,
13 I don't recall it.

14 Q In 1965?

15 A Like I said, sir, I don't recall.

16 Q Did you ever use the name Virginia Kathleen,
17 K-a-t-h-l-e-e-n, Benedict?

18 MR. BUGLIOSI: That is irrelevant. It is also
19 ambiguous.

20 THE COURT: Overruled.

21 MR. BUGLIOSI: What time, your Honor, is he
22 referring to?

23 MR. SHINN: I am asking her: Did she ever use that
24 name, your Honor?

25 THE COURT: The objection is overruled.

26 You may answer.

1 THE WITNESS: I believe I did.

2 MR. SHINN: Q Approximately what date?

3 What year?

4 A I cannot be specific, but it was a very long
5 time ago.

6 Q Did you ever use the name Virginia Kathleen,
7 K-a-t-h-l-e-n, Browne?

8 A Yes. That is my given name that I was born
9 with.

10 Q Is that your true name?

11 A That is my true name.

12 Q Did you ever use the name Virginia Siccio,
13 S-i-c-c-i-o?

14 MR. BUGLIOSI: It is irrelevant. This is all
15 irrelevant and I object to this line of questioning.

16 THE COURT: Overruled.

17 MR. SHINN: Your Honor?

18 THE COURT: The objection is overruled.

19 You may answer.

20 THE WITNESS: I believe you are trying to say Ciocco.

21 MR. SHINN: Thank you.

22 Q How do you spell it?

23 A C-i-o-c-c-o.

24 That was my married name to my first husband.

25 Q When did you use that name?

26 A When I was married to my first husband and

1 when I came to California.

2 Q Did you ever use the name Virginia C. Benedict?
3 Capital C. Benedict?

4 A Again, I have to say that I can't recall, but
5 it could possibly be.

6 Q It is possible?

7 A Yes, it is.

8 Q And did you ever use the name Virginia
9 Kathleen Graham?

10 A Oh, yes.

11 Q When was that?

12 A Now, and when I went into Corona.

13 Q The State Prison?

14 A The State Prison.

15 Q You talked about this \$25,000 reward.

16 A Would you repeat that? I'm sorry, I didn't hear
17 you.

18 Q I believe you testified that -- you testified
19 something concerning the \$25,000 reward; correct?

20 A That I had knowledge of it, yes.

21 Q Yes.

22 When did you enter the women's jail at Sybil
23 Brand?

24 A October 20, 1969.

25 Q And before entering the women's jail on October
26 20th, 1969, you had read about this Tate event in the

1 newspapers?

2 A Yes, I did.

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1 Q And you heard about it on the radio?

2 A Oh, yes.

3 Q And in fact, you even stated you had your
4 eyes glued on the TV concerning this case; correct?

5 A Yes, I did.

6 Q Now, this was all before you went to Sybil
7 Brand Women's jail; is that correct?

8 A Yes.

9 Q And, in fact, you did know one of the
10 victims' relatives or friends; is that correct?

11 A One of the victims' relatives?

12 Q Or friends?

13 Did you know anyone of the victims' friends
14 or relatives?

15 A I knew one of the -- yes. I knew a friend
16 of Mr. Sebring.

17 Q When did you first read about this case? In
18 August?

19 A The day that --

20 Q In August, '69?

21 A The day after it happened.

22 Q And you were very interested in this case,
23 were you not?

24 A Oh, yes.

25 Q And you read the papers every day concerning
26 this matter?

12c-2

1 A I wouldn't say every day, but I read them
2 quite a bit.

3 Q And you read magazines?

4 A I am sure that I did.

5 Q Books?

6 A I read some books after.

7 Q Before. I am speaking of now before you
8 went to the Women's Jail.

9 A I don't recall reading books.

10 Q Magazines?

11 A Yes.

12 Q What magazines?

13 A I -- you know --

14 Q You don't recall?

15 A No. Probably movie magazines or just
16 magazines.

17 At the moment, again, I can't be specific
18 on that.

19 Q And you watched the events of this case on
20 television; is that correct?

21 A Oh, yes, yes, I did.

22 Q Every day?

23 A Again, I wouldn't say every day. I wasn't
24 home every day, possibly, to watch it on TV. But I did
25 follow it.

26 Q Now, when you watched TV --

12c-3

1 A Excuse me. I didn't catch that. I just
2 heard "TV."

3 MR. SHINN: I'm sorry. I didn't finish my question.

4 THE WITNESS: Oh?

5 BY MR. SHINN:

6 Q Now, directing your attention to TV now.

7 A Yes.

8 Q This is before you went to the Women's Jail.

9 A Yes. All right.

10 Q Could you tell us, or do you remember what you
11 saw concerning the Tate event?

12 THE COURT: Just a moment.

13 What time is your question directed to?

14 MR. SHINN: I beg your pardon?

15 THE COURT: What time is your question directed to?

16 MR. SHINN: Before she went into Sybil Brand on
17 October 20th.

18 MR. BUGLIOSI: Perhaps we should approach the bench.

19 MR. SHINN: Yes, I will approach the bench.

20 THE COURT: All right.
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1 (Whereupon all counsel approach the bench
2 and the following proceedings occur at the bench outside
3 of the hearing of the jury:)

4 THE COURT: What is the relevancy of this?

5 MR. SHINN: Yes, your Honor.

6 I want to separate what she saw on TV and
7 what she read in the newspapers, before she went to Sybil
8 Brand, and what she heard from Susan Atkins, your Honor.

9 I would like to go into that, because all
10 through her testimony, I mean, all through her tape
11 recording, she indicated, in about ten instances, where
12 she saw it on TV and in the newspapers.

13 MR. BUGLIOSI: The problem with that, your Honor,
14 is how do you control her under those circumstances?

15 She is apt to say anything. She is apt to
16 say that she heard the speculation was that four or five
17 people committed the murders. I don't know.

18 I will object on this ground. It calls for
19 hearsay. I don't know what she is going to say.

20 I am just going to state the legal reason
21 right now, your Honor, and the legal reason is hearsay.

22 I don't want to get into my rationale for
23 objecting, but I think this is calling for hearsay.

12d fls. 23

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12-DQ

1 MR. SHINN: Your Honor, I am not asking her for the
2 truth of the matters asserted, just what she heard.

3 THE COURT: That opens the door to anything.

4 MR. KANAREK: We could interrogate her outside the
5 presence of the jury, your Honor, as to what she is going
6 to say, and perform a process, a voir dire type of process,
7 because this is pregnant with the possibility that she may
8 say things that would be hurtful to Mr. Manson.

9 If Mr. Shinn is going to pursue this cross-
10 examination, I think that is our only alternative. I
11 don't wish to have any --

12 THE COURT: She has already indicated that she read
13 about it and watched it on TV; she heard about it and she
14 read about it.

