

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.

153

No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, December 21, 1970

APPEARANCES:

For the People:

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

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~RONALD HUGHES, Esq.~~
MAXWELL KEITH, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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

1 LOS ANGELES, CALIFORNIA, MONDAY, DECEMBER 21, 1970

2 9:08 o'clock a.m.

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4 (The following proceedings were had in the
5 chambers of the court outside the presence and hearing
6 of the jury and the defendants, all counsel being present
7 with the exception of Mr. Hughes.)

8 THE COURT: The record will show all counsel are
9 present except Mr. Hughes.

10 Are you ready to proceed, Mr. Keith?

11 MR. KEITH: Yes, I am, your Honor.

12 THE COURT: Very well.

13 I have just been handed a notice of motion to
14 interrogate the jury in re exposure to prejudicial
15 trial publicity, and, in the alternative, for a mistrial,
16 which appears to have been signed by all counsel.

17 Have the People been served a copy of this?

18 MR. KAY: We just got it.

19 MR. FITZGERALD: I just handed them one, your Honor.

20 Before you act in any fashion on this, there
21 is another motion that sort of brings that motion up to
22 date, that we have, that we want to file at this time also.

23 MR. KANAREK: Yes, your Honor.

24 My declaration is a little bit inaccurate,
25 I mean, I have not executed it yet. It's a little bit
26 inaccurate. I would like for this to be on the record --

1 it is a little bit inaccurate in that there are a couple
2 of interlineations, just minor changes that have to do,
3 your Honor, with the deliberate malicious effect of the
4 District Attorney in connection with the Shea case, and
5 in connection with the case where the so-called Manson
6 girls were arrested.

7 They deliberately injected this publicity into
8 the community at this time to prejudice the very jury that
9 is before the Court.
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1 THE COURT: That is your allegation.

2 MR. KANAREK: Yes, that is my allegation. I would
3 like to take sworn testimony.

4 I believe that the District Attorney's Office
5 has deliberately -- they had no need to do that -- if
6 Mr. Manson should be found not guilty, there is the Hinman
7 case.

8 THE COURT: I take it you are going to serve me with
9 some papers?

10 MR. KANAREK: Yes.

11 THE COURT: I will read them when you get them to
12 me, and then you can make your argument.

13 MR. KANAREK: Very well.

14 One other point that I'd like to make if I
15 may.

16 That has to do with Exhibit V, wherein that
17 exhibit has some gratuitous declarations concerning Robert
18 Beausoleil and a murder charge, and I think there was an
19 oversight, as we went through, as we were going over the
20 exhibits, and I am sure your Honor doesn't want that in
21 evidence.

22 It is a statement of the District Attorney's
23 office of purportedly why they have granted Danny DeCarlo
24 immunity.

25 THE COURT: You offered that in evidence.

26 MR. FITZGERALD: It wasn't erroneous on my part. I knew

1 what was there.

2 MR. KANAREK: It is gratuitous.

3 THE COURT: What is gratuitous?

4 MR. KANAREK: There is an attachment to the purported
5 indictment or information wherein the District Attorney
6 states why they purportedly gave Danny DeCarlo immunity,
7 and it speaks of Robert Beausoleil .

8 THE COURT: Exhibit V, according to my notes, is a
9 copy of an information in case No. A058069.

10 MR. KANAREK: Attached to that, as it now sits
11 physically in the file, is a statement of the District
12 Attorney's Office as to why they dismissed.

13 THE COURT: Assuming that is true, so what?

14 What is your point?

15 MR. KANAREK: My point is that I am asking that that
16 be stricken. It can't be before the jury.

17 THE COURT: Why didn't you do that at the time that
18 you offered it?

19 MR. KANAREK: It was inadvertent, your Honor. I
20 didn't realize it was there.

21 THE COURT: Mr. Fitzgerald says it wasn't inadvertent.

22 MR. KANAREK: So far as I am concerned, it was.
23 I am sure Mr. Fitzgerald will realize that.

24 THE COURT: Let's get Exhibit V.

25 MR. KANAREK: It is error, in any event.

26 MR. BUGLIOSI: I would like to look at it myself.

1 I am unaware that Beausoleil is mentioned in there as
2 being charged with murder.

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2-A-1 1 THE COURT: Let's postpone the argument until we get
2 the exhibit.

3 In the meantime, I will read your first motion
4 papers.

5 (Pause while the Court reads.)

6 THE COURT: As I see the motion, it is simply a
7 repetition of a number of motions that were made throughout
8 the trial by counsel to voir dire the jury at various
9 stages because of some pretrial publicity.

10 I have denied those motions because, of course,
11 one of the reasons why the jury is sequestered is to insulate
12 them from exactly that type of pretrial and trial publicity,
13 and there is no reason to believe that they have been
14 subjected to this particular material referred to in this
15 motion any more than anything else.

16 Special precautions have been maintained
17 throughout the trial to avoid any contact with any kind of
18 publicity relating to the trial.

19 Does anybody wish to be heard further on the
20 matter? I am not precluding you from arguing this in
21 open court if you care to, but I am just giving you my
22 thoughts on it.

23 It doesn't seem to be any different than a
24 number of other like motions that have been made.

25 MR. KEITH: Has your Honor advised counsel in this
26 case just what precautions have been taken to preclude

1 the jury from being exposed to the media in regard to
2 this case?

3 THE COURT: Yes.

4 There was originally and still in effect an
5 order pertaining to the censoring of newspapers, mail,
6 television, and so forth, by the Sheriff's Department with
7 respect to the jurors.

8 Counsel have been advised of those things.
9 Of course, the order is in the file.

10 From time to time throughout the trial there
11 have been indications in response to questions as to what
12 these things were.

13 For example, special precautions are made to
14 avoid, wherever possible, driving by places where the jury
15 might inadvertently see headlines out of the bus. In cer-
16 tain cases the windows -- as a ~~matter~~^{ever} of fact, now, I think,
17 the windows have been opaqued since the incident in
18 which President Nixon is said to have made some comments
19 about the trial, and that was in August, so the jury will
20 not be able to see through the windows. At least not as
21 well as they could without the opaquing material.

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1 MR. KEITH: I will take it then that all magazines and
2 newspapers are censored before the jury sees them.

3 THE COURT: Everything the jury sees is censored.

4 They are not permitted to watch television
5 news broadcasts. Their mail is censored. The newspapers
6 that they read have all been censored, with any offending
7 articles cut out, that is, any articles relating to the
8 trial, cut out of the newspapers before they see them.

9 All reasonable precautions in my opinion have
10 been taken throughout the trial.

11 MR. KEITH: Yes.

12 MR. KAY: Your Honor, the People have just submitted
13 two jury instructions which are modifications of instruc-
14 tions that we already have.

15 I must give credit on these two to Mr. Stovitz.
16 He went over the instructions and pointed out that on
17 Instruction 17.43 we neglected to point out if the jury
18 made a finding of guilty on conspiracy to commit murder
19 as alleged in Count VIII, there would also be a separate
20 penalty hearing.

21 That is left out of our present instruction.

22 THE COURT: Let's discuss the motions at this time.

23 MR. KANAREK: I have a motion --

24 THE COURT: Yes. I have just been handed by Mr.
25 Kanarek a document entitled "Notice of Motion to voir
26 dire the jury in connection with matters affecting the

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1 state of mind of the jurors."

2 MR. KAY: We have not received a copy of that, your
3 Honor.

4 THE COURT: Serve a copy on the District Attorney.

5 MR. KANAREK: Yes, your Honor. I just wanted to
6 conform the copy.

7 THE COURT: All right, I have read both of the
8 motions that have been filed this morning with respect to
9 interrogating the jury.

10 MR. KANAREK: Also there is a motion for an evidentiary
11 hearing, your Honor.

12 THE COURT: Where is that motion?

13 MR. KANAREK: That is part of this, it's not in
14 the masthead. It is in the body of the motion, if your
15 Honor will read it.

16 THE COURT: I have read it.

17 MR. KANAREK: I am speaking in the body it says a
18 motion will be made for evidentiary hearing to voir dire
19 the jury.

20 In other words, the evidentiary hearing is
21 different than voir diring the jury.

22 In other words, what we are asking for is an
23 evidentiary hearing so your Honor can determine whether
24 or not there has been in/^{fact} what we allege to be a malicious
25 deliberate attempt on the part of the District Attorney's
26 office to --

1 Well, maybe we'd better make the motion in open
2 court, your Honor, make argument in open court.

3 THE COURT: All right.

4 Now, the People have presented -- what is it --
5 two instructions here?

6 MR. BUGLIOSI: I think those can be discussed even
7 after the argument, your Honor.

8 THE COURT: I think so, too.

9 Do you intend to request any instructions, Mr.
10 Keith?

11 MR. KEITH: I do.

12 THE COURT: Can you give me an approximation of
13 how many?

14 MR. KEITH: At least two and perhaps six.

15 THE COURT: Is there any reason why those could not
16 be discussed, say, perhaps at the beginning, early in
17 the morning of any day this week as far as that goes,
18 is there any reason why they have to be heard this morning?

19 MR. KEITH: Mine are not in written form yet.

20 THE COURT: I see.

21 MR. KEITH: So there is a good reason I could not
22 discuss them this morning.

23 THE COURT: The People would have no objection to
24 deferring consideration of their newly requested instructions
25 until some time -- it can be done during the course of
26 argument or afterward.

1 I would prefer to do it during the course of
2 argument so all parties are aware of what the Court's
3 ruling will be with respect to the requested instructions.

4 Do you have any idea of when you will have your
5 requested instructions in writing, Mr. Keith?

6 MR. KEITH: This week.

7 One is a CALJIC instruction. I can designate
8 the number.

9 THE COURT: Perhaps you can indicate to me tomorrow
10 afternoon whether or not you will be ready on Wednesday
11 morning to discuss your instructions, and we can resume
12 a little earlier on Wednesday morning.

13 MR. KEITH: Certain of the instructions that I may
14 want to present to the Court might depend on the -- it may
15 well depend on the subject matter of Mr. Bugliosi's
16 argument.

17 THE COURT: All right. Well, as I indicated last
18 week, I have not foreclosed any counsel / ^{from} requesting
19 instructions right up to the last minute, but of course
20 the sooner you have them in, the sooner the Court rules
21 on them, the sooner everybody will know what is going to
22 be given.

23 MR. KANAREK: Does that same thing apply to objec-
24 tions to instructions, your Honor?

25 THE COURT: I don't understand what you mean.

26 MR. KANAREK: Your Honor says that your Honor will

1 accept --

2 THE COURT: I did not say I would accept anything.
3 I said no one was foreclosed from requesting instructions.

4 MR. KANAREK: I see.

5 THE COURT: They will be considered.

6 Of course any objections will be considered
7 right along with them.

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1 MR. KANAREK: I see. What I meant is, will your
2 Honor consider objections to the instructions that your
3 Honor handed to us last week?

4 THE COURT: No, we have spent several days doing just
5 that on the record.

6 MR. KANAREK: Yes, I understand.

7 THE COURT: As well as off the record.

8 MR. KANAREK: I understand. But I mean, there are a
9 couple of points that I have that I would like to have your
10 Honor consider.

11 THE COURT: Yes, you may raise anything further at
12 the time we discuss the requested instructions that have
13 not already been ruled on.

14 Now, is there anything else before we resumed?

15 I did understand from what you said last week,
16 Mr. Keith, that you do have a motion that you wish to make.

17 MR. KEITH: That is correct.

18 THE COURT: A motion for a mistrial.

19 MR. BUGLIOSI: I have a motion before that motion.

20 THE COURT: All right.

21 MR. BUGLIOSI: It is a motion to strike or have
22 removed from evidence Exhibit V.

23 I don't know where I was that day. I remember
24 Mr. Fitzgerald questioning Mr. De Carlo on these other
25 charges.

26 I think De Carlo admitted on the stand that

1 these other charges were dismissed. This is the Infor-
2 mation.

3 In the back there it says that De Carlo would
4 not testify unless he was promised that we would dismiss
5 these charges.

6 I remember we had a bench conference and the
7 Court said that it was irrelevant; that De Carlo was given
8 immunity, or cases of his were dismissed other than the case
9 right here. I remember the Court saying that on the record,
10 that it would only be relevant that we dismiss a case in
11 return for his testimony in regard to this case, these
12 charges were dismissed because of the Hinman case.

13 It had no relevance to this case at all. I
14 don't see why in the face of the Court's ruling the jury
15 should have access to this.

16 I am very confident the Court ruled this is
17 irrelevant. This just slipped past me, and I apologize for
18 my negligence.

19 THE COURT: We are now talking about the defendants'
20 Exhibit V, as I understand, Mr. Kanarek objects to that.

21 MR. KANAREK: No, your Honor.

22 I object to the last -- to an adjunct to it,
23 something that is fastened onto the end showing -- may I
24 see it?

25 MR. BUGLIOSI: It is the last sheet, your Honor.

26 THE COURT: You are talking about the District

Attorney's recommendation.

1 MR. KANAREK: Right, your Honor, that is correct,
2 that is what I object to.

3 THE COURT: Well, what about the minute order
4 preceding that?

5 MR. BUGLIOSI: I object to the whole thing. It
6 has already come into evidence, your Honor, that he was
7 charged with these offenses. It's already come into evidence,
8 but the fact that other cases were dismissed -- I remember
9 the Court's saying at the bench to Mr. Fitzgerald it has no
10 relevance; that they will have to show that we dismissed
11 cases against De Carlo in return for his testimony on the
12 present case.