15 MR. SHINN: I have a right to go into all of the
16 details as to what she saw on TV and read in the newspapers.

17 THE COURT: That begs the question, whether you have a
18 right or not. That is what I have to determine right now.

19 MR. SHINN: She has testified that maybe some of the
20 facts that she saw on TV and read some place, and then
21 the story that she heard from Miss Atkins, that she is
22 putting it all together.

23 THE COURT: I am not going to let her answer in front
24 of the jury an open-end question like that. It is too
25 fraught with danger.

26 In the first place, it calls for hearsay,

1 clearly.

2 I think the possible prejudicial effect far
3 outweighs any probative value.

4 MR. SHINN: Your Honor is going to restrict my cross-
5 examination in this area, your Honor?

6 THE COURT: That is exactly what I am saying.

7 If you can give me some idea of what you are
8 driving at, if you have something specific in mind, that is
9 one thing, but I am not going to let you just go on a
10 general fishing expedition.

11 She has already admitted that she followed the
12 case.

13 MR. SHINN: Yes. But we have a right to find out
14 what she saw on TV and what she read in the paper before
15 she went to Sybil Brand.

16 THE COURT: Why?

17 MR. SHINN: To find out whether her testimony about
18 what Susan Atkins said is correct.

19 THE COURT: What has that to do with it?

20 MR. SHINN: It goes to the heart of the testimony.

21 THE COURT: Point it out to me step by step. I don't
22 follow your reasoning.

23 MR. SHINN: What I am saying is that maybe before she
24 went to Sybil Brand she had full knowledge of it.

25 THE COURT: Not maybe. She has already told you that
26 she heard about it.

1 MR. SHINN: I don't know what evidence she has in
2 mind.

3 MR. FITZGERALD: If she made up the story, she had
4 to get the facts from some place.

5 THE COURT: She told you what those sources could be.

6 MR. FITZGERALD: If you asked her what you saw on
7 television, you can elicit that she saw every fact that she
8 alleges Susan Atkins contained in her admission.

9 THE COURT: You can allege and argue that anyway, and
10 I am sure you will.

11 MR. FITZGERALD: So what is the problem?

12 THE COURT: The problem is that if we allow her to
13 just answer a general question like that, she is liable to
14 come up with something inadvertent that I can't anticipate
15 that would be irrelevant and, perhaps, non-responsive in
16 total, but the damage would be done.

17 MR. SHINN: Then let me question her outside the
18 presence of the jury first.

19 THE COURT: I have no objection to that.

20 Do you have any objection?

21 MR. BUGLIOSI: No, I have no objection.

22 MR. KANAREK: I have one other question.

23 I move that your Honor strike the reference,
24 and if that isn't possible, in view/^{of} your Honor's ruling in
25 chambers and our discussion and the colloquy in chambers --

26 THE COURT: You are not going to raise the same thing

1 over and over again after we discuss it for several days,
2 are you? If you are, don't do it.

3 MR. KANAREK: I ask you to strike the word "other"
4 man.

5 THE COURT: You have already raised that and I have
6 already ruled on it.

7 Stop it.
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1 (Whereupon, all counsel return to their
2 respective place at counsel table and the following
3 proceedings occur in open court within the presence and
4 hearing of the jury:)

5 THE COURT: We will take our afternoon recess at this time.

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

9 The court will recess for 15 minutes.

10 (Recess.)
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1 THE COURT: All counsel are present. The jury is
2 not present.

3 That is your request, is it, Mr. Shinn, you
4 wish to --

5 MR. SHINN: It is not my request.

6 THE COURT: You wished to inquire of the witness out
7 of the presence of the jury, is that right?

8 MR. SHINN: That is what the Court requested me to
9 do, your Honor.

10 THE COURT: That is not true, Mr. Shinn.

11 Do you want to inquire of this witness out of
12 the presence of the jury?

13 MR. SHINN: Yes.

14 THE COURT: All right, you may resume the stand,
15 Mrs. Graham.

16
17 CROSS-EXAMINATION (Continued)

18 BY MR. SHINN:

19 Your Honor, this portion of the examination is
20 only confined to the limited purposes of television, news-
21 papers --

22 THE COURT: That is what you requested, sir.

23 MR. SHINN: Yes, your Honor, thank you.

24 Q Now, the last question I asked you, Miss
25 Graham, was what portions of the Tate event you saw on
26 television?

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1 Do you recall that last question?

2 A No, but I'm glad you refreshed my mind.

3 Q And this was before you went into the Sybil
4 Brand?

5 A Um-hum.

6 Q Now, would you think for a moment and give
7 us the events that you could remember seeing on television
8 first?

9 A I will try.

10 To my knowledge I just remembered the tele-
11 vision saying -- identifying the people, saying that there
12 were bodies all over the place, and that it was just a
13 terrible scene, the whole thing, you know.

14 Again that was a very long time ago, like
15 I said, I know I read on it, but I just remember it was
16 supposed to be a very very horrible crime.

17 Q Well, how many times do you think you saw
18 the Tate event on television. Now, this is all before
19 October --

20 A Yes, I understand that, um-hum.

21 Well, I would say that I watched it, like
22 I mentioned, the following day or I should say that
23 following evening. I had heard about it that afternoon
24 through a friend of mine.

25 And then I imagine that I watched it during
26 its so-called highlights. I could not give you an accurate

1 amount of times.

2 And again I was not always home to watch it,
3 but I mean I did see it.

4 Q And do you recall the names?

5 A You mean the names of persons that were
6 murdered?

7 Q Yes, victims or names of anyone.

8 A I remember the names of the victims, yes.

9 Q What are their names?

10 A Sharon Tate, Jay Sebring, Volityck Frykowski,
11 Ann Folger, and there was a young man, I think his name
12 is Steve Parent.

13 Q Is that the only things you remember seeing
14 on television?

15 Does Garretson ring a bell?

16 A Oh, yes, definitely.

17 Q Now, do you recall whether or not the victims
18 were in the house or out of the house?

19 A I recall that on television, if I'm not
20 mistaken, they said there were some victims out of the
21 house and some in the house.

22 Q Do you recall their numbers, one, two,
23 three, four, five?

24 A Yes, I believe I recall that there were two
25 victims outside of the house.

26 Q Male -- I'm sorry.

1 A And there were others in the house.

2 Q How many now, one or two outside -- you said

3 two outside?

4 A Well, actually three outside with the young

5 boy.

6 Q And do you recall whether they were female

7 or male?

8 A Well, I did remember there was one woman

9 which was this Miss Folger.

10 Q And do you recall where she was outside?

11 A I just know out on the lawn.

12 Q On the lawn?

13 A Out front.

14 Q And how about the other person?

15 A He was out front too.

16 Q And do you know his name?

17 A That was Mr. Frykowski.

18 Q All right, do you recall who was in the

19 house?