13 THE COURT: I understand all that. What is your
14 objection to the Information?

15 MR. BUGLIOSI: I have no objection to the Information,
16 but the second to the last sheet here --

17 THE COURT: This is the minute order.

18 MR. BUGLIOSI: Having testified for the People in other
19 cases dismissed Informations.

20 What is coming out before the jury is the
21 fact we are dismissing cases against De Carlo because he
22 testified in another unrelated matter.

23 THE COURT: I understand that. What I am trying to
24 find out, are you objecting to this or do you want that?

25 MR. BUGLIOSI: No, I'm objecting to this, this minute
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1 order and also right herethe dismissal where it mentions
2 charges of murder.

3 The Information charging him with these offenses,
4 I have no objection.

5 THE COURT: Is that what you are requesting be
6 deleted, Mr. Kanarek?

7 MR. KANAREK: I am requesting that the District
8 Attorney's statement with reference to Robert Beausoleil
9 be deleted, the hearsay statement about that, that is what
10 I am objecting to. The rest I am not objecting to.

11 THE COURT: Well, what is the relevancy of the minute
12 order and the District Attorney's recommendation?

13 MR. FITZGERALD: Well, to shortcut it I will agree it
14 may be withdrawn.

15 I think it is relevant because it was my
16 contention that a deal was made for him to testify in
17 Beausoleil, and to cooperate with the officers in regard to
18 Tate,

19 Also it tends to impeach him in respect to
20 answers he made on the witness stand.

21 But I have no objection to the last two being
22 withdrawn, the minute order and the recommendation.

23 MR. KEITH: The jury could well infer that Mr. De Carlo
24 would feel beholden to the District Attorney's Office
25 because they dismissed him on one case, and therefor his
26 testimony could be colored.

I don't know all the byplay.

MR. BUGLIOSI: We never gave him anything for testifying on the Tate case.

MR. KEITH: I understand that.

MR. FITZGERALD: You dismissed the case against him in the Federal Court.

MR. BUGLIOSI: We did?

MR. FITZGERALD: The Los Angeles Police Department.

THE COURT: Well, then you are requesting that those last two pages be withdrawn, is that correct?

MR. FITZGERALD: Yes, your Honor, we will move to withdraw them.

THE COURT: All right, then, as to --

MR. KANAREK: I am only requesting that one be withdrawn, the one about the recommendation.

THE COURT: The last page.

MR. KANAREK: That's correct.

THE COURT: As to Defendants' Exhibit V, the last two pages will be physically detached from the exhibit and will not be part of the exhibit.

Those two pages consisting of a minute order dated November 25, 1969 at Department West A, and the District Attorney's recommendation dated November 26, 1969 will be withdrawn.

I will physically separate them right now. The exhibit will have to be re-stamped, Mr. Darrow.

1 THE CLERK: Yes, your Honor.

2 THE COURT: These are the withdrawn pages.

3 (Pages handed to the clerk.)

4 Anything further, gentlemen, before we
5 proceed?

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1 MR. KANAREK: Yes, your Honor.

2 THE COURT: With respect to these two motions that
3 I have been handed this morning about interrogating the
4 jury, do you wish to argue those matters here in chambers
5 or in open court, or how do you wish to proceed?

6 MR. KANAREK: I would like to argue/in open court,
7 your Honor, and I would like the Court -- I would really --
8 this isn't done just to make the record, your Honor, it
9 is done with the feeling that, in this community, the
10 general impression is that the District Attorney's Office
11 misbehaved in this matter and deliberately did this.

12 They had no reason to inject this --

13 THE COURT: You are talking about something that
14 happened in some other cases, not this case?

15 MR. KANAREK: That's right. Not specifically this
16 case.

17 THE COURT: All right.

18 MR. KANAREK: But to indict Mr. Manson for murder
19 at this time in those proceedings is a most reprehensible
20 disregard and unnecessary act -- I will make that argument
21 to the Court and hope to convince the Court to do something
22 about it when I argue --

23 THE COURT: Yes, I will hear the motions in open
24 court, and hear Mr. Keith's motion or motions.

25 I received a letter from Leslie Van Houten
26 on the afternoon of Thursday, December 17th, which I will

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1 file in the case, in which she indicates that she has an
2 attorney of her choice to represent her at this time.

3 She says: As you well know, I want only to
4 defend myself. However, you seem to think I am inadequate,
5 and I am therefore forced to hire an attorney I feel rapport--
6 she spells it r-a-p-o-r-e -- with. This attorney is
7 Mary Fielder. Respectfully, Leslie Sangston.

8 Have you talked to Miss Sangston this morning,
9 Mr.Keith?

10 MR. KEITH: No, I haven't, your Honor.

11 I received a similar letter from Miss Van
12 Houten, although in that letter she did not name any
13 attorney. As the Court will recall, I advised you as soon
14 as I got it. But I have never been contacted by any
15 attorney, Mary Fielder or otherwise.

16 THE COURT: I heard nothing from any attorney
17 regarding any substitution, and I don't know whether Miss
18 Van Houten intends to make such a motion this morning or
19 not, but if she does, I will certainly hear it.

20 MR. KEITH: I purposefully didn't talk to her after
21 I got the letter because, for all I know, she had hired
22 other counsel, and it would have been inappropriate for me
23 to approach her.

24 But I haven't heard from anybody.

25 THE COURT: If there is nothing further?

26 MR. KANAREK: Just briefly, your Honor.

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1 I make a motion that jury instruction 6.10 and
2 6.--

3 THE COURT: Let's take that up at the time that we
4 discuss the other instructions.

5 MR. KANAREK: Yes. I was going to object to those.

6 THE COURT: I would suggest that those of you who
7 have any further requested instructions get them in
8 immediately, as soon as you are possibly able to do so,
9 so that all parties can be considering them, and the Court
10 also.

11 If there is nothing further, gentlemen, we will
12 go back into open court and I will hear the motions.

13 I think probably I should find out if Miss
14 Van Houten is intending to make any motion first before we
15 take up any of the other matters, and then we can proceed
16 to hear the various motions in order.

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1 (The following proceedings occur in open court.
2 All counsel except Mr. Hughes present. All defendants
3 present. Jury absent.)

4 THE COURT: All of the defendants are present. All
5 counsel are present except Mr. Ronald Hughes. Mr. Maxwell
6 Keith is appearing for the defendant Leslie Van Houten.
7 The jury is not present.

8 Miss Van Houten, did you wish to be heard?

9 DEFENDANT VAN HOUTEN: Yes, I do.

10 THE COURT: With respect to the letter you sent to the
11 Court last week?

12 DEFENDANT VAN HOUTEN: Yes, I do.

13 THE COURT: All right. You may proceed.

14 DEFENDANT VAN HOUTEN: I wish, at this time, to dis-
15 miss Mr. Keith as my attorney and hire Mary Fielder.

16 THE COURT: Is Mrs. Fielder present?

17 DEFENDANT VAN HOUTEN: No, she is not.

18 She is to appear in Department 100 at 11:00
19 o'clock.

20 I haven't been able to have direct communication
21 with this lady because she cannot get in to see me, number
22 one.

23 THE COURT: Why not?

24 DEFENDANT VAN HOUTEN: Unless someone comes in
25 through my attorney, I cannot see them, if they have any-
26 thing to do with anything legal.

1 THE COURT: That is not the case.

2 DEFENDANT VAN HOUTEN: That is the case, your Honor.
3 I am very well aware of it. I have been living under it
4 for a year now.

5 THE COURT: When was the last time you talked to Miss
6 Fielder?

7 DEFENDANT VAN HOUTEN: I have never had a chance to
8 communicate directly with the woman, it has always been
9 through other sources.

10 I know she is willing to defend me, and I wish
11 to hire her as my attorney.

12 THE COURT: So far in this case, Miss Van Houten, you
13 have had the following attorneys.

14 First, a Mr. D. Barnett.

15 He was then replaced by Mr. Marvin Part.

16 You then had Mr. Ira Reiner. Mr. Reiner was replaced
17 by Ronald Hughes.

18 And finally, Mr. Maxwell Keith was appointed
19 following the disappearance of Mr. Hughes.

20 DEFENDANT VAN HOUTEN: I have had nothing to do with
21 the disappearance of Mr. Hughes.

22 In fact, I am wondering what did you do with
23 him?

24 DEFENDANT MANSON: Here, here.

25 What did you do with him?

26 THE COURT: Before I would consider a substitution of

1 Mrs. Fielder at all, I would want to ask her some questions
2 but, in any event, regardless of the answers to those
3 questions, I would not continue this trial any further to
4 permit her to prepare, which she obviously would have to
5 do.

6 Mr. Keith is a competent, able and experienced
7 criminal lawyer. He is now ready to proceed.

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1 DEFENDANT VAN HOUTEN: He is not competent or
2 capable so far as I am concerned. I find him inadequate,
3 according to my standards.

4 THE COURT: If you want to have Mrs. Fielder come in
5 and associate in the case as co-counsel, so long as it
6 doesn't require any continuance, I would have no objection
7 to that.

8 DEFENDANT VAN HOUTEN: Would you please tell Mr.
9 Pitchess that she can come in and see me?

10 THE COURT: Mr. Keith will remain as your counsel,
11 and we are going to proceed with the trial.

12 DEFENDANT VAN HOUTEN: Are you telling me no?

13 Judge Older, are you telling me no?

14 THE COURT: Did you hear what I said? Did you
15 understand what I said?

16 DEFENDANT VAN HOUTEN: You are telling me that you
17 are going to proceed.

18 THE COURT: That's right.

19 DEFENDANT VAN HOUTEN: All right. Then we are
20 ready to put on our defense.

21 May I call my first witness?

22 THE COURT: Both sides have rested.

23 You may sit down now.

24 DEFENDANT VAN HOUTEN: I didn't rest. I haven't
25 rested for a moment.

26 THE COURT: Sit down, Miss Van Houten.

1 DEFENDANT VAN HOUTEN: No, I will not sit down.
2 You stand up.

3 THE COURT: The bailiff will please seat Miss Van
4 Houten.

5 DEFENDANT VAN HOUTEN: I am not going to sit down.
6 I am going to stand up again.

7 You cannot tell me what to do any longer.

8 THE COURT: I understand, Mr. Keith, that you have
9 a motion you wish to make?

10 MR. KEITH: Yes, your Honor.

11 DEFENDANT VAN HOUTEN: The motion is denied.

12 THE COURT: Miss Van Houten --

13 DEFENDANT MANSON: I think we all want to put on a
14 defense.

15 DEFENDANT VAN HOUTEN: I would like to start my
16 defense.

17 THE COURT: If you don't cease your disruption of
18 the trial, I will have you removed from the court.

19 DEFENDANT KRENWINKEL: Are you so afraid of hearing
20 the truth?

21 We are trying to give you a defense. You have
22 an innocent man that you are trying to crucify.

23 You are going to have to start to --

24 THE COURT: The record will show that Miss Van Houten
25 is physically engaged in an altercation with the female
26 bailiffs.

1 If you don't stop it at once, I will have you
2 removed from the courtroom.

3 DEFENDANT KRENWINKEL: We have a defense to put on.

4 DEFENDANT MANSON: We have a defense to put on.

5 DEFENDANT VAN HOUTEN: The fact is that we exist,
6 yet you are going to somehow justify it in your mind that
7 you are a judge.

8 God is going to judge you.

9 THE COURT: I am going to have you removed from the
10 courtroom if you don't stop.

11 DEFENDANT KRENWINKEL: We are going to remove you from
12 the face of the earth.

13 THE COURT: I want all the defendants to sit down so
14 we can resume.

15 DEFENDANT VAN HOUTEN: I am not sitting down. I am
16 not doing anything you say until you do what I say.
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1 THE COURT: The bailiffs will seat the female
2 defendants and also Mr. Manson.

3 DEFENDANT KRENWINKEL: We have a defense to put on and
4 we will put it on.

5 THE COURT: The record will show that Miss Van Houten
6 just struck one of the bailiffs..

7 DEFENDANT MANSON: It will also show that he is
8 hurting her hand, too, and that I threw a paper clip at you.

9 THE COURT: If there is any further disruption, I
10 am going to remove you from the courtroom.

11 DEFENDANT MANSON: This whole thing will be a
12 disruption.

13 THE COURT: That will be enough.

14 DEFENDANT KRENWINKEL: Can't you see the lies?
15 They won't let us tell you the truth. We are trying to
16 give you the truth. We will tell you what this is all
17 about.

18 THE COURT: We will not be able to proceed because of
19 this interruption with the defendants present.

20 DEFENDANT KRENWINKEL: Disruption is what this is all
21 about. Where is the justice that you are supposed to stand
22 for. We are trying to let you know that it is falling.

23 THE COURT: The bailiffs will remove the female
24 defendants from the courtroom.

25 DEFENDANT KRENWINKEL Remove us? Our trial and you
26 remove us?

1 DEFENDANT ATKINS: You remove us from your justice.
2 Your justice is false and phoney. You are a lie, and these
3 people believe you.

4 You are all just as blind as he is.

5 (Whereupon the female defendants are removed
6 from the courtroom.)

7 THE COURT: You may proceed, Mr. Keith.

8 MR. KEITH: At this time, if the Court please, I
9 move, on behalf of Defendant Leslie Van Houten, that a mis-
10 trial be declared as to her.