20 A Yes.

21 Q Who was in the house?

22 A Miss Tate, Mr. Sebring -- that is it.

23 Q That is all?

24 A Yes.

25 Q Now, do you remember anything about the

26 victims, say, let's take the ones out on the lawn now,

1 let's take the Folger girl.

2 A In reference to what?

3 Q How she died, what she was wearing.

4 A I do recall that she said she was stabbed.

5 Q How many times?

6 A I know it was quite a few times, I could
7 not tell you how many.

8 Q Did she say what she was wearing?

9 A I believe she had on a nightgown.

10 Q Anything else you remember about the victims
11 outside of the house?

12 A Just that they were murdered.

13 Q Okay, now, how about Parent, now where was
14 he?

15 A I remember that he was in his car.

16 Q How did he die?

17 A I believe they said he was shot.

18 Q How many times?

19 A That I am not sure of really because I think
20 one paper gave a certain amount of times, and another one
21 gave another, so I cannot really answer that truthfully.

22 Q To the best of your knowledge how many
23 times do you think he was shot?

24 A How many times, then, did I think he was
25 shot?

26 Q Yes.

1 A Three. You are speaking of before I went --

2 Q Yes, before you went to Sybil Brand.

3 Now, do you recall reading anything about
4 the gate, the front gate, or --

5 A I'm not sure about that really.

6 Q Do you recall how they got in?

7 A I'm not sure about that either.

8 Q Now, do you remember about -- anything about
9 the house, the victims in the house?

10 A I just, if I'm not mistaken, I think they
11 commented that Mr. Sebring and Miss Tate's bodies were
12 close to one another.

13 Q Do you recall how Mr. Sebring died?

14 A I believe they said he was stabbed too.

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1 Q Anything else about Sebring, how he died?

2 A He had a supposedly, a noose around his neck.

3 Q A rope?

4 A Yes, a rope.

5 Q Anything else you can remember about Mr. Sebring?

6 A I would actually say in essence mostly that he
7 died inside of the house, his body was close to hers and he
8 had a rope around his neck and I think that he was stabbed.

9 Q And how about Miss Tate?

10 A I remember reading that she had been stabbed
11 many times.

12 Q Do you recall what she was wearing?

13 A Again, I cannot be specific on that.

14 I think I might have heard what she was wearing
15 but I cannot give you a direct answer on that, I'm not sure.

16 Q Did you read anything about the Garretson boy?

17 A Yes, the caretaker?

18 Q Yes, the caretaker.

19 A Yes, in fact I saw him on television, a picture
20 of him.

21 I assumed they were taking him to booking him
22 or whatever, he was bare from the waist up.

23 I do recall that. I don't think he had a shirt
24 on when they arrested him.

25 Q And do you recall where they found him?

26 A Yes, I think he said he was asleep.

1 Q Where?

2 A In a cottage nearby.

3 Q Did you read about the police finding anything
4 in the house?

5 A Well, may I ask you what you are referring to
6 of anything in the house, are you speaking about a weapon
7 or what?

8 Q Anything that you read or you saw on TV?

9 A I just recall bodies. I don't think there was
10 that much accuracy, or it was covered that much in the
11 newspaper.

12 Q Do you recall anything about a dog?

13 A In the newspaper?

14 Q TV or newspapers.

15 A Yes, I do, I do remember them saying something
16 about a small dog, a Yorkie, in fact, I think.

17 Q That was on TV or newspapers?

18 A I don't remember, I just remember about a dog,
19 a little dog.

20 Q Did you see anything about glasses?

21 A No, I don't remember that. You said glasses?

22 Q Glasses, a person's glasses.

23 A No, I don't recall that.

24 Q How about a hood?

25 A Yes, I do remember reading about a hood.

26 Q Tell us something about the hood.

1 A I believe the newspaper said it was a black hood
2 that was placed over the victim's heads.

3 Q Is there anything else you can tell us about what
4 you remember seeing on TV or reading in the newspapers and
5 magazines?

6 A Well, I remember about the maid, you know, had
7 been very upset.

8 I remember there seemed to be a lot of policemen
9 up there.

10 I also recall that they were blocking off the
11 press, or people from coming up there.

12 And I remember seeing a small kitten that I
13 think one of the officers had in his hand that obviously
14 belonged to one of the members that was murdered.

15 Q And you knew how Miss Tate died?

16 A The papers said that she was stabbed,

17 Q Did the papers say where she was stabbed?

18 A To answer that truthfully, again I'm not sure,
19 I do think they said there were many stab wounds.

20 Q But you don't recall --

21 A Not a specific type of area, if that is what
22 you mean.

23 Q What part of the body?

24 A I just recall there were many, many stab wounds
25 like all over the body.

26 Q And you also read or saw --

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You read that she was nine months pregnant?

A. Oh, yes, I did.

Q. You read that in the newspapers or saw that on TV?

A. Yes, I did.

Q. Now, do you recall what Miss Atkins told you?

A. Yes.

MR. SHINN: May I go into that now, so I can differentiate what she heard from Miss Atkins and what she heard from the newspapers?

THE COURT: What would be the object of doing that out of the presence of the jury?

MR. SHINN: She may go into further details to which we don't want to allude in this court here.

THE COURT: Is there any objection by the People?

MR. BUGLIOSI: Yes, I object, your Honor.

He can cross-examine her in front of the jury. It doesn't have to be outside the presence of the jury.

What he is seeking is just another discovery, another statement by her by which he can impeach her.

I don't think he is entitled to do that. He can cross-examine her. He hasn't any other rights.

THE COURT: I don't see what purpose can be served by it, Mr. Shinn.

MR. SHINN: Very well, your Honor.

THE COURT: You have a right to further cross-examine,

1 there is no question about that.

2 I do not see any purpose to be served by any
3 further examination out of the presence of the jury.

4 MR. SHINN: Then I will be able to ask her, your
5 Honor, what Miss Atkins told this witness at Sybil Brand
6 concerning the Tate event.

7 THE COURT: I don't understand your question.

8 Before the recess you wanted to inquire of
9 this witness out of the presence of the jury in order to
10 determine what she had learned prior to the time that she
11 allegedly talked to Miss Atkins.

12 You have done that.

13 MR. SHINN: Yes, your Honor.

14 THE COURT: I assume that perhaps I was incorrect
15 that you wanted then to go into that in front of the jury
16 on cross-examination.

17 MR. SHINN: I wanted to ask these questions in front
18 of the jury, your Honor, and your Honor said, "Do it outside
19 the presence of the jury," your Honor.