11 DEFENDANT MANSON: All you are trying to do is divide
12 the house, old man.

13 THE COURT: Do you wish to be removed, Mr. Manson?

14 DEFENDANT MANSON: Yes. I have nothing here.

15 THE COURT: If you don't stop it at once, you will
16 be.

17 Go ahead, Mr. Keith.

18 DEFENDANT MANSON: You couldn't be serious.

19 Hey. Hey. Look at me when I am talking to you.

20 THE COURT: Remove Mr. Manson from the courtroom.

21 (Defendant Manson is removed from the
22 courtroom.)

23 THE COURT: Will you ask the bailiffs to check the
24 speaker system to see if all the defendants are able to
25 hear the court proceedings while they have been removed
26 from the courtroom.

Go ahead, Mr. Keith.

MR. KEITH: I would first advise the Court what are not the bases of this motion for an order granting a mistrial.

I do not contend that this Court has not extended me adequate and reasonable time to prepare. The Court has been generous, and I appreciate the Court's indulgence.

I have had the opportunity to examine the transcripts, examine the exhibits, converse with co-counsel, and even my client.

Nor do I contend that it is an impossible task to digest the record in this case.

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1 THE COURT: Mr. Keith, excuse me. It is very
2 difficult to hear in this courtroom. Would you mind using
3 the microphone?

4 MR. KEITH: I tried to keep my voice up but apparently
5 I am unsuccessful.

6 THE CLERK: The bailiff says the defendants can hear.

7 MR. KEITH: Nor do I contend that Miss Van Houten
8 was not adequately and competently represented by Mr.
9 Hughes.

10 To the contrary, she was very ably represented
11 by him.

12 Nor do I hope my competence is in issue in the
13 abstract sense.

14 DEFENDANT MANSON: (From the lockup) How many
15 innocent men have you sent to prison, District Attorney?

16 MR. KEITH: I do contend, and very seriously --

17 THE COURT: Just a moment.

18 Mr. Reporter, did you get down Mr. Manson's
19 remarks?

20 The record will show that Mr. Manson is yelling
21 through an aperture in the door to the courtroom lockup
22 facility and that his remarks can be clearly heard in the
23 courtroom.

24 Go ahead, Mr. Keith.

25 MR. KEITH: I do contend, and very seriously, that
26 neither myself nor any other attorney -- and the operative

4d-2

1 words are "any other attorney" -- would ever be able to
2 provide effective assistance of counsel to Miss Van Houten
3 to which she is entitled as one of her fundamental rights.
4 Particularly with the posture of this case as it is where
5 both sides have rested.

6 I advert primarily to the total inability,
7 helplessness, of myself or any other attorney to argue the
8 credibility of the witnesses in this case against Miss Van
9 Houten because I was not there when they testified.

10 Now, if the Court please, credibility may well
11 be crucial to the defense in this case. I know that
12 credibility is very much in issue. Yet I didn't have the
13 opportunity to observe the demeanor of the witnesses on
14 the stand nor the manner in which they testified,
15 nor was I able to observe their character as they
16 testified.

17 Such matters, may the Court please, are so
18 germane and fundamental to a proper evaluation of the
19 witness's credibility that they are, of course, a part of
20 the standard jury instruction on the subject.
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1 Now I realize, may the Court please, that the
2 jury was there and they had such opportunity to observe the
3 witnesses as they testified, but I believe that this is
4 begging the question, when my argument is answered in such
5 a fashion, because it is my function, may the Court
6 please, and any attorney's function as an advocate, to
7 attempt to persuade the jury to that point of view which
8 best serves the interests of my client.

9 I submit to the Court that I cannot do so
10 effectively, as I am foreclosed, really foreclosed from
11 commenting upon their demeanor, and commenting upon the
12 manner in which they testified to the jury, nor can my
13 brethren assist me because they have their own interests,
14 their own clients to protect, and their interests to
15 advance.

16 Their loyalty is owned to their own clients
17 exclusively, and I cannot expect any assistance from them,
18 nor should I have any.

19 Now, may the Court please, I have not researched
20 this particular problem exhaustively. My research, however,
21 has been extensive.

22 I find no case, no authority that I would
23 consider apposite to the situation that I am faced with
24 today.

25 The only case in California that even
26 approaches this issue is People vs. Crovedi, C-r-o-v-e-d-i,

1 in 65 Cal. 2d, the page number escapes me.

2 Now, in that case, Morris Chain, a prominent
3 defense counsel in Bakersfield had a heard attack during
4 the middle of an extensive trial, and one of his young
5 associates was in effect coerced into carrying on the
6 trial in Mr.Chain's absence, without adequate preparation.

7 Now, the Supreme Court in that case held there
8 was a denial of effective assistance of counsel, but on a
9 different ground, because the medical testimony showed that
10 Mr. Chain would have recovered within six weeks, and the
11 Supreme Court simply said the trial judge was in error,
12 he should have continued the case for six weeks so
13 Mr.Chain could come back and continue his representation.

14 In that case, of course, the facts differ from
15 this case because we don't know whether Mr. Hughes is ever
16 going to come back.

17 Also, there is a New York Federal Court case
18 where an attorney was taken ill and in the 11th month of a
19 jury trial involving a complicated stock swindle, and
20 interestingly enough the Court appointed counsel for one
21 of the other defendants to represent the client of the
22 attorney who was taken ill, and at the time the other
23 attorney accepted representation he immediately pleaded
24 his client guilty, which I thought was kind of interesting.

25 At any rate there was no conflict of interest
26 because of the plea of guilty, and the Court simply said

1 that there wasn't a denial of effective assistance of
2 counsel.

3 Only two cases in the books, may the Court please,
4 that even suggest or touch upon the problem that we are
5 faced with here.

6 Now, I have re-read Barber vs. Page with which I
7 am sure the Court is familiar.

8 That cases emphasizes the importance
9 of the finder of fact in observing the demeanor of the
10 witness on the stand, so important the Supreme Court of the
11 United States feels that that opportunity is, that no longer
12 can the prior testimony of an absent witness be admitted
13 before a finder of fact until the District Attorney's
14 Office has made a very strong showing that the absent
15 witness is totally unavailable.

16 Now, the point in that case was not the same
17 as the point in this case, or the point I am talking about
18 in this case, but the importance of being able to observe
19 and evaluate the manner in which a witness testifies is
20 emphasized in Barber vs. Page as one of the reasons why
21 that case was reversed, because the prosecuting agency in
22 that case did not make a good faith effort to produce the
23 witness who was out of state.

24 When you consider the importance the United
25 States Supreme Court attaches to the ability and
26 opportunity of the trier of fact to observe the witnesses

1 while they are testifying, and you also consider the
2 fundamental right of the defendant to effective, not just
3 assistance of counsel, but effective assistance of counsel,
4 then it appears, may the Court please, that Miss Van Houten
5 may well be denied in this case her fundamental right to
6 effective assistance of counsel.

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1 Now, I know, may the Court please, that on
2 Appellate review the attorney who prepares the brief never
3 sees the witnesses, but credibility is not in issue upon
4 appeal.

5 As the Court knows, the function of the Court
6 of Appeal or the Supreme Court is to determine where a
7 claim is made that the evidence is insufficient to support
8 the judgment, ^{whether} / there is any substantial evidence in
9 the record to support the verdict, not who is telling the
10 truth and who is not.

11 So, the argument that attorneys who handle
12 appeals never see any of the witnesses is a specious one
13 when applied to this case.

14 Now, we all know that it is very popular to
15 submit cases to the Court on the transcript of the preliminary
16 hearing, and we all know that in many if not most of those
17 cases the attorney who handled the preliminary hearing is
18 not the attorney who submits it in the Superior Court at
19 the trial level, particularly in the Public Defender's
20 office where they have a division of labor, one attorney puts
21 on a preliminary hearing and another is assigned to the
22 trial.

23 However, I submit to the Court in those cases
24 where the transcript of the preliminary hearing is submitted,
25 that they are either slow pleas, or there is a legal
26 technical defense, having nothing to do with credibility.

5a-2

1 I am also aware that where a witness is truly
2 unavailable at the time of trial, his or her prior testimony,
3 if there has been an opportunity to cross examine, may be
4 read to the jury or the judge at the time of the trial.

5 However, that practice, as I have pointed out
6 in Barbara vs. Page, is under considerable attack, and
7 such testimony may only be used in those rare cases where
8 the witness is either dead or unavailable after a due and
9 diligent search had been made.

10 The rationale of admitting prior testimony is
11 one of, in effect, necessity.

12 Now, I have another point which is quite dear
13 to me and probably to other counsel who try jury cases,
14 and that is this:

15 This jury has been here for over six months,
16 I understand, and undoubtedly over that period of time
17 has become acquainted, not in a personal sense, but in a
18 kind of an abstract sense, with counsel in this case;
19 and I, and I think other attorneys when trying cases in
20 front of a jury, try to establish a rapport with that jury--
21 it is only natural.

22 We try to identify with the jury because we
23 know at the close of the evidence and at the time of the
24 argument we are going to try and influence that jury to
25 our position, to accept our position, to accept our
26 arguments.

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1 I have a very clammy feeling in this case, may
2 the Court please, that because I have never even seen any
3 of these jurors before, that when I argue they may tend to
4 discard those things I say.

5 I don't say they will. I am speculating to a
6 certain extent, of course, but they just may. They may not
7 pay the attention to me as they would to other counsel,
8 because I am a total stranger to them, quite the contrary
9 to other counsel.

10 I have not had, nor would any other attorney
11 in my position have had, the opportunity to establish that
12 rapport which I think is important in any case before a
13 jury, and I'm sure other trial counsel would agree with me.

14 Now, may the Court please, in ruling on my
15 motion for a mistrial, I respectfully suggest that this
16 Court apply the Chapman test, that is, can your Honor say
17 under the circumstances that this Court is convinced beyond
18 a reasonable doubt that Miss Van Houten will not be denied
19 effective assistance of counsel if the Court denies my
20 motion for a mistrial.

21 I respectfully ask that this Court answer that
22 question in the negative.

23 I thank you.

24 THE COURT: Do you wish to be heard?

25 MR. BUGLIOSI: Submit the matter.

26 MR. FITZGERALD: If we have standing, we would like to

1 join in that motion, myself, Mr. Shinn and Mr. Kanarek,
2 on behalf of our respective clients.

3 THE COURT: Without further argument?

4 MR. FITZGERALD: Without further argument.

5 MR. KANAREK: Except to point out, your Honor, that
6 Mr. Hughes is identified with Leslie Van Houten, and there
7 is a certain -- I would like to invoke the doctrine of
8 the People vs. Martin, a California case that says in
9 connection with search and seizures that even though you
10 do not have "standing" in the sense that you are personally
11 involved, you still have a right to raise a constitutional
12 issue of another defendant, and I think that in this case
13 it is more than just academic.

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5-B-1 1 The fact that Mr. Hughes has been identified
2 with us in the defense, the fact that the prosecution has a
3 certain theory as to Mr. Manson in connection with these
4 defendants, it is most prejudicial to Mr. Manson's defense
5 for this trial to proceed forward without Mr. Hughes, and
6 it goes to the very heart of the fair trial that Mr. Manson
7 is entitled to, and I do join in, and I make a motion
8 independent, if it may be deemed that, for a mistrial, and
9 I invoke the due process clause of the Fourteenth Amendment
10 in so doing, as well as the right to a fair trial under
11 California law.

12 THE COURT: I have carefully considered the motion,
13 Mr. Keith, considerably in advance of today.

14 First of all, I considered it every since
15 Mr. Hughes disappeared, and of course you indicated to
16 the Court last week or the week before that you intended
17 to make such a motion.

18 All of that time, of course, I have been
19 considering the problems raised by the disappearance of
20 Mr. Hughes.

21 What you say is true in the sense, of course,
22 that you did not have a chance to actually observe the
23 demeanor of the witnesses. Of course, the jury did.

24 Your arguments can be precisely the same
25 arguments to the jury based on demeanor or anything else
26 that they would be had you observed the demeanor of the

1 jurors. Of course it is their reaction to the demeanor
2 that is significant, not yours.

3 I have, as I say, given it long and hard thought,
4 and I can see no reason why a defendant under these circum-
5 stances cannot be adequately represented by substituted
6 counsel, such as you are in this case, nor can I see any
7 reason why the defendant should in any way suffer in any
8 manner whatever by reason of the absence of counsel.

9 Accordingly, the motion for a mistrial is
10 denied.

11 The defendants have filed two other motions
12 this morning.

13 Do you wish to argue those motions at this time,
14 Mr. Fitzgerald, or Mr. Kanarek?

15 MR. FITZGERALD: Yes, we did on behalf of all the
16 defendants file what I suppose we could refer to was motion
17 one, that was a notice of motion to interrogate the jury in
18 regard to exposure to prejudicial trial publicity and,
19 in the alternative, for a mistrial.

20 Attached to that motion is a declaration of
21 myself in support of the motion, points and authorities and
22 two exhibits, the two exhibits being a newspaper article,
23 including headlines from the Los Angeles Times dated
24 Friday, November 20, and a newspaper article from the Sunday
25 Herald Examiner of November 22nd.

26 Basically, as your Honor has previously pointed

1 out, in many respects this motion is not dissimilar to
2 other motions filed on behalf of the defendants in regard
3 to what we consider to be prejudicial pretrial publicity.

4 For that reason and also inasmuch as I feel the
5 declaration of myself speaks for itself, I will submit the
6 matter to the Court.

7 THE COURT: Do you want to be heard, Mr. Kanarek?

8 MR. KANAREK: Yes, your Honor, I will incorporate
9 Mr. Fitzgerald's comments by reference.

10 There was, your Honor, as your Honor knows,
11 and the exhibits so show, a picture of Susan Atkins and
12 another female defendant on the first page of the Los Angeles
13 Times, Patricia Krenwinkel, and that was, I believe, on or
14 about November 22nd, in that period of time, 1970.

15 There was also in the Sunday Herald Examiner
16 on the front page a purported article referring to
17 Mr. Manson's testimony before the Court when the jury was
18 absent here.

19 The one that is especially significant is
20 this statement about confession, that the three Manson
21 girls may confess.

22 The date is November 20th, 1970, as far as the
23 Los Angeles Times is concerned. That was a Friday, and
24 the 22nd was a Sunday.

25 I think that the only way we will ever be able
26 to tell whether the jury has knowledge of these matters,

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that is, what was allegedly set forth in the Herald Examiner
1 article and in the Los Angeles Times, would be by
2 interrogating them and finding out what their state of
3 mind is.

4 The only way we can do that, your Honor, is
5 by taking evidence, by asking them questions and, absent your
6 Honor doing that, the defendant, Mr. Manson, is denied a
7 fair trial, with the implications that are set forth in that
8 headline alone.

9 It is a headline which is an inch and a half --
10 well, as your Honor can see, it covered perhaps a third
11 of a page or more on the front page, and there is a great
12 probability, we allege, that the jury knows about it by
13 some manner or means, human beings being what they are,
14 and notwithstanding the sequestration and the good intent
15 on the part of the jurors as well as upon the part of the
16 Court and the officers who take care of the jurors.

17 These things -- it is just incredible,
18 incredibly impossible for a jury not to know of this -- of
19 these matters that occurred on or about November 20th and
20 22nd, 1970.

21 But even more significant, I think, I don't
22 have any pride of authorship, it is not because I made the
23 second motion, but I think it is because of the currency
24 of it, especially at this particular time when we are
25 going to the jury.
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1 As your Honor know, in Cooper vs. Superior Court,
2 the California Supreme Court made the point in connection
3 with Mr. Cooper's differences with Judge Dawson, that the
4 timing of^a/certain event in a jury trial is very important,
5 and the fact that Judge Dawson did what he did in connection
6 with that Finch jury at that time, the Finch-Tregoff jury,
7 was such that it prejudiced the defendant because at that
8 point the jury was deliberating.

9 By analogy, the same at this point, when the
10 District Attorney of Los Angeles County goes ahead and
11 indicts Mr. Manson on another charge of murder, they have
12 been deliberately, maliciously, with the intent to get these
13 facts, these alleged facts before that jury indirectly,
14 that is the charge I make, your Honor, a deliberate attempt
15 on the part of the District Attorney's office to do that.

16 There was no necessity to do that.

17 If Mr. Manson is exonerated of these charges he
18 is not going to leave the County Jail. There is the Hinman
19 case that stands there; it doesn't come up until February.

20 They did not have to do that today. They did
21 that deliberately and maliciously with the intent -- with
22 the intent to get that information across this jury.

23 There is no question about it.

24 Then on top of that, later on in this last
25 week, they also go to the Grand Jury and they get before
26 the Grand Jury -- they get the Grand Jury purportedly to

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indict Lynne Fromme, Catherine Share, Steve Grogan, Ruth Morehouse and Dennis Rice.

These are people that the prosecution has alleged are associated with Mr. Manson, and it involves Barbara Hoyt who was a witness here, and the allegation is it involves the purported conspiracy to do harm to the physical body of Barbara Hoyt, and to keep her from approaching this court by seeing that she stayed in Hawaii.

The charge includes an attempt to commit murder, I believe, assault with intent to commit murder.

And this was done also to inject into this community these matters so that the jury would be apprised of them.

It was done maliciously, so that the jury would somehow or other come to know that these people who were allegedly associated with Mr. Manson participated in these acts.

Furthermore, Steve Grogan is made a defendant in each of these cases by the District Attorney taking this to the Grand Jury, and in that connection it is important to know that Steve Grogan is a person who allegedly went on the second night to the La Bianca home and then went to the beach area with Linda Kasabian.

So, the District Attorney, what they in effect are doing, they are getting evidence before the jury outside

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of the court, and that is against the law.

So what we are asking your Honor to do is to take evidence, have an evidentiary hearing involving the interrogation of jurors as to what they may have heard concerning these matters, and also that your Honor take -- we ask that there be evidence taken and the District Attorney's personnel be brought to this courtroom and interrogated so that we may find out why at this particular point in time the District Attorney chose to take these matters to the Grand Jury, just at the time that we are preparing for final argument.

I believe the Shea case is No. A267493, and I ask the Court to take judicial notice of its own files as to the Shea case.

And as to the case of People of the State of California vs. Lynne Fromme, Catherine Share, Dennis Rice, Steve Grogan and Ruth Morehouse, which was filed in the Superior Court in Department 100 last week.

I ask the Court to take judicial notice of its own records, and we ask, your Honor, that we have the hearing, and that we determine whether or not this jury has heard of these matters.

It is our belief that with this publicity which has permeated our community, there is no question but what the jury has heard it.

And then we have the added point, your Honor,

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1 of Mr. Hughes passing away.

2 I believe it is a fair statement that the Ventura
3 County Sheriff's Department believes that in fact Mr. Hughes
4 has passed away as a result of 12 inches of rain that fell
5 in a very short period of time.

6 It is an area where eight Boy Scouts passed
7 away a year before, also under similar circumstances; and
8 also a Deputy Sheriff passed away at that time.

9 Only one body was found and that was in the
10 ocean, later on. They never found the rest of the bodies.

11 Now, there is rife in this community, there is
12 talk about Mr. Hughes being a victim of foul play.

13 As a matter of fact, last -- as shown in my
14 declaration -- last Friday over Channel 11 there was the
15 flash that Mr. Hughes' body was found in a cabin with his
16 throat cut in the Sespe area.

17 It turned out that was a false rumor, that
18 that was not true.

19 But it permeated the area. There is no question
20 about it, it was on the mass media, not only on Channel 11
21 and other parts of the mass media.

22 The only way we are going to tell whether this
23 jury heard fragments of that is by interrogating them.

24 We don't know that they did not hear the part,
25 somehow or other, that Mr. Hughes was allegedly the victim
26 of foul play with his throat cut, unless we ask them.

1 I ask for an evidentiary hearing concerning all
2 of these matters, the matters that are in the notice of
3 motion that Mr. Fitzgerald has prepared, and in the one that
4 I prepared, your Honor, because otherwise we are going to
5 the jury in a case of this magnitude without having any
6 knowledge as to the jury's state of mind.

7 Just the mere mechanical sequestration, your
8 Honor, I am afraid does not do it, and the only way we can
9 make sure is by asking them questions.

10 Your Honor did it in connection with Mr.
11 Nixon and the matter involving the headline about Mr.
12 Manson.

13 THE COURT: That was because there was exposure right
14 here in the courtroom, Mr. Kanarek, and for no other reason.

15 MR. KANAREK: Your Honor, the point is nevertheless
16 the same principle applies, whether they are exposed to
17 it in the courtroom or at the Ambassador Hotel.

18 THE COURT: I have your argument in mind.

19 MR. KANAREK: Or from conjugal visits. That is the
20 only way we can ascertain it. It is no reflection on the
21 jurors, they are just flesh and blood people, we cannot
22 tell unless we ask, your Honor.

23 It is our request that your Honor allow this
24 interrogation and the evidentiary hearing.

25 THE COURT: I have carefully considered all of your
26 motion papers, and your declarations.

1 As I indicated earlier this morning in chambers,
2 these motions are similar to a number of motions which have
3 been made throughout the trial, to voir dire the jury.

4 Of course the principal reason for the seques-
5 tration of the jury in the first place was to insulate the
6 jury from the effect of prejudicial pretrial as well as
7 trial publicity.

8 Your argument would have some merit if the
9 jury had not in fact been sequestered.

10 But since it has been sequestered throughout the
11 trial, I see no merit whatever in the arguments.

12 All of the motions are denied.

13 Is there anything further, gentlemen, before we
14 commence the argument?

15 MR. KANAREK: Then I do make a motion for a mistrial,
16 your Honor, based upon your Honor's refusal to interrogate
17 in connection with the voir dire -- the matters that we
18 have alleged concerning publicity, and also in connection
19 with your Honor's refusal to have an evidentiary hearing.

20 MR. FITZGERALD: We join.

21 MR. SHINN: Join.

22 THE COURT: The motion will be denied.

23 We will take a 15-minute recess at this time
24 and we will then commence with the People's argument.

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1 (The following proceedings occur in chambers.
2 All counsel, except Mr. Hughes, present. Defendants
3 absent.)

4 THE COURT: The record will show all counsel are
5 present; of course, excepting Mr. Hughes.

6 I wanted to make one addition to the record.

7 During the confusion that existed while the
8 defendants were in the process of being removed, I forgot
9 to put it into the record. That was that Mr. Manson threw
10 some object at the Court while I was sitting at the bench
11 that missed me. I heard it drop harmlessly behind the
12 bench.

13 So the record will be complete, I wanted that
14 to be clearly indicated.

15 MR. FITZGERALD: So the record, by implication,
16 doesn't reflect that he threw a boulder at you, I believe
17 it was a paper clip.

18 MR. BUGLIOSI: Yes. I got the impression it was a
19 paper clip.

20 THE COURT: I didn't see it. I didn't retrieve it.
21 I saw him make a throwing motion. I didn't see the object.

22 Now, as the matter now stands, the defendants
23 are not in the courtroom and we are about to commence
24 argument.

25 The reason that I asked you to come in here was
26 to discuss that precise point. If we resume without the

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1 defendants in the courtroom, the jury will not know,
2 unless they are told, why they are not there. I think, to
3 tell them could very well be prejudicial. On the other hand,
4 the absence of any explanation might also be prejudicial.

5 So, what I think probably would be the fairest
6 for all concerned would be to start with the defendants back
7 in the courtroom. They know what the consequences of
8 interruption are. They have been removed a number of times
9 now. If they want to do it in front of the jury, at
10 least they will be doing it with full knowledge of what
11 the Court will have to do.

12 But I don't see any other way to avoid the
13 problem. However, I am certainly willing to listen to any
14 opinions you may have.

15 MR. SHINN: Your Honor, I would suggest, instead of
16 doing it in front of the jury initially, bring them down
17 here and have them talk with you, your Honor.

18 THE COURT: Well, we have done that a number of times.
19 They know what I am going to say and I know what they are
20 going to say. That isn't going to accomplish anything.

21 The matter lies in their own hands. If they
22 want to disrupt, they will disrupt. If they are willing
23 to behave, all they have to do is do it.

24 MR. SHINN: Your Honor knows they may disrupt. Are
25 you still going to bring them in without talking to them
26 in chambers?

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1 THE COURT: I just explained to you, Mr. Shinn, what
2 the problem is.

3 Now, if you would like to have a few minutes to
4 discuss this with your client, I will certainly accede to
5 that request, but I see no point in the Court telling them
6 again and again and again what is going to happen. They
7 know what is going to happen if they obstruct.

8 MR. FITZGERALD: I don't think any discussion period
9 would be fruitful. I don't need to speak with my client
10 about it.

11 THE COURT: I shouldn't think so.

12 But if any counsel wants to discuss with his
13 client before we proceed in open court with all parties
14 present, I will certainly give you the opportunity to do
15 so.

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1 MR. KEITH: I don't think it would be helpful to me
2 either because it doesn't appear that I have very much
3 control over the Defendant Van Houten.

4 THE COURT: Well, I hear no request.

5 MR. SHINN: Your Honor, there seems to be some
6 confusion between Kanarek and myself.

7 Did your Honor say that you are going to
8 bring the defendants in in front of the jury first? Is
9 that correct?

10 THE COURT: We will start with the defendants in the
11 courtroom.

12 MR. SHINN: Then, if they disrupt, they will be
13 removed?

14 THE COURT: I will have to. I can't allow them to
15 disrupt the trial.

16 MR. BUGLIOSI: I feel that the only thing for the
17 Court to do is to bring them down, and if they act up,
18 to have them removed. I don't think there is any other
19 solution. I think we should start out with them in court.

20 (All defense counsel confer.)

21 MR. FITZGERALD: We are concerned, your Honor, and
22 I will ruminate out loud for you, we are concerned
23 primarily with the situation where the defendants get down
24 in front of this jury and make another request to testify
25 in front of the jury as they did when they were before your
26 Honor just a few minutes ago.

1 We are also concerned that in the event that
2 their sort of outbursts to put on a defense are denied,
3 that they may say things to the jury, not from the witness
4 stand, that might be considered defensive in nature.

5 Perhaps that problem could be avoided by some
6 sort of a hearing in open court outside the presence of
7 the jury.

8 That simply is what we are concerned about.

9 THE COURT: No, there is no further hearing to be
10 had. There is no hearing pending other than an argument.

11 I realize the position that counsel are in, but
12 I am sure you realize the position that the Court is in.

13 I am doing what I think, under the circumstances,
14 is the fairest thing for all concerned, including the
15 defendants.

16 Now, if they are bent on disrupting the
17 trial, then, of course, the jury will see it. But that is
18 a matter that lies solely in their hands.

19 MR. FITZGERALD: Well, I think that if they are
20 going to disrupt, it would be better that your Honor told
21 them they disrupted and that is why they are not present,
22 rather than having the jury see them disrupt.