20 THE COURT: I did not say that. You asked for it.

21 MR. SHINN: After you sustained Mr. Bugliosi's
22 objection, I did.

23 THE COURT: Well, if you are waiting for me, I don't
24 have anything further to say, Mr. Shinn.

25 It is perfectly clear what was said.

26 MR. SHINN: Yes, your Honor.

1 THE COURT: If you want to proceed with your cross-
2 examination you may do so.

3 MR. SHINN: Yes, your Honor, in front of the jury,
4 then.

5 THE COURT: That's right. But to answer your question
6 about what Miss Atkins told this witness, that, of course,
7 must be in conformity with our conference during the last
8 several days.

9 MR. SHINN: Yes, your Honor.

10 THE COURT: Very well, bring in the jury.

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

THE COURT: All counsel and jurors are present.

You may continue your cross-examination, Mr. Shinn.

MR. HUGHES: Your Honor, might we approach the bench for a moment? It has to do with Mr. Shinn's cross-examination.

THE COURT: Very well.

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

MR. HUGHES: Your Honor, the reason I asked to approach the bench is I am scared to let Mr. Shinn hurdle pell-mell on this witness without some sort of pre-scripting, as we have done with the District Attorney.

I am very seriously afraid some error may come in, that this La Bianca thing may open up.

THE COURT: You are not going into that.

MR. SHINN: No, I'm staying away from that.

MR. HUGHES: I just did not know what his script is.

THE COURT: I don't either.

MR. BUGLIOSI: Actually you did not know what my script was.

MR. HUGHES: That is a problem that I hoped would have been obviated by my motion to do it if at all by

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1 deposition.

2 MR. BUGLIOSI: I have told her things she cannot
3 talk about.

4 She cannot talk about Helter Skelter, about
5 La Bianca, about other murders.

6 THE COURT: Let's proceed.

7 Do you have something else, Mr. Hughes?

8 MR. HUGHES: No, that is what it was.

9 THE COURT: I'm sure we are all concerned.

10 MR. BUGLIOSI: You are going to limit your questions
11 then to covering areas I went into on direct?

12 MR. SHINN: And impeachment, that is all.

13 THE COURT: What kind of impeachment are you talking
14 about?

15 You don't have to tell me the specific
16 matters, I want to know the general areas that you are
17 talking about.

18 MR. SHINN: It's along the same lines as the
19 direct, your Honor, the same lines.

20 THE COURT: What do you mean the same lines?

21 MR. SHINN: About the \$25,000 reward, about the
22 studios.

23 THE COURT: Not having to do with her testimony
24 as such, is that what you mean?

25 MR. SHINN: Yes, her direct testimony.

26 THE COURT: But the impeachment would not relate

1 to her conversations with respect to Susan Atkins, is
2 that right?

3 It is simply as to her motivation.

4 MR. SHINN: Yes, intent, motivation, design.

5 MR. BUGLIOSI: On redirect examination, your Honor,
6 I think I am entitled to go into the fact that it is her
7 belief that it is not necessary for her to testify --

8 MR. SHINN: -- for what?

9 MR. BUGLIOSI: -- to get the money,

10 THE COURT: You did not ask her that. You asked
11 her if she knew it was not necessary.

12 MR. FITZGERALD: Right.

13 (The following proceedings were had in
14 open court in the presence and hearing of the jury:)
15 BY MR. SHINN:

16 Q Mrs. Graham, I believe you stated that you
17 watch the Tate event on television, you read newspaper
18 accounts about it, magazines, before going to Sybil
19 Brand?

20 A Yes.

21 Q And you went to Sybil Brand on October the
22 20th, is that correct?

23 A That's correct.

24 Q And when did you first read about this
25 Tate event in the newspapers?

26 A The following day, the 9th or 10th of August.

1 Q And you did have an indirect friend that was
2 involved, correct?

3 One of the victims' friends or something?

4 A No, he was not involved. I knew one of the
5 victims vaguely.

6 Q And so your interest in this case was
7 pretty intense, correct?

8 A Yes.

9 Q In other words --

10 A I was curious.

11 Q And you read everything possible regarding
12 this case?

13 A When I had time.

14 Q When you had time, and you watched TV and
15 you turned on to the news to hear this Tate thing?

16 A Like I said, yes, when I had time, if I was
17 home.

18 Q You probably read the newspapers every day
19 when you had time?

20 A Not always every day, but I did read the
21 papers, yes.

22 Q And do you have a radio on your car?

23 A I don't drive.

24 Q You use the radio at home?

25 A As I rule I generally have the music station
26 on, but news does come over that.

1 Q And you listened carefully to determine
2 whether or not there was anything about the Tate event,
3 is that correct?

4 A Yes, I was very curious about it.

5 Q And any time it comes on you concentrate on
6 the news, correct?

7 A You are speaking about previously?

8 Q Yes.

9 A Yes, I did listen.

10 Q And you probably read about the \$25,000
11 reward put up by the people?

12 A No, I did not read that.

13 Q You did not read the headlines?

14 A Was it headlines?

15 MR. BUGLIOSI: I'm going to move to strike that
16 question, as assuming a fact not in evidence.

17 THE COURT: Yes, the objection will be sustained
18 and the jury is admonished to disregard that question,
19 and the answer.

20 BY MR. SHINN:

21 Q You did not read about the \$25,000 reward
22 in the newspapers?

23 A No, I did not.

24 Q You never heard about the \$25,000 reward
25 on TV?

26 A No, I did not.

1 Q No one told you about the \$25,000 reward
2 before October 20th?

3 A No, they did not. I did not know a thing
4 about it, nothing.

5 Q And then you entered Sybil Brand on October
6 20th?

7 A That's right.

8 Q 1969?

9 A That's correct.

10 Q And while you were there you read newspapers,
11 did you not?

12 A I'm going to have a problem answering that
13 because I might have once or twice, but I'm going to say
14 I read very few newspapers while I was there.

15 I was very concerned as to what was happening
16 with myself.

17 Q Newspapers were available, were they not?

18 A Yes, you can buy them there.

19 Q Daily papers?

20 A Yes, if you have the money.

21 Q Ten cents?

22 A Some people don't have ten cents.

23 Q And there are magazines there too, is that
24 correct?

25 A Yes, they have magazines there. Again,
26 if you have the money you can purchase them.

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1 Q And you had conversations with other inmates
2 regarding this Tate case?

3 A I don't recall discussing it with anybody.

4 Q Well, how long did you stay there?

5 A I went in the 20th of October and left November
6 12.

7 Q And you don't recall --

8 I mean besides Susan Atkins you don't recall
9 discussing this Tate event with anyone?

10 A No, I really don't.

11 I would not be positive and say that I did not,
12 but to my recollection it did not arise, no. ↑ ↑

13 Q Did you watch TV while you were there?

14 A Rarely. You can only watch television until,
15 oh, I would say about 8:00 o'clock at night, and it's almost
16 impossible sometimes to get into the TV room.