23 I mean, it is sort of the lesser of two evils.

24
25 It may be prejudicial for your Honor to tell
26 the jury that they are not present because they have

1 disrupted.

2 On the other hand, it is more prejudicial if
3 they do interrupt.

4 I am not unmindful of the fact that we have
5 taken the position frequently on this record ~~that~~ these
6 defendants have a right to be personally present at each and
7 every proceeding, and I don't want to undermine that
8 position either.

9 THE COURT: That's right. It is not a very comfortable
10 position for anybody to be in.

11 I certainly sympathize with counsel. On the
12 other hand, when you have defendants who are determined to
13 prevent an orderly trial, then, this type of thing may
14 inevitably occur.

15 MR. FITZGERALD: Would your Honor consider telling the
16 jury that they have been removed because they have disrupted,
17 rather than bringing them back into court in front of the
18 jury?

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1 MR. MUSICH: Before you consider that, I suggest that
2 you inquire, through counsel, whether they are willing or
3 not willing to come back into court and whether they will
4 interrupt again.

5 We did this once before, where they clearly
6 indicated they wouldn't disrupt the proceedings, and we
7 did start the proceedings and they did disrupt.

8 Now, in front of the jury maybe they won't and
9 maybe they will, but if they say they will, I think we can
10 pretty well take their word that they will.

11 THE COURT: Well, I think this is something that we
12 will just have to let the defendants decide for themselves
13 what they propose to do next.

14 I am opposed to ever having a defendant out of
15 the courtroom if there is any reasonable way I can have him
16 in there and continue with the trial in an orderly manner.

17 It may well be that now / ^{that} these motions are
18 out of the way, and particularly the motion for substitution,
19 which seemed to precipitate Miss Van Houten and the other
20 defendants -- and of course, it is fairly obvious from
21 the record that they were in concert with each other,
22 even though maybe what was before the Court had nothing to
23 do with their individual positions, as was the case this
24 morning -- but it may well be that now that that incident
25 is over, they are willing to sit down and conduct themselves
26 properly throughout the balance of the proceeding, and I am

6b-2

1 going to start out that way, on that assumption.

2 They have all had many, many admonitions,
3 warnings, explanations of what was expected of them and
4 what the consequences would be if they did not conform
5 their conduct to the reasonable requirements and rules of
6 the Court.

7 I don't think there is anything else to say,
8 gentlemen. We are just going to start with the defendants
9 present, and the rest will be up to them.

10 MR. KANAREK: Could your Honor bring the defendants
11 in first before the jury is brought in?

12 THE COURT: Oh, yes. That is normally done, isn't
13 it?

14 Normally we do it that way. They jury is always
15 brought in last. The defendants are seated when the jury
16 comes in.

17 Isn't that what you are saying, Mr. Kanarek?
18 Or are you saying something else?

19 MR. KANAREK: Yes. But usually the thing is done
20 more or less concurrently.

21 THE COURT: It isn't done concurrently.

22 Anything else?

23 MR. KANAREK: May they be brought in first?

24 THE COURT: I just told you that they would be
25 brought in first.

26 MR. KANAREK: Then would the jury be held up?

6b-3

1 THE COURT: I don't want to hear any more. You are
2 repeating yourself. You are not making sense. We are
3 going to get on with it;

4 MR. KANAREK: I am just asking that the jury be held
5 back, your Honor.

6 (The following proceedings are had in open
7 court. All counsel except Mr. Hughes present. The
8 defendants are present. The jury is present.)

9 DEFENDANT VAN HOUTEN: Are we ready to proceed with
10 our defense now, your Honor?

11 THE COURT: You will have to be seated, ladies.

12 DEFENDANT KRENWINKEL: Why did you call us back here
13 if we can't put on our defense? That is what we have been
14 asking for.

15 DEFENDANT VAN HOUTEN: During the weeks' postponement,
16 my attorney somehow disappeared. I ask you what you did
17 with him.

18 You have given me this man.

19 THE COURT: If you don't stop I will have to have you
20 removed.

21 DEFENDANT VAN HOUTEN: You already did that once.

22 DEFENDANT ATKINS: You did that once.

23 DEFENDANT KRENWINKEL: We didn't want to come down.

24 DEFENDANT VAN HOUTEN: Every time you dismiss us,
25 it is obvious that you deny the fact that we even exist.

6c fls. 26

6c-1

1 THE COURT: The bailiffs will seat the defendants.

2 DEFENDANT ATKINS: Seat us for what?

3 DEFENDANT KRENWINKEL: For what?

4 DEFENDANT VAN HOUTEN: We are now ready to defend.

5 THE COURT: The record will show that the defendants
6 will not remain seated.

7 DEFENDANT ATKINS: Don't push me.

8 DEFENDANT VAN HOUTEN: Can't you see that you have got
9 an innocent man, a completely innocent man, and you hide
10 the defense to prove it.

11 DEFENDANT KRENWINKEL: You are just hiding the truth.

12 DEFENDANT ATKINS: We want to put on a defense.

13 It is not what we wanted, it is what you wanted.

14 DEFENDANT VAN HOUTEN: You all can judge. I am
15 washing my hands of it.

16 DEFENDANT ATKINS: This is your argument. It just
17 fell.

18 DEFENDANT MANSON: I am in accord.

19 THE COURT: You will have to remain quiet, Mr. Manson,
20 or I will have to have you removed also.

21 The record will show that all parties are
22 present, all counsel are present, except Mr. Ronald Hughes.

23 Mr. Maxwell Keith has been appointed by the
24 Court as co-counsel with Mr. Hughes for the Defendant
25 Leslie Van Houten.

26 Would you stand up, please, Mr.Keith.

6c-2

1 Do any of you ladies and gentlemen know Mr.
2 Keith?

3 Very well.

4 Thank you, Mr. Keith.

5 MR. KEITH: Thank you, your Honor.

6 DEFENDANT MANSON: Can any of you ladies and gentle-
7 men figure out why we are not allowed to put on a defense
8 or tell you our side of the story?

9 THE COURT: Mr. Manson, if you are not quiet you
10 will have to be removed from the courtroom.

11 DEFENDANT MANSON: We have a side of the story also.

12 American justice allows us to tell you the
13 side we have.

14 THE COURT: That will be enough.

15 DEFENDANT MANSON: Can we tell our side?

16 THE COURT: Do you wish to remain during the argu-
17 ment?

18 DEFENDANT MANSON: It is your argument.

19 THE COURT: You may proceed with your opening argu-
20 ment.

21 MR. BUGLIOSI: Your Honor, defense counsel, ladies
22 and gentlemen.

23 As you know, the defendants, Charles Manson,
24 Susan Atkins and Patricia Krenwinkel are charged in all 8
25 counts of the Grand Jury indictment.

26 In Count I through V they are charged with the

1 five Tate murders occurring on August the 9th, 1969.

2 In Counts VI and VII of the indictment they
3 are charged with the murders of Leno and Rosemary La Bianca,
4 on August 10th, 1969.

5 And in Count No. VIII of the indictment they
6 are charged with the crime of conspiracy to commit murder.

7 The Defendant Leslie Van Houten is not charged,
8 ^{of course,} with the five Tate murders.

9 Incidentally, during my arguments, when I refer
10 to the Tate murders, I ~~will~~ frequently ^{will} use the term "these
11 defendants." I ~~will~~ simply use that term to save time.

12 When I say "these defendants," in reference to
13 the Tate murders, I am not referring to nor including
14 Defendant Leslie Van Houten, for the simple reason that she
15 is not charged with those murders.

6d fls.

6-D-1

1 The defendant Leslie Van Houten, of course,
2 is charged in Count VI and VII of the Indictment of the
3 murder of Leno and Rosemary La Bianca, and in Count VIII of
4 the Indictment she is charged, along with her co-defendants,
5 with the crime of conspiracy to commit murder.

6 My opening argument to you will concern the
7 evidence that the prosecution offered against each defendant
8 on the counts of the indictment with which they are charged.

9 After my opening argument, all ⁴ defense attor-
10 neys will address you, and then I will make a closing
11 argument or final summation for the People.

12 When the prosecution finally called its last
13 witness to the stand a few weeks ago and rested, the
14 defense also rested.

15 DEFENDANT MANSON: The defense never rested. The
16 lawyers, the Judge's lawyers, rested.

17 MR. BUGLIOSI: I am sure all of you heaved a sigh of
18 relief. It has been an incredibly long, grueling trial
19 and an enormous imposition on all of you.

20 My thanks to you, his Honor ^{thanks to you}, and
21 all four defense counsel's thanks, ^{all our appreciation} to ~~you~~, is hardly ^{satisfaction}
22 recompense for the hardships that you have had to endure
23 in being away from your family a long period of time.

24 When ^{by} the trial reaches ^{the} a point of closing
25 arguments, most of the trial is behind you.

26 So I guess you can be thankful for that.

1 However, a very meaningful, and unfortunately,
2 time-consuming portion of the trial still remains, and I
3 am referring to the final argument by the attorneys in this
4 case.

5 There are 18,269 pages of transcript, 151
6 volumes, a mini-library, as it were.

7 We attorneys simply cannot review and
8 summarize this ^{mass of} evidence in one day or even two or three
9 days. That is, not if ^{you} want to do justice to our
10 respective clients, in my case, the People of the State of
11 California.

12 So, please endure with us attorneys during these
13 very, very important final arguments, with the
14 realization that we have at least reached that stage of the
15 trial where you can see the proverbial light at the end of
16 the tunnel.

17 After the arguments of myself and the defense
18 attorneys, and then my final summation, his Honor will
19 instruct you on the law, and then, at ^{last} ~~least~~, you will be
20 able to retire to the jury room to commence your
21 deliberations.

22 Before I discuss the evidence and the testimony
23 in this case, I ^{do} ~~would~~ like to briefly go over the law that
24 you are going to be dealing with during your deliberations.

25 In my discussion with you on the law of murder,
26 I am only going to address myself at this particular point

1 to the issue of whether these crimes were committed. The
2 far more important issue of who committed the crimes I will
3 discuss later on in my argument.

4 Of course, the People are alleging that these
5 defendants committed these murders.

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1 The crime of murder is not a simple crime to
2 understand. Fortunately, the California Penal Code has
3 given us a helping hand.

4 This chart that I have here is somewhat of
5 a substantial extract from the Penal Code.

6 Before I discuss the facts and the evidence in
7 this case, I would like to briefly go over this chart with
8 you in an effort to shed some illumination on some of the
9 legal concepts that you are going to be dealing with back
10 in the jury room.

11 As you can see, murder is the unlawful killing
12 of a human being with malice aforethought.

13 If the killing is not an unlawful killing,
14 then, of course, you don't have a murder.

15 And a killing is not unlawful if it is a
16 killing in self defense.

17 Of course, ~~in this trial~~, in the trial that you
18 have just witnessed, there is absolutely no evidence that
19 these murders were killings in self defense, or any other
20 justifiable homicide, for that matter. Therefore, his
21 Honor will not instruct you on the law of self defense.
22 It simply is not applicable to the facts in this case.

23 I am relatively sure -- of course, I can't
24 be positive, but I ^{am} feel relatively sure -- ^{that} when the
25 defense attorneys address you, they will concede that the
26 killings in this case were unlawful, and they will only

6e-2

1 argue that their respective clients, these defendants,
2 did not commit these murders.

3 So, we have seven unlawful killings in this
4 case. But the definition of murder goes on to say that
5 the unlawful killing has to be with malice aforethought.

6 I will discuss the last word first.

7 "Aforethought" has very little present day
8 legal meaning, that particular word. It is retained as
9 an ancient word, retained mostly for tradition purposes,
10 and simply means that the intent to do an act in question
11 must have preceded the actual doing of the act.

7 fls.

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1 Now, the acts in question in this case are
2 the acts of stabbing with a knife and firing a gun.

3 In other words, intent to stab and the intent
4 to fire the gun must have preceded the act of stabbing and
5 the act of firing the gun.

6 Of course, when someone is acting voluntarily,
7 the intent always precedes the act inasmuch as the mind
8 controls the actions of the body.

9 As his Honor will instruct you, aforethought
10 does not mean that the intent to kill was formed as a
11 result of any deliberation or premeditation. Aforethought
12 does not mean deliberation or premeditation.

13 The key word here is malice; that is the key
14 word. Malice refers to the state of mind of the killer.

15 Now, obviously we cannot open up the top of a
16 person's head, peek in and say, "Ah hah, so that is what you
17 were thinking."

18 Obviously we cannot do that.

19 Rather, we have to look at the person's conduct
20 and the surrounding circumstances, and from that person's
21 conduct and from the surrounding circumstances we have to
22 draw inferences as to what his state of mind was at the time
23 he engaged in the act in question.

24 In other words, we prove state of mind by
25 circumstantial evidence.

26 Malice can be either express or implied.

1 Express malice is an intent to kill, a specific
2 intent to kill.

3 Implied malice basically is the killing that
4 results from an act by the defendant involving a high
5 degree of probability that it will result in death,
6 and the defendant acts with wanton disregard for human
7 life.

8 An example would be a defendant without any
9 intent to kill, we will stipulate to that, no intent to
10 kill, and he has a gun, and from a distance he fires the
11 gun several times above the collected heads of a group of
12 persons. One of the bullets goes low, strikes and kills
13 a person in the group.

14 For that type of situation the defendant would
15 have done an act involving a high probability that death
16 would result therefrom.

17 He apparently has acted with reckless disregard
18 for the consequences, wanton and reckless disregard for
19 the consequences.

20 Now, obviously, we are not dealing with that
21 type of situation in this case. We are not dealing with
22 implied malice.