17 Q But it was available for you, correct?

18 A Uh-huh.

19 Q There were papers around, too, isn't that
20 correct, people bought papers and just left on the table, is
21 that correct?

22 A Yes.

23 Q And how many other inmates were there in your cell?

24 A It wasn't a cell. It was a dormitory and there
25 were approximately 60 to 65 women.

26 Q And no one discussed with you about the Tate

1 matter besides Miss Atkins?

2 A As I told you, I don't recall discussing it
3 with anyone.

4 Q When did you first talk to Miss Atkins?

5 A She came into the dormitory about a day after
6 I was in the dormitory and I would say we probably/^{started}talking
7 the following day, which is about the 3rd.

8 Q Did you approach her?

9 A I think we got in line together for dinner; you
10 line up to have dinner, and she fell in, or came up beside
11 me, you know, to have dinner.

12 Q Did she get close to you?

13 A She stood next to me.

14 Q Is that the first time you saw her?

15 A I think so.

16 Now, I could have seen her maybe walking around
17 on the way to dinner, you know, they have a big dining
18 area. She could have been there while I was there. I might
19 have seen her. I did not take any particular notice to her
20 at that time.

21 Q Didn't you notice she was a very young, sweet,
22 little girl?

23 A I noticed that --

24 MR. BUGLIOSI: Wait a while, it assumes a fact not in
25 evidence.

26 THE COURT: Sustained.

1 Q BY MR. SHINN: When you first saw her, did she
2 look young to you?

3 A Yes, she did, very young.

4 Q Did she look sweet to you?

5 A Yes, she did to me.

6 Q Innocent?

7 A It depends how you define innocent.

8 Q Did she look like a baby sitter to you?

9 A She looked like a teenage American kid that
10 should not have been there, to me.

11 Q How old are you, Miss Graham?

12 A I am 37.

13 Q At that time she was what, 18, 19?

14 A I don't know, I believe -- isn't she in her
15 20's?

16 Q I'm asking you now. How old does she look like
17 to you?

18 A She looked very young. She looked like a teen-
19 ager, yes.

20 Q A young chicken, huh?

21 A A young girl.

22 Q Yes. Now, that is the first time you saw her
23 in a chow line, correct?

24 A The very first time I saw her was when she came
25 into the dormitory carrying her blankets and pillows; she
26 obviously had been transferred from another area.

1 That was my first recollection of seeing her.

2 Then she, as I mentioned, she came up and got
3 into line and stood beside me.

4 Q Now, when she got beside you was there a
5 conversation?

6 A Yes.

7 Q Did you look at her?

8 A Certainly.

9 Q Up and down?

10 A I don't know if I looked her up and down. I
11 generally look a person straight in the face.

12 Q And when you looked at her straight in the face
13 did you say anything to her?

14 A Probably hello.

15 Q Did she respond?

16 A She was very friendly.

17 Q And then you both proceeded to the --

18 A -- to the dining room area.

19 Q -- the dining room?

20 A Yes.

21 Q Did you sit next to her?

22 A Yes.

23 Q In other words, she sat down first and you
24 followed her and sat right next to her?

25 A I believe I sat down first and she sat next
26 to me.

Q When you say "believe," what do you mean, you don't know?

A I sat down first and she sat down next to me.

Q Are you positive?

A Yes.

Q She sat next to you?

A Yes, on a stool next to me.

Q How close was she sitting to you?

A I would say within arm's length.

Q And was there a conversation at that time?

A You are not allowed to talk in the dining room.

Q You are not?

A You are not.

Q Did you touch her, did she touch you?

A Why? Why would I want to touch her or why would she want to touch me?

Q I don't know. I'm asking you.

A No, we didn't have any physical contact whatsoever.

Q And there was no conversation during the dinnertime, then?

A No.

Q How long did you stay in the dining room with her?

A We stayed in the dining room approximately 20 to 25 minutes and then you go back to the area that you

1 come from.

2 Q Did you glance at her?

3 A I'm sure that I did, being we were sitting
4 close to each other and eating.

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Q Did you smile at her?

A I could have. I'm friendly too.

Q And what part of the body did you look at her?

A The face.

Q The face?

A Probably, or maybe her hands, I don't know.

Q When was the next time you saw Miss Atkins?

A Immediately after we got back to the dormitory, in fact she was in line going back to the dormitory with me.

Q You followed her while she was in line?

A I wouldn't say that I followed her. We were in line together.

Q Who was in front and who was in back?

A I was in front.

Q Are you sure of that?

A Yes, because of the way we were seated in the dining room, I got up first and she followed me.

Q And she was in back of you. How did you see her?

A Well, I knew she was behind me.

Q How did you know that?

A Because we were in a line.

Q Did you look back?

A You generally --

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1 MR. BUGLIOSI: This is irrelevant.

2 THE COURT: Overruled, you may answer.

3 THE WITNESS: You generally look back, certainly,
4 at a person behind you, to see the person behind you does
5 not step on you or you don't step on them. It gets
6 crowded sometimes going down the rampway.

7 Q How close was she to you?

8 A I would say arms length, you know, when a
9 column marches, that is how it was.

10 Q When you looked back, did you smile at her?

11 A Mr. Shinn, I don't remember if I smiled at
12 her or not, I could have.

13 Q Your memory is not that good?

14 A My memory is quite good, but not if I would
15 smile at her or not.

16 Q And then you both went back to the dormitory?

17 A Uh-huh.

18 Q You saw her there in the dormitory?

19 A Yes, I saw her walking around the dormitory.

20 Q You approached her?

21 A No.

22 Q She approached you?

23 A I don't believe -- she did not that evening.

24 Q In other words, you had no words between
25 you and Miss Atkins after you went back to the dormitory?

26 A She went by the bed area a few times on the

1 way to the bathroom, and as I commented, she is very
2 friendly, and she would say hello, and I would say hello.

3 But there was no initial conversation of
4 any kind that evening.

5 Q You said she came near the bed area?

6 A Yes.

7 Q Her bed or your bed?

8 A My bed, in order to get to the bathroom you
9 would have to go past my bed area.

10 Q Did she say hello to you at that time?

11 A I don't remember.

12 Q Did she just walk by or did she smile at you?

13 A I don't remember.

14 Q Did you attempt to stop her and say "Hello,
15 Sadie"?

16 A No, I don't believe -- no, I did not. In
17 fact, if I'm mistaken I think I was busy talking to the
18 girl to my left and also the girl to my right.