23 Unquestionably, in all seven murders the killer
24 had the specific intent to kill, and hence expressed malice.

25 If the unbelievably savage murders in this case
26 do not show an intent to kill, I don't know what in the

1 world would.

2 For instance, with respect to the victim
3 Voityck Frykowski, you don't stab a person 49 times,
4 strike him over the head 13 times with a hard object and
5 shoot him twice, if you are just trying to frighten or
6 injure him. You do it to kill him.

7 So, there is no question in this case we are
8 dealing with express malice, specific intent to kill.

9 So in this case, then, the seven killings were
10 unlawful, unquestionably, and they also were with malice
11 aforethought, therefore you have a murder.

12 Two elements, unlawful killing and malice
13 aforethought, are both present and therefore we have a
14 murder.

15 The next question is, were these murders in
16 the first or second degree.

17 You notice that there are three types of first
18 degree murder. The prosecution is alleging in this case
19 that these were willful, deliberate and premeditated killings.

20 In other words, the second type of first degree
21 murder that is on this chart right here.

22 With respect to the willful, deliberate and
23 premeditated type of first degree murder, the word "willful"
24 simply means that the act of killing was intentional as
25 opposed to unintentional.

26 The word "deliberate" merely means that the

1 intent to kill was formed in the killer's mind as the
2 result of careful thought and weighing of considerations
3 for and against the killing.

4 In other words, the killer realized what he
5 intended to do; he knew it would undoubtedly result in
6 death, but he decided to do it anyway.

7 The key word and most important requirement of
8 first degree murder is that the killing be premeditated --
9 premeditation.

10 Premeditation refers to the time element.

11 In a premeditated murder, not only must the
12 intent to kill precede the act of killing, but the intent
13 to kill must have been formed as a result of some pre-exist-
14 ing reflection.

15 In other words, an instantaneous spur of the
16 moment decision to kill is not a premeditated murder.
17 However, as his Honor will instruct you, the law does not
18 undertake to measure in specific units of time the length
19 of period that the intent to kill has to be pondered in
20 a killer's mind before it will ripen, as it were, into an
21 intent to kill that is truly premeditated.

22 The decision to kill may be arrived at in
23 a very short period of time, perhaps one minute; one
24 minute might suffice.

25 But a spur of the moment, instantaneous
26 decision to kill is not a premeditated murder.

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Unquestionably, the seven murders in this case were premeditated murders. The killers, armed with deadly weapons, went into the homes of the victims, in the dead of night, and mercilessly stabbed them to death.

If these seven savage murders, ladies and gentlemen, were not premeditated murders, I don't know what in the world would be, going armed into a victim's home in the middle of the night and mercilessly stabbing a victim to death is a classic, text book example of a premeditated murder.

I am relatively sure -- again I cannot be positive of anything -- but I am relatively sure that the defense attorneys, when they address you, will concede the fact that these were premeditated first-degree murders in this case.

Their contention, I would assume, is that their particular clients, these defendants, did not commit the murders.

MR. KANAREK: I must object to Mr. Bugliosi's putting words in our mouths, your Honor.

THE COURT: The objection is overruled.

MR. BUGLIOSI: The second type of murder, of course, is second-degree murder.

Here is first-degree murder and here is second-degree murder. You can see second-degree murder is the unlawful killing of a human being with malice aforethought, but without premeditation; no premeditation.

1 Can you all see this? Is it too low? You can-
2 not?

3 JUROR ZAMORA: No, I cannot.

4 MR. BUGLIOSI: All right, we will pull it back a
5 little bit. Can you see it now?

6 JUROR ZAMORA: No.

7 MR. BUGLIOSI: You still can't!

8 (Chart adjusted to a higher level.)

9 THE COURT: While Mr. Kay is setting up this chart I
10 want the record to reflect that there is a speaker in the
11 room in which the female defendants are being kept during
12 this argument, and they are able to hear all of the
13 proceedings that are going on.

14 You may proceed, Mr. Bugliosi.

15 MR. BUGLIOSI: Second-degree murder is the unlawful
16 killing of a human being with malice aforethought without
17 premeditation.

18 An example of second-degree murder would be a
19 man seeking to have sexual relations with a woman.
20 She resists his advances; he becomes infuriated; he
21 immediately draws a knife and stabs her to death.

22
23 That would be the spur of the moment. It would
24 be an intention to kill, unpremeditated, therefor it would
25 be second-degree murder; not first-degree murder.

26 His Honor will instruct you to the effect that

1 if you have a reasonable doubt, not a mere possible doubt,
2 now, but a reasonable doubt, whether the murders in this
3 case were murders in the first or second degree, then you
4 should return a verdict of second-degree murder, if you
5 have a reasonable doubt.

6 This is only if, only if you have a reasonable
7 doubt.

8 I don't think there is any question, any doubt
9 in any of your minds that these were premeditated first-
10 degree murders.

11 These four defendants are either guilty of
12 first-degree murder or they are not guilty of anything at
13 all.

14 A verdict of second-degree murder simply would
15 not be compatible and consistent with the facts and the
16 evidence in this case.

17 Now, note it is very obvious, very obvious
18 that there was express malice aforethought and
19 premeditation, simply by looking at the physical facts of
20 these murders, just by looking at the physical facts.

21 The multiple stabbing of six out of the seven
22 victims in this case, and shooting Steven Parent four times,
23 certainly shows an intent to kill and, hence, express
24 malice.

25 And going armed into the home of a victim in the
26 middle of the night and stabbing the victim or victims to

1 death shows premeditation.

2 So malice aforethought and premeditation are
3 obvious merely by looking at the physical facts of these
4 murders, without reference to Linda Kasabian's testimony.

5 Now, Linda Kasabian's testimony, of course,
6 which I will go into shortly, clearly and unequivocally
7 shows that these defendants intended to murder these
8 victims, and the intent to kill could not possibly have
9 been more premeditated.

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1 Incidentally, with respect to voluntary man-
2 slaughter, which is at the bottom of this chart here, the
3 unlawful killing of a human being without malice aforethought,
4 killing upon a sudden quarrel or heat of passion where there
5 was considerable provocation.

6 Now, in the trial you just witnessed there was
7 no evidence whatsoever that these seven victims provoked
8 the killers; that the killers thereafter killed the victims
9 in a heat of passion.

10 His Honor will instruct you in the law of
11 involuntary manslaughter.

12 We will talk a little about conspiracy.

13 As you know, all of these defendants are
14 charged in Count No. VIII of the indictment with the crime
15 of conspiracy to commit murder.

16 A conspiracy is nothing more, ladies and
17 gentlemen, than an agreement between two or more persons
18 to commit a crime, just an agreement, they get together and
19 agree to commit a crime, followed by an overt act, in
20 carrying out the object of the conspiracy.

21 They form an agreement, then one or more of
22 them commits some overt act to carry out the object of the
23 conspiracy.

24 Now, how do we prove the existence of a
25 conspiracy?

26 Normally we prove it in the same way, the same

7b-2

1 way that we prove the state of mind of a killer, by
2 circumstantial evidence.

3 That is, we look at the conduct of the parties,
4 and from that conduct we infer that the parties were acting
5 together in concert; that they had a meeting of the minds,
6 a common goal, a common objective.

7 For example, I like to give examples because I
8 think they are very illustrative of what I am trying to
9 prove.

10 Let us assume that A and B are charged with
11 committing a robbery. Let's call it the robbery of the
12 Gotham Bank -- that's going back to the days of Robin and
13 the Bat Man -- in any event, A and B are charged with
14 robbing the Gotham Bank.

15 The evidence at the trial shows that A and B
16 were seen by witnesses entering the Gotham Bank together,
17 armed with guns. They held up the bank together and they
18 fled together in the same car.

19 Now, under those facts, ladies and gentlemen,
20 under those facts, to believe that A and B did not even
21 know each other, and they just coincidentally decided to
22 rob the same bank at the same time and coincidentally
23 found it convenient to flee in the same car, simply would
24 not be reasonable. It would be extremely unreasonable.

25 Even though there was no evidence of any
26 statement at the trial, no evidence of any statement made by

1 A to B or B to A, and no evidence showing A's and B's
2 preparation for this robbery, the inference is unmistakable,
3 it is unavoidable that at some time prior to A and B entering
4 that Gotham Bank, they must have gotten together and agreed
5 to rob the bank, i.e., they must have entered into a
6 conspiracy to commit robbery.

7 In other words, we can prove the existence of
8 a conspiracy to commit robbery by circumstantial evidence,
9 circumstantial evidence being they were seen entering the
10 bank together and they perpetrated the robbery together
11 and they fled together in the same car.

12 The prosecution would not have the burden of
13 putting on a witness who was with A and B two hours earlier
14 at the Ajax Pool Room and overheard A and B agreeing to
15 rob this bank. We don't have that burden.

16 Now, in the case you have just witnessed, ladies
17 and gentlemen, we have proved the existence of a conspiracy
18 to commit murder, not just by circumstantial evidence which
19 is a typical way, but by direct evidence.

20 Linda Kasabian, ladies and gentlemen, was
21 present with these defendants on these two nights of murder.
22 That is direct evidence.

23 Her testimony, which I will review in depth
24 very shortly, clearly shows that on both nights these
25 defendants were acting together in concert, had a meeting
26 of the minds, a common purpose, a common goal.

1 Their mission on both nights was murder.

2 In other words, on both nights there was an
3 agreement, a conspiracy to commit murder.

4 Another rule of conspiracy that you are going
5 to be dealing with in this case is this:

6 Once a conspiracy is formed, each member of
7 the conspiracy is criminally responsible for it and equally
8 guilty of the crimes committed by his co-conspirators which
9 were in furtherance of the object of the conspiracy.

10 For example, A and B conspired to murder X.
11 Pursuant to the agreement B actually murders X.

12 A, although he is not the party that actually
13 murdered X, is equally guilty of that murder even if he was
14 not present at the scene.

15 He could have been playing badminton somewhere.
16 It wouldn't make any difference. If he was a member of that
17 conspiracy he is guilty of that murder.

18 It is called the vicarious liability rule of
19 conspiracy, the joint liability rule of conspiracy.

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7c fls.

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1 Although the evidence at this trial shows that
2 Charles Manson was the leader of the conspiracy to commit
3 these murders, there is no evidence that he actually
4 personally killed any of the seven victims in this case.

5 However, vicarious liability rule of conspiracy,
6 the joint responsibility rule of conspiracy makes him guilty
7 of all seven murders.

8 MR. MANSON: Even if I have never been in the Gotham
9 Bank!

10 MR. BUGLIOSI: Now that you have had a little legal
11 background, I would like to discuss with you the evidence
12 and the facts of this case.

13 As jurors in this case you heard a monumental
14 amount of evidence and testimony from over 80 witnesses.

15 In order to reach a just and a fair verdict
16 which you all want to do, and which you are going to do,
17 you are going to have to consider not just part of the
18 evidence; you are going to have to consider all of the
19 evidence.

20 But to consider all of the evidence you have
21 to remember what the evidence was, and that is not always
22 an easy thing to do.

23 I was the prosecutor in this case; I cannot
24 remember every single item of evidence, especially in a case
25 like this that is so exceptionally long.

26 This trial commenced on June 15, 1970, and as
you can see from some of the daily transcripts I have here,

1 these are just some of them, I have here on the counsel
2 table -- there was a virtual mountain of testimony and
3 evidence in this case.

4 What I am going to seek to do now, ladies and
5 gentlemen, is summarize -- summarize.

6 I am not going over every word, don't worry
7 about that, but I am going to try to summarize the testimony
8 from these transcripts in an effort to assist you in
9 remembering what the evidence was so that you can reach a
10 just and a fair verdict.

11 My summary will basically be a review of the
12 highlights of each witness' testimony, not necessarily,
13 however, in the order in which the witnesses testified since
14 many witnesses, because of various reasons such as illness,
15 vacation, being out of the state, were called to the
16 witness stand out of the normal order that they naturally
17 would be called.

18 In a very general fashion I am going to
19 start out summarizing the testimony of the witnesses on the
20 Tate murders; then summarize the testimony of witnesses on
21 the La Bianca murders, and then finally the testimony of
22 witnesses who testified to both the Tate and the La Bianca
23 murders.

24 Actually the testimony of many of the witnesses
25 simply does not lend itself to the precise breakdown that
26 I have just mentioned to you. There is a considerable

1 overlapping of testimony.

2 However, my general presentation of the evidence
3 will follow the sequence basically that I have just
4 mentioned to you.

5 Also, now and then, I will discuss the testimony
6 or a part of the testimony of one witness and then later
7 on in my argument I will discuss the remaining part or
8 parts.

9 Before I commence my review and summary of the
10 evidence with you I would mention that just as it was
11 advisable for you to take notes while the witnesses were
12 testifying, I would likewise strongly urge that you take
13 notes during my final argument and during the arguments of
14 the four defense attorneys in this case / that later on
15 in the jury room you can refresh your memory, not just on
16 the testimony of the witnesses, but on the very important
17 inferences drawn from that testimony by the attorneys.

18 I might add that we offered close to 300 exhibits,
19 and I will be referring to many of them during my argument.
20 I will be showing you some of them.

21 Later on in the jury room these exhibits will
22 be back there with you for your personal examination.
23 I will be reading from my notes during a good portion of
24 my summary for the simple reason that there is just no
25 possible way to remember all of the evidence in this case
26 without the use of notes. In fact, very frequently I will

1 refer directly to the trial transcript itself.

2 After I summarize the testimony from the
3 transcripts, then I will tie all of the evidence together
4 in a concluding summary.

5 We start off with Paul Watkins.

6 Now again, he was not the first witness who
7 testified, but his testimony I think would relate possi-
8 bly to the beginning of Charles Manson's family.

9 Watkins, as you recall, is a former member of
10 the Family. He testified to what Manson told him about how
11 he started his family.

12 This is Watkins' testimony:

13 "Well, he" -- referring to Charles Manson --
14 "he said he got out of prison in '67 or so. He
15 said it was a couple of years ago then."

16 MR. KANAREK: Your Honor, if I may, I don't want to
17 interrupt Mr. Bugliosi, but if he is referring to the
18 transcript, would he tell us the chapter and verse, so to
19 speak, that is, what volume and what page? It would be most
20 helpful, your Honor, if he is going to read.

21 MR. BUGLIOSI: I don't see any necessity for that,
22 your Honor, unless the Court orders me. It will just take
23 additional time to recite the page.

24 THE COURT: It is your argument, Mr. Bugliosi.

25 MR. BUGLIOSI: Thank you, your Honor.

26 "Well, he said he got out of prison in

1 "67 or so. He said it was a couple of years
2 ago then.

3 "Anyway, he said he got out of prison and
4 rode around town on a bus, just looked around
5 town and looked at all the people and then he
6 wound up in Haight-Asbury.

7 "Q In San Francisco?

8 "A Yes. And then he said he was
9 walking down the street and a little girl came
10 up and gave him a flower, and this sort of blew
11 his mind, because she was smiling and she just
12 walked right up to him and gave him a flower,
13 and she was there. She was so happy and every-
14 thing.

15 "Then he asked her if she would go to his
16 apartment, and she said sure.

17 "Anyway, what it all amounts to is he
18 just said he was overwhelmed by the fact there
19 was so much love there.

20 "Q In Haight-Asbury?

21 "A He'd just stay there and get one
22 girl and then another girl and then another girl.

23 "Q And then what?

24 "A Oh, then what?

25 "Q Yes.

26 "A Let's see, what else did he say?

1 "Q Did he mention what girls he
2 got up there at Haight-Asbury?

3 "A Yes, he said he met Sadie up
4 there.

5 "Q Susan Atkins?

6 "A Yes.

7 "Q Anyone else?

8 "A Mary.

9 "Q Mary Brunner?

10 "A Yeah, and -- Sadie and Mary --
11 and Lynn.

12 "Q Squeaky?

13 "A Yeah.

14 "Q Lynne Fromme?

15 "A And then they got a Volkswagen bus
16 and a bag of brown rice and a bag of acid and
17 just started driving around.

18 "Q Did he say where they went with
19 this bus?

20 "A No, except that he did say
21 eventually he wound up in Sacramento and got
22 a big bus.

23 "Q Where did they go from there?

24 "A He said they went down the coast,
25 or just way down to, oh, he said they went to
26 New Mexico at one time, and they went to El Paso.

1 "They did not get any further than El
2 Paso, he said.

3 "And eventually he worked his way to
4 Topanga Canyon. That is where I met him.

5 "Q Did he say whether the girls took
6 care of him on the bus?

7 "A Yeah, he said that they did take
8 care of him real fine."

7d-1

1 This, in a rather sketchy form, appears to be
2 the genesis or origin of what has become known as the
3 Family.

4 Ruby Pearl -- Ruby Pearl testified that she
5 has worked at Spahn Ranch for 20 years, and in recent years
6 had been the manager of the ranch working for Mr. Spahn
7 who is some 83 years old.

8 She said the business of Spahn Ranch is renting
9 horses, and also the buildings are rented out now and then
10 to TV and movie companies at their location.

11 She first saw Manson in mid-summer of 1968
12 when Manson came to the ranch with one or two men and
13 several girls, and in a bus with "Hollywood Productions."

14 Some of the girls were Mary Brunner, Lynne
15 Fromme, Susan Atkins, Sandra Good, Ruth Morehouse,
16 Helen Bailey and Brenda McCann.

17 She said that Manson and the others started to
18 live at the ranch. She said the group call themselves
19 the Family. In return for room and board the girls in
20 the Family cooked, cleaned, helped with the office work.

21 The men took care of the trucks. They did not
22 tend to the horses. Ranch hands working for Mr. Spahn did
23 that.

24 She said she never saw Charles Manson ever
25 do any work at the ranch. She said Charles Watson, Tex
26 Watson, was always working on trucks and dune buggies, and

7d-2

1 was a good mechanic.

2 Several months after Manson and the others
3 arrived, she recalls that Manson told members of the
4 Family, including Susan Atkins and Patricia Krenwinkel,
5 to clean and paint the bus.

6 She recalls that the group did everything
7 Manson told them to do with respect to the bus.

8 She said the original group grew to between
9 20 and 30. She recalls Leslie Van Houten started living
10 there in the late summer of 1968.

11 She said the Family lived in various places
12 on the ranch, including a saloon area.

13 With respect to the saloon she recalls that in
14 the summer of 1969 Manson told members of the Family,
15 including Susan Atkins, Patricia Krenwinkel, Leslie Van
16 Houten and Tex Watson to completely repair and redecorate
17 the saloon.

18 She recalls that the members of the Family did
19 everything Manson told them to do with respect to repairing
20 and redecorating that saloon.

21 Shahrokh Hatami. Mr. Hatami was a very close
22 personal friend of Sharon Tate, and her director husband
23 Roman Polanski.

24 Shahrokh is a photographer and he photographed
25 Sharon and filmed her on many occasions.

26 Mr. Hatami testified that in late March, 1969,

7d-3

1 he did not know the exact date, but we proved that by other
2 evidence, late March, 1969 he was at Sharon's residence one
3 day at 10050 Cielo Drive.

4 Sharon was packing to go to Rome the following
5 day, and Hatami was taking some film of her.

6 Abigail Folger, Voityck Frykowski and Jay
7 Sebring were also present.

8 Sometime in the afternoon Hatami, who was in
9 the living room of the Tate residence, looked out of the
10 window and saw a man walking toward the residence; the
11 man was by himself:

12 "Q Could you describe the manner in which
13 he was walking?

14 "A Hesitant, not very sure where he is
15 going; and somehow at the same time walking very
16 aggressively in the yard. I mean, he was just coming
17 in the back knocking at the door or just looking
18 around to see who was there or not, ringing the bell
19 or something:

20 "Q Now, the fact that he appeared to be
21 walking somewhat aggressively, did this disturb
22 you?

23 "A That is why I came out and I asked him
24 what is it he wants."

25 You recall he spoke in somewhat broken
26 English.

7d-4

1 "He mentioned the name, which was not
2 very familiar to me. I didn't hear the name before.

3 "I said, 'This is Polanski's residence.
4 If the people you may be looking for, maybe they
5 are back there. You have to take the back alley to
6 go there. This is the Polanski's residence.'"

7 Now, we learned from Rudy Altobelli the person
8 the man was referring to and the person undoubtedly was
9 Charles Manson, the person that Manson was referring to
10 was Terry Melcher. But Hatami had never heard the name
11 Terry Melcher before. You recall -- just one moment,
12 continuing on with Mr. Hatami, I asked him whether he was
13 angry about the fact that this man had walked upon the
14 premises, and he answered:

15 "Yes, because he was entering on
16 property of a friend of mine, which I was concerned
17 about because Roman isn't there and Sharon is there."

18 Apparently Roman had left a day or two earlier
19 for South America.

7e fls.

7e-1

1 You recall I asked Hatami to step down from
2 the witness stand at that point and demonstrate how he
3 spoke to the man.

4 This is how he said he spoke to the man:

5 "He was coming in; I went toward him. He
6 stopped and I asked him who is he looking for.

7 "He mentioned the name, and then I angrily,
8 of course, I wasn't happy that he was coming to
9 that property, and looking at the people he doesn't
10 know, so I angrily pointed out, 'This is not the
11 place. The people you want is back there and you
12 have to take the back alley.'"

13 Hatami said then that he spoke loudly to the
14 man and he demonstrated. He came off the witness stand and
15 he demonstrated the manner in which he spoke with him.

16 And when he demonstrated he indicated that he
17 pointed with his finger when he said "Take the back alley."

18 Now, Hatami pointed out on People's 8, that
19 is the diagram of the Tate residence and the premises
20 right in front of you there, he pointed^{out}/on People's 8
21 when he said "back alley," what he meant was a dirt
22 pathway in front of the Tate residence leading back to
23 the back house.

24 There is a front lawn; beyond the front lawn
25 is the dirt pathway shown on People's 8. This is what he
26 meant when he said back alley.

7e-2

1 Hatami said when he told the man to take the
2 back alley, "I would say he was upset by his attitude,
3 as I said, avoiding me, he looked upset.

4 "I mean, in my interpretation he was upset
5 because he did not stay and talk to me politely
6 or excuse himself. He just walked away."

7 Hatami indicated on People's 8 where the man
8 was and Hatami spoke to him, which was on the brick walkway
9 in front of the Tate residence. That is where the man
10 was, on the brick walkway in front of the Tate residence
11 when Hatami spoke to him.

12 Hatami testified that near the end of this
13 conversation with the man, Sharon Tate came out of the
14 front door of the residence and said "Who is it, Hatami?"

15 And Hatami told Sharon that the man was looking
16 for someone and he, Hatami, told the man to go to the rear.

17 Hatami testified that Sharon could see the man
18 and the man could see Sharon as they were relatively close
19 to each other, and there were no obstacles between them.

20 Moreover, when the man later turned around and
21 walked away he walked in the dirt pathway, inasmuch as the
22 dirt pathway was right in front of the Tate residence,
23 and Sharon was standing at the front door.

24 At that time she also would have the opportunity
25 to look directly at him and him at her.

26 Who was this man? Who was this man, ladies and

1 gentlemen, that Hatami spoke to? I don't think there is
2 any question that man was Charles Manson.

3 How do we know this?

4 No. 1, the description that Hatami gave of
5 the man fit Manson to a "T".

6 He said the man was around as tall as Roman
7 Polanski. Polanski is five feet five inches, and that is
8 about Manson's height.

9 Hatami says the man was thin; so was Charles
10 Manson.

11 He said the man had long hair.

12 Manson also has long hair. Of course, recently,
13 Charlie has cut a little bit; it is not quite as long as
14 it was at the start of this trial.

15 He said the man appeared to be about 30 or 32
16 years old; Manson appears to be about that old.

17 He said the man had dark brown hair; so does
18 Mr. Manson.

19 Furthermore, the next witness, Rudy Altobelli,
20 positively identified Manson as being the man who was sent
21 back to the rear of the house, the guest house.

22 This is the same day that Hatami sent him back,
23 and that day we learned from Altobelli was March 23rd, 1969.

24 Manson told Altobelli, as you remember, that
25 the man up in the front house had sent him to the rear
26 house, and of course this is exactly what Hatami did.

1 Furthermore, Hatami testified that he had
2 never on any other occasion directed any other man to the
3 rear house. So that we know that the man that Hatami was
4 referring to had to have been Charles Manson.

5 Incidentally, Hatami testified that he did not
6 see Altobelli on the premises that afternoon, and Hatami
7 does not recall being in the guest house that afternoon
8 either.

9 Hatami testified that he saw Altobelli on the
10 premises that evening. It was in the evening that Altobelli
11 saw Manson.

12 You recall Hatami testified that when he sent
13 the man to the rear house in the afternoon, the man came
14 back immediately.

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1 Obviously, Altobelli was not in the guest
2 house at that time, and Manson must have returned later
3 on that evening.

4 So, it appears, ladies and gentlemen, it
5 appears that Charles Manson saw Sharon Tate and Sharon
6 Tate saw Charles Manson on the date of March the 23rd,
7 1969, when Manson was on the Tate premises.

8 A very beautiful honey-blonde, Sharon Tate,
9 looked into the eyes of the man who the evidence shows just
10 four and a half months later, ladies and gentlemen, would
11 order her tragic and violent death.

12 As I will further discuss in much more detail
13 later, Manson's primary motive for these murders,
14 according to the evidence, would seem to be Helter Skelter.
15 That would seem to be the primary motive for the murder.

16 A supplementary motive was Manson's extreme
17 anti-establishment hatred.

18 On both nights, ladies and gentlemen, Charles
19 Manson was striking out at the Establishment.

20 The former occupant of the Tate residence,
21 Terry Melcher, had rejected Manson's effort to record and
22 film Manson commercially.

23 And Hatami, ladies and gentlemen, in a very
24 real sense, literally booted Manson off the premises.
25 He spoke loudly and angrily to Charles Manson.

26 He told Manson that Manson could not walk past
the front of the residence, and he pointed with his finger

1 and told him to take the back alley.

2 Now, the back alley may be an alley to Hatami,
3 a foreigner from Iran, but to Charles Manson, a back alley
4 is a place where they have garbage cans, it is the habitat
5 of rats and cats and dogs. So I am sure he wasn't too
6 happy when Hatami says to take the back alley.

7 One doesn't have to stretch the imagination to
8 realize that the Tate residence was symbolic to Charles
9 Manson, and particularly the Establishment's rejection of
10 him.

11 Now, with an over-all motive for these murders,
12 an over-all motive of Helter Skelter, the victims who
13 Charles Manson ordered murdered really didn't make too much
14 difference to him. As long as they were white and members
15 of the Establishment they were qualified, as it were.