19 We were sitting there, you know, conversing.

20 Q Who was the girl to your left?

21 A Who was she?

22 Q Yes.

23 A Her name was Dolly, and I think the last
24 name was Garcia.

25 The one to the right was Kathleen Adams.

26 Q When she came back did you see Susan Atkins?

1 A I didn't pay any attention because I was
2 preoccupied myself in conversation.

3 Q When was the next time you saw Miss Atkins?

4 A The following day or again that evening
5 she was around and I was around.

6 Q How far was her bed from your bed?

7 A When she first came into the dormitory they
8 put her toward -- all the way to the very end.

9 They were like bunk-beds, there. She had
10 the top bunk-bed.

11 It was a distance from my bed, however it
12 was in eye range of myself and also her.

13 Q Do they separate the young girls and the
14 old girls?

15 A No.

16 Q No such separation at all?

17 A No.

18 Q Did she come to your bed at night, that
19 same night?

20 A No.

21 Q You talked to her that same night?

22 A I don't recall a conversation with her that
23 night at all.

24 As I commented to you already I was engrossed
25 in conversation with some other girls.

26 Q In other words, you did not see Miss Atkins

1 that night at all, is that correct?

2 A I did not say I did not see her. I said I
3 did not speak to her.

4 She was in the dormitory. She could have
5 walked past me, but like I said there was no conversation
6 that evening.

7 Q And she did not come back close to your
8 bed, or you did not go back close to her bed?

9 A No, I did not go back to her area at all.

10 Q What time do the lights go out?

11 A About 9:30, 9:00 or 9:30.

12 Q It's pretty dark after that?

13 A There's little lights burning. They have
14 to keep these lights burning, and the matron every few --
15 I don't know if it's every few minutes, but every half hour
16 or so, they go up and down and take a count, and so forth,
17 but it is little enough, so that you can --

18 Q -- Visit?

19 A -- visit. You probably could visit, but
20 it is not permitted.

14 fls.

14-1

- 1 Q Visit?
- 2 A Visit? You probably could visit, but it is not
- 3 permitted.
- 4 Q But you can visit; correct? You can sneak out
- 5 and visit in the same dormitory?
- 6 A Yes, you probably could, yes.
- 7 Q Did you?
- 8 A No. I wasn't a visitor.
- 9 Q When did you then see Miss Atkins again?
- 10 A The following day.
- 11 Q When was this? In the morning? The night? Or
- 12 what?
- 13 A In the morning, for breakfast.
- 14 Q Did you get close to her again? The same line?
- 15 A No, I don't think so, no.
- 16 Q You didn't get close this time, then?
- 17 A No, I didn't, because as I recall, I think I
- 18 went to breakfast -- not breakfast -- I was in the breakfast
- 19 line with Miss Howard, and again with Miss Garcia behind us.
- 20 Q Miss Howard, is she also known as Shelley
- 21 Nadell?
- 22 A Yes, that's right.
- 23 Q Did you see Miss Atkins in the dining room that
- 24 time? In the morning, now.
- 25 A I don't remember, Mr. Shinn.
- 26 Q Did you see her later that day?

1 A Yes. I saw her around the dormitory again.

2 Q Did you talk to her?

3 A Yes. I don't remember our conversation.

4 Q But you did talk to her that day?

5 A Yes.

6 Q This is the second day you arrived at the
7 women's jail; is that correct?

8 A No, this isn't the second day that I arrived
9 there.

10 I arrived there October 20th. I was in
11 dormitory 8000 November 1st.

12 So this was about November 3rd.

13 Q Had you heard of Miss Atkins before going to
14 her dormitory?

15 A Excuse me, would you please repeat that?
16 When I heard of what?

17 Q Miss Susan Atkins, before you moved to her
18 dormitory? Had you heard of Miss Susan Atkins?

19 A No.
20 Why would I hear of Miss Atkins?

21 Q Was there any talk about Miss Atkins in jail?

22 A Not at that time.

23 Q Not at that time?

24 A No.

25 Q When did you start getting close to
26 Miss Atkins?

1 A. About the third or the fourth, Mr. Shinn.

2 She got a job as a runner, which was the job
3 that I had, which put us in contact with each other all day
4 long.

5 We sat next to each other on a little stool.

6 Q Did you help her get that job?

7 A I did speak with somebody about it.

8 Q And you tried to help the poor little girl get
9 a job close to you; is that correct?

10 A Yes.

11 Q You liked her; right?

12 A She was a likable girl.

13 Q A sweet little girl?

14 A She appeared to be.

15 Q So, you wanted to help her?

16 A I felt sorry for her.

17 Q Sorry for what?

18 A A few of the girls would make fun of her.

19 They would call her Sadie Glutz, and they would say, "Oh,
20 here comes Sadie Glutz again."

14a

21

22

23

24

25

26

14aa

1 Q You felt sorry for her, you wanted to help her?

2 A I felt sorry for her because she was a human
3 being and a very young girl in a very bad place.

4 Q Do you want to help her now?

5 MR. BUGLIOSI: Irrelevant.

6 THE COURT: Sustained.

7 MR. SHINN: She is testifying, your Honor.

8 THE COURT: The objection is sustained.

9 Go to your next question.

10 MR. SHINN: Q So, now you and Susan Atkins worked
11 together; is that correct?

12 A That's right, Mr. Shinn.

13 Q And you worked with her, you were with her all
14 day long?

15 A From 7:30 in the morning to about 3:30 in the
16 afternoon.

17 Q And her bed was getting closer to yours?

18 A No, I don't think they changed her bed until a
19 few days later.

20 Q A few days later her bed got closer to your
21 bed?

22 A No. It got closer to Miss Howard's bed.

23 Q How far is Miss Howard's bed from yours?

24 A Quite a distance.

25 Q Did you arrange that, too?

26 A No, I didn't.

1 Q Miss Howard is a very good friend of yours;
2 correct?

3 A Yes, she was.

4 Q You have known her for 12 years?

5 A About 11 or 12 years.

6 Q Did Miss Atkins ever visit you in your bed
7 area?

8 A Yes.

9 Q Many times?

10 A Yes.

11 Q Day and night?

12 A What do you refer to by "night"?

13 Do you mean after 6:00?

14 Q After working hours.

15 A Yes.

16 Q You were getting closer and closer with her;
17 correct?

18 A We were friendly, yes.

19 Q Did you ever approach her?

20 A Approach her?

21 In what respect?

22 Q Well, in any respect.

23 MR. BUGLIOSI: That is ambiguous.

24 THE COURT: Sustained.

25 Q Now, isn't it true, Mrs. Graham, that you
26 made advances to Susan Atkins?

1 A It is definitely not true.

2 Q Are you a Lesbian?

3 A It is news to me.

4 MR. STEINBERG: Your Honor, I object to that, unless
5 Mr. Shinn wants to make an offer of proof.

6 MR. KANAREK: Your Honor, I don't think that
7 Mr. Steinberg --

8 THE COURT: Sit down, Mr. Kanarek.

9 MR. SHINN: What offer of proof do I need to make?

10 THE COURT: The question has been answered.

11 Go to your next question.

12 MR. SHINN: All right.

13 Q When was the next time you talked with
14 Miss Atkins?

15 A On our job..

16 Q What was your job and what was her job?

17 A We were what they call runners, which means that
18 you deliver messages all over the institution.

19 In other words, when people come to visit,
20 they would bring the message up to us and we would go to the
21 various dormitories, so people could have visits, and to the
22 attorney room, and things like that.

23 Q In other words, you and Miss Atkins would go on
24 the same job together?

25 A No.

26 What we would do is we would alternate.

1 Say two yellow slips came that were visitors
2 slips. She would take one and I would take the other,
3 and she would go in, maybe, one direction, and I would go
4 in another direction.

5 Q Then did you eat lunch together?

6 A Sometimes we did.

14B

14b-1

1 Q You would go down to the chow line
2 together?

3 A Excuse me?

4 Q You would go down to dinner or lunch
5 together?

6 A We would generally go to lunch together
7 because we worked together, and this was how it was
8 arranged schedulewise.

9 Q When did you have a conversation regarding
10 the Tate event?

11 A Approximately November the 6th, 1969.

12 Q Where was this at?

13 A Where?

14 Q Yes. The conversation.

15 A It was in my bed area.

16 Q She came to your bed area, or did you
17 invite her?

18 A No, I didn't invite her.

19 I was sitting there and, in fact, I was
20 getting ready to go take a shower, and she came up the
21 aisle and came to my bed area, and said:

22 "Do you mind if I sit down a minute?"

23 And I said, "No."

24 I said, "I am going to take a shower in
25 a few minutes."

26 And we just started talking.

14b-2

1 Q Was anybody else around?

2 A There were quite a few girls. They were
3 all busy doing whatever they were doing, but there were
4 other people around.

5 Q I mean, close to your bed area where Susan
6 Atkins was?

7 A Dolly Garcia was sitting in her bed area,
8 which wasn't far from mine, but she was up and down and
9 around.

10 And also the girl to my right, the same way.

11 Q Did you tell her you read about the Tate
12 event in the newspapers and watched it on television, and
13 all that?

14 A No.

15 Q Did Roni Howard ever tell you what Susan
16 Atkins said to her?

17 A No.

18 Q Now, when she, Miss Atkins, told you about
19 this Tate incident, did you take any notes?

20 A No.

21 Q This is the first day that she talked to
22 you about it?

23 A Yes.

24 Q Did you take any notes?

25 A Are you speaking, did I write something down?

26 Q Yes. Notes.

14b-3

1 A No, I didn't.

2 There are mental notes also. I didn't know
3 what you were referring to.

4 Q How long did this conversation last the
5 first time that you talked to Miss Atkins regarding the
6 Tate event?

7 A I would say in the area of an hour and five
8 or ten minutes. About a quarter to 5:00 to almost what you
9 call count time, which I think is somewhere in the area of
10 6:00 o'clock.

11 Q And you kept pumping her about the events;
12 correct?

13 A Pumping? Or questioning?

14 Q Questioning; leading questions.

15 A I did question Her about it, yes.

16 Q And you told her what you knew about this
17 event too, did you not?

18 A What I knew?

19 I didn't know anything about it.

20 Q Yes you did.

21 You said you saw it on TV before you went
22 to Sybil Brand.

23 A Yes, I saw it on TV.

24 Q And you read in the newspapers about the
25 event?

26 A Yes, I did.

1 Q And you didn't mention one word?

2 A No, I did not.

3 Q You didn't mention one word regarding the
4 Tate event to Miss Atkins?

5 Is that your testimony?

6 A It is.

7 MR. BUGLIOSI: That is an ambiguous question,
8 your Honor. Too broad.

9 THE COURT: She can answer yes or no, if she knows
10 the answer.

11 THE WITNESS: Would you please rephrase that?

12 MR. SHINN: Do you understand the question?

13 THE WITNESS: No. I would appreciate it if you
14 would ask it again.

15 MR. SHINN: May it be read?

16 THE COURT: Read the last question.

17 (The question was read by the reporter.)

18 THE WITNESS: I don't recall.

14c fls.

14C-1

1 MR. SHINN: Q You might have; is that
2 correct?

3 A I don't think I did. There would have been no
4 purpose to it.

5 Q If she was talking about it.

6 A You asked me, in other words, if I brought it up
7 to her; is that correct? Or am I misinterpreting your
8 question?

9 Q I mean, during your conversation with Miss Atkins
10 regarding the Tate event, did you, yourself, pitch in and
11 say, "Yes, I read this" and "I read that," and "A friend of
12 mine said"?

13 A I see. I didn't understand your question.

14 Yes, I did.

15 Q In other words, you contributed to the conver-
16 sation, and then she would contribute to the conversation;
17 is that correct?

18 A She did most of the talking. I did contribute
19 to the conversation now.

20 Q And you are not sure whether what she told you
21 and what you read --

22 A Well --

23 Q Let me finish my question.

24 What you read in the newspapers or the magazines,
25 or what you saw on the television, you can't now tell us
26 that you can divide what you saw on TV, in the newspapers,

1 magazines, and what you heard from Miss Atkins? Could you
2 tell us that now?

3 A Mr. Shinn, I am so positive about what I heard
4 from her, I could never forget it for the rest of my life.

5 Q In other words, you could remember exact
6 conversation you had?

7 A There were certain statements that I can remem-
8 ber. There were many other statements, no. But there are
9 a few sentences I don't think anybody could forget,
10 including yourself.

11 Q And after you were released from the State
12 Prison, you read the account of this event in the newspapers
13 and magazines?

14 A Of course, I did.

15 Q TV?

16 A Yes, I did.

17 Everybody has, I am sure.

18 Q And you read it very intensively; is that
19 correct?

20 A You are referring again to when? After I was
21 released?

22 Q After you were released from State Prison.

23 A Excuse me. Yes.

24 State Prison, yes. I did read it.

25 Q And it is very difficult now for you to relate
26 what you read before you went into the women's jail and

1 when you talked to Susan Atkins, and what you read after
2 you left the State Prison. It is very difficult for you to
3 testify as to which portion Miss Atkins said and which
4 portion you heard on TV and which portion you read in a
5 magazine; isn't that true?

6 A It is not true.

7 I can remember rather clearly, indeed, what
8 she told me.

9 Q In other words, are you saying that you could
10 divide in your brain what you read before you went to
11 Sybil Brand and what you read in magazines, newspapers,
12 what you heard on TV, and then divide that where Miss
13 Atkins said something about the Tate events?