16 Certainly Manson wasn't going to murder black
17 people and lead society and the authorities to believe that
18 other black people murdered the black victims.

19 On the evening of August the 8th, 1969, when
20 Charles Manson sent his robots out on a mission of murder,
21 since the only qualifications the victims had to have was
22 that they be white and members of the Establishment,
23 obviously, it made immense sense to Charles Manson, so he
24 may just as well select a residence that he was familiar
25 with, particularly one where he had been treated rather
26 shabbily and whose former occupant, Terry Melcher, had

rejected him.

If the Tate premises, ladies and gentlemen, did not symbolize the establishment to Charles Manson, no residence, no premises, ever would.

Rudy Altobelli, of course, the owner of the Tate premises, said that he rented the main house on the premises to Sharon and her husband Roman on February 15th, 1969, at \$1200 per month, on a one-year lease.

Altobelli testified that he knows Charles Manson.

There is no question that he saw Charles Manson. He said he knows him.

He said he met him the first time in the summer of '68 at Dennis Wilson's residence on Sunset Boulevard.

He was in Manson's presence on that occasion for about 20 minutes and he listened to some tape recordings of Charles Manson.

On the date of March the 24th, 1969, Altobelli flew to Rome, Italy, with Sharon Tate.

Now, he knows that is the date because he testified he checked his passport and also his ticket stubs.

Now, the previous day, which would be March the 23rd, he testified that he was living in the guest house on the premises and that he was packing his suitcases for a trip to Rome, and he was making other necessary arrangements.

1 He doesn't recall being in the guest house in
2 the afternoon, but he testified that he might have been at
3 his business manager's office making further arrangements.

4 That evening he visited Sharon in the main
5 house, and he testified that she, too, was packing to go
6 to Rome. They were going together.

7 So, on March 23rd, then, in the evening,
8 Altobelli said that he went to Sharon's residence up front,
9 and Voityck Frykowski was there, Jay Sebring was there,
10 Abigail Folger and Hatami.

11 Later in the evening, around 8 or 9:00 p.m.,
12 he was taking a shower in the guest house where he was living,
13 and he said his dog Christopher started barking.

14 Altobelli got out of his shower and noticed that
15 Charles Manson had already entered the screen door of the
16 house and was standing between the screen door and the main
17 door.

18 Manson introduced himself, and Altobelli
19 said, "I know who you are, Charlie."

20 He had met him sometime the previous summer at
21 Dennis Wilson's.

22 Manson said he was looking for Terry Melcher
23 and that he had been sent back to the guest house.

24 Of course, the person who sent him was Shahrokh
25 Hatami.

26 He asked him where he could find Melcher, and

1 Rudy said that he lived in Malibu but that he didn't know
2 the exact address.

3 Manson asked him where he was going, and he
4 said to Rome.

5 Manson asked him why, and he said that he had
6 clients there who were making a movie.

7 Manson told Altobelli that he was also going
8 to make a movie and also record, and Mr. Altobelli replied
9 to Mr. Manson that he knew Mr. Manson was very talented.

10 Manson said that he would like to talk to
11 Altobelli when he returned / ^{from} Rome. Altobelli said that
12 he was going to be gone for over a year.

13 Whereupon, Mr. Manson left.

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15 8b fls.
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8b

1 At this time, Mr. Manson was brought into the
2 courtroom, and Rudy Altobelli positively identified Manson
3 as the man who came to the guest house on the date of
4 March the 23rd, 1969, the day before Sharon was going to
5 Rome, the same day that Hatami said he sent the man to the
6 back of the guest house. And Hatami said he had never
7 done this before, never sent anyone else back to the guest
8 house.

9 Gregg Jakobson. Gregg testified that his
10 occupation is recording and music production.

11 He first met Charles Manson in the early
12 summer of 1968 at Dennis Wilson's home.

13 Dennis Wilson is a drummer for the Beach Boys
14 rock group.

15 Jakobson became friendly with Manson, and he
16 heard him ^{sing} / and play the guitar, and he was impressed
17 with Manson and his singing and his songs.

18 Manson told Jakobson that he, Manson, wanted
19 to record his songs because he wanted people to hear what
20 he had to say.

21 At the time, Jakobson was working for Terry
22 Melcher as some type of talent scout.

23 Jakobson went to Melcher and sought to have
24 Melcher record Manson, and also make a documentary film on
25 Manson.

26 Jakobson told Manson that he was seeking to have

1 Melcher back him, Charles Manson, and in May of 1969,
2 Melcher actually went to the Spahn Ranch with Jakobson to
3 audition Manson.

4 Manson sang and played his guitar.

5 Jakobson testified that Melcher was not
6 impressed with Manson and never recorded him.

7 After the audition, Manson asked Jakobson if
8 Melcher was interested in recording him, and Jakobson said,
9 "I just as tactfully as possible said there was no interest."

10 Now, this obviously irked Mr. Manson. One
11 immediate indication of his displeasure was that he asked
12 for Terry Melcher's phone number repeatedly.

13 Eventually, he gave him Melcher's answering
14 service phone number.

15 Mr. Melcher, who previously lived at 10050
16 Cielo Drive, at the time was living in Malibu.

17 In June or July of '69, a month or two before
18 these murders, Manson asked Jakobson if Terry Melcher had a
19 green telescope spy glass on the porch of his home in
20 Malibu.

21 Jakobson said yes. Manson said, "Well, he
22 doesn't any more."

23 The inference being that Manson had either stolen the
24 spy glass, the telescope, himself, or had someone do it for
25 him, or was at least aware of the fact that the telescope
26 had been stolen from Terry Melcher's beach house in Malibu.

1 Terry Melcher testified that he is a producer
2 of television and recordings, and also a music publisher and
3 songwriter, and that he lived at the Cielo address from May
4 15, 1969, to the first week of January, 1969.
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1 He first met Charles Manson in the summer of
2 '68 at Dennis Wilson's residence on Sunset Boulevard.

3 He listened to some tape recordings of Manson
4 at that time.

5 Wilson drove Melcher home that day to his
6 residence at 10050 Cielo Drive, and Manson was in the
7 back seat of the car.

8 Dennis Wilson and Manson dropped Melcher off
9 at the gate, and then drove away.

10 So, this is the second time now, the second time
11 that we know that Charles Manson was on the Tate premises.

12 The next time Melcher saw Manson was on May 18th,
13 1969, at Spahn Ranch.

14 Gregg Jakobson, who, as I have indicated, worked
15 for Melcher as a talent scout, had repeatedly asked Melcher
16 to go to Spahn Ranch to audition Charlie. Finally, on
17 May 18th, Melcher went to Spahn Ranch with Jakobson to
18 audition Charles Manson.

19 Once at the ranch, Melcher, Jakobson and Manson
20 and the Family went down to a stream bed on the ranch.
21 Most of them were girls, but there were a few men.

22 As the group proceeded to the stream bed,
23 no one spoke, they were well disciplined or polite.
24 Manson sat on a rock and sang ten or fifteen songs, and
25 as Manson sang the rest of the Family hummed very quietly
26 in the background.

1 When I asked Terry if he was impressed with
2 Manson's performance, he said he wasn't, adding that the
3 only thing he was impressed with was the scene he observed.
4 That is, the Family living off the land and living in a
5 totally different type of way from other people.

6 In fact, he said, "They seemed to be a princi-
7 pality in the middle of Los Angeles County."

8 He said, "I was impressed by Charlie's strength
9 and the obvious leadership that he had over these people.
10 It was an obvious thing."

11 Melcher said that Manson's singing was average
12 and not good enough for him to want to record Charlie.

13 Melcher also said that Manson's guitar playing
14 wasn't as good as most of the people with whom Melcher
15 worked.

16 After the audition, Melcher had a conversation
17 with Manson in which he mentioned one or two songs Manson
18 had sung as being his favorites, and Terry testified that
19 it was just to be polite to Charlie.

20 Melcher then gave Manson some general advice
21 on the recording industry.

22 Melcher told Manson that if Manson wanted to
23 record, he would have to sign a contract. Manson said,
24 "I don't like to sign contracts."

25 Melcher also told Manson that if he was going
26 to enter the recording industry, he would have to join a

1 a guild.

2 Manson said, "I don't want to join a guild."

3 Charlie said: If I record, I want my money right now.

4 Melcher said: Charlie, under the royalty
5 system, you don't get your money right away. You have to
6 wait.

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1 Melcher testified that he told Manson these
2 things not in the context that he, Terry Melcher, was
3 personally interested in recording Manson and that he
4 wanted Manson to sign a contract and join a guild for
5 Melcher's benefit, Melcher testified that he was simply
6 telling Manson these things in the context of giving Manson
7 some general advice about the recording industry.

8 Melcher told Manson that he knew a person
9 named Michael Deese who was interested in recording ethnic
10 music and the music of Indian tribes, and he would be the
11 only way that Manson could avoid the redtape of contracts
12 and guilds and royalties.

13 Melcher then gave Manson \$50 and left.

14 Charlie probably looked upon this as kind of
15 an act of condescension. We don't know.

16 Two days later, Melcher returned with Jakobson and
17 Deese for a second audition, primarily for Deese's benefit.

18 Mr. Melcher observed something interesting in
19 this audition. In the first audition, it was Melcher's
20 opinion that the response of the Family to Charles Manson's
21 performance was spontaneous, genuine, but during the
22 second audition, when the responses were identical to the
23 first audition, Melcher, of course, changed his evaluation,
24 and it was his opinion that on both occasions the Family's
25 response to Charlie Manson's performance was rehearsed as
26 opposed to being spontaneous.

1 This was Melcher's testimony.

2 Melcher testified that he never saw Charles
3 Manson after the second time, and he never recorded or
4 filmed Charles Manson.

5 Melcher testified that he did have a green
6 telescope at his beach house in Malibu, and in late July or
7 early August of 1969, probably a matter of weeks before
8 these murders, it disappeared.

9 The telescope disappeared, and we heard from
10 Gregg Jakobson, of course, that Manson apparently had some
11 connection with the taking of this telescope.

12 One rather interesting point on cross-
13 examination. Mr. Shinn asked, "You and Mr. Manson parted
14 good friends; is that correct?" referring to the last time
15 that Melcher saw Manson out at Spahn Ranch.

16 Melcher responded: "That is what I thought."

17 He emphasized the word "thought."

18 Now, the most reasonable inference from the
19 language that Terry Melcher used, and the fact that he
20 emphasized the word "thought," is that Terry, in his own
21 mind anyway, was under the impression that the murders at
22 his former residence, just two and a half months later,
23 certainly proved that Manson not only wasn't friendly to
24 him but probably had an enormous animosity toward him.

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1 Terry Melcher, ladies and gentlemen, in a
2 rather subtle, oblique fashion, rejected Charles Manson.
3 Manson, through Jakobson, wanted Terry Melcher to record
4 him. Terry wasn't interested.

5 Now, with Charles Manson's already great
6 hatred for the establishment, Terry Melcher couldn't help
7 but represent to Charles Manson the establishment's
8 rejection of him, and the seething fermentation of hatred
9 probably swelled up inside Manson's body toward Terry
10 Melcher.

11 Manson probably looked upon Melcher as a
12 person who had been pampered and born with a silver spoon
13 in his mouth, the whole bit, and the heir to perhaps
14 millions. He probably didn't like Terry Melcher at all.

15 The whole Helter Skelter was the main, primary
16 motive for these savage murders, and as I indicated, it
17 seems rather clear that a supplementary motive in
18 picking out Terry Melcher's former residence was to
19 viciously strike back at the establishment, and also strike
20 back directly at Terry Melcher personally.

21 Deputy Samuel Olmstead. Approximately 1:00
22 a.m. July 28th, 1969, he saw Manson at the intersection of
23 Santa Susanna Pass Road and Topanga Canyon Road, which is
24 about one and a half miles from Spahn Ranch.

25 Manson was by himself. Manson said he was a
26 lookout for the Family at that point, watching for Black

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1 Panthers whom he expected to attack the Family at the Ranch.

2 This is what? Two weeks before the murders.

3 Manson gave his name as Charles Sommers.

4 Manson told Olmstead that he wanted to lead
5 Olmstead and his fellow officers to the ranch, because the
6 people at the ranch were all armed, and if they went up
7 there without him there might be some shooting, some fire-
8 works.

9 Manson then drove to the ranch in his dune
10 buggy followed by the deputy sheriffs, and as soon as Manson
11 arrived at the ranch, he jumped out of the dune buggy and
12 ran into a building.

13 Most likely to alert the Family. We don't know.

14 Manson eventually came out of the building and
15 eventually had a conversation with Olmstead.

16 THE COURT: Mr. Bugliosi, it is almost 12:00 o'clock,
17 and I'd like to see counsel for a moment at the bench.

}f fls.

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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: Gentlemen, I'd like to have you -- I am
5 speaking now to defense counsel -- talk to your clients
6 during the noon recess and find out if they are willing to
7 affirm their willingness to come back into the court this
8 afternoon and conduct themselves in a proper manner.

9 I made the statement on the record this
10 morning during the confusion, but I am not sure they heard
11 it again, although they have been advised many times in the
12 past.

13 I would ask you to do that during the noon hour,
14 and we will resume in chambers just for a moment at 1:45,
15 and you can let me have your answer at that time.

16 MR. KANAREK: Your Honor, I do have one point.

17 I would like to make a motion for a mistrial
18 because of the long delay between the time that we rested
19 until the time that we are here today in front of the jury,
20 and I make a motion for a mistrial, that that denies the
21 defendant Manson a fair trial.

22 THE COURT