14 A Yes.

15 Q Then after you were released from the State
16 Prison, you heard other things, you say, and you could
17 divide each and every little piece?

18 A I say that I remember what she told me.

14D

14d-1

1 Q And what part of the Tate event did you
2 see after you left the State Prison?

3 A I don't understand.

4 THE COURT: I don't understand.

5 MR. SHINN: Your Honor?

6 THE COURT: This question is ambiguous. I don't
7 know what you mean.

8 MR. SHINN: What?

9 THE COURT: The question is ambiguous.

10 MR. SHINN: May I approach the bench, your Honor?

11 THE COURT: That won't make it any clearer, Mr.
12 Shinn.

13 MR. SHINN: I want to explain to the Court.

14 Ambiguous in what way? I said the Tate
15 event.

16 THE COURT: I heard what you said, Mr. Shinn. What
17 I am telling you is that it is not clear.

18 Will you reframe the question?

19 MR. SHINN: What portion of the Tate event did
20 you see after leaving State Prison?

21 THE COURT: That is the same question.

22 MR. SHINN: On television.

23 THE COURT: That is the same question that you
24 asked before. It is still not clear.

25 MR. SHINN: Your Honor, may I approach the bench?

26 THE COURT: All right, you may.

14d-2

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

4 THE COURT: I haven't the faintest idea of what
5 that question is supposed to mean, Mr. Shinn: What part
6 of the Tate event did you see?

7 MR. SHINN: On television.

8 THE COURT: You didn't say that.

9 MR. SHINN: After she came out of State Prison.

10 THE COURT: You didn't ask her that.

11 MR. SHINN: Before she went to State Prison there
12 were only certain events.

13 THE COURT: If you want to ask her that, you will
14 have to do it out of the presence of the jury first,
15 the same as before.

16 MR. BUGLIOSI: Because now we are getting into
17 an extremely dangerous area, your Honor.

18 THE COURT: No question about it.

19 MR. BUGLIOSI: Because, at that time, the alleged
20 killers were known, and she could say, "I heard that
21 Charles Tex Watson" --

22 THE COURT: That's right.

23 MR. SHINN: You have already coached her not
24 to say that.

25 THE COURT: If you want to go into it, Mr. Shinn,
26 you may go into it, but we will first have to inquire of

1 this witness outside the presence of the jury.

2 It is another open-end subject, too fraught
3 with danger. We don't know what possible answer she might
4 give, inadvertently or otherwise.

5 You may examine her, but you will have to
6 do it out of the presence of the jury.

7 MR. SHINN: Okay. I will examine her out of the
8 presence of the jury, if you want me to.

9 THE COURT: It is now ten minutes after 4:00,
10 and I think since we started at 9:00 o'clock this morning,
11 we will adjourn at this time until Monday.

12 MR. FITZGERALD: Tuesday, your Honor.

13 THE COURT: Yes, Tuesday.

14 MR. HUGHES: 9:45, your Honor?

15 THE COURT: Tuesday, that is true.

16 MR. BUGLIOSI: At 9:45, your Honor?

17 THE COURT: At 9:45.

18 Now, I have not said anything to the jury so
19 far about any special precautions.

20 Of course, they are aware of the fact that
21 the bus is blacked out.

22 My own feeling is that nothing should be
23 said. That is, nothing except the usual admonition,
24 which they have heard over and over again now for a
25 number of months.

26 They are acutely aware of their duties and

1 what the admonition means.

2 They have been voir dired in respect to
3 Mr. Nixon's remarks earlier and were resworn again.

4 I think it would just unnecessarily and for no good
5 purpose, perhaps, pique their curiosity --

14e fls.

4E-1

1 MR. BUGLIOSI: Yes.

2 THE COURT: -- in some way, without accomplishing
3 anything.

4 So, I am not going to say anything other than
5 give the usual admonition.

6 MR. KANAREK: Your Honor, again, this is -- I mean,
7 I am only saying this because your Honor is evidently
8 inviting -- or maybe I am misinterpreting -- but I do make a
9 motion that the jury be voir dired on the Herald Express
10 article.

11 THE COURT: We have gone over that. Don't repeat it.
12 I have already denied the motion.

13 MR. KANAREK: Your Honor mentioned it again.
14 I thought you were inviting further argument.

15 MR. FITZGERALD: Along the line of your continuing
16 inquiry into who released the statement, your Honor, Mr. Farr
17 told Mr. Hughes and me that no defense attorney released the
18 statement to him.

19 I will sign an affidavit to that effect.

20 THE COURT: That doesn't solve the question.
21 It may have been furnished to him through someone else.

22 It is quite possible, of course, that it may
23 have been furnished to someone else and then given to
24 Mr. Farr.

25 MR. FITZGERALD: I think it far more likely that it
26 was released by the prosecution than it was by the

1 defendants.

2 MR. BUGLIOSI: Oh, you have got to be kidding.

3 I have heard from a very, very reliable source --

4 THE COURT: There is no point in making any statements
5 with no proof.

6 I am not accusing anyone.

7 I am hoping if someone comes up with some evidence,
8 they will present it to the Court.

9 The thoughts that I stated this morning were
10 simply thoughts, because on reflecting on the matter I
11 couldn't see any other possibility except one of the
12 attorneys in the case.

13 MR. FITZGERALD: I was directing myself more to the
14 remarks of Mr. Steinberg that a defense attorney had
15 released the statement to Mr. Farr.

16 Mr. Farr told Mr. Steinberg, in no uncertain
17 terms, that it was not a defense attorney.

18 I wanted to clear that up for the Court.

19 MR. BUGLIOSI: Now you are saying it was a prosecutor?
20 Is that what you are saying?

21 THE COURT: Mr. Hughes has an investigator. He is not
22 an attorney. He is an investigator.

23 I don't know. I am not accusing anyone.

24 MR. HUGHES: I would offer to be sworn.

25 THE COURT: It is not necessary.

26 I am not suggesting by innuendo, or in any other

1 way, that you or any particular attorney did.

2 MR. HUGHES: I can offer to be sworn that I have not
3 seen my investigator prior to the time, since the time
4 that the statement came out, nor have I talked with him, nor
5 has he had access to any of my material since that time.

6 THE COURT: Anything further before we adjourn?

7 Anything else?

8 All right.

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

13 THE COURT: We will adjourn at this time, ladies and
14 gentlemen.

15 As you undoubtedly know, Monday is a legal
16 holiday. The court will not be in session.

17 We will adjourn until Tuesday at 9:45 a.m.

18 Again, I remind you do not converse with anyone
19 or form or express any opinion regarding the case until it
20 is finally submitted to you.

21 (Whereupon, at 4:15 p.m. the court was in
22 recess.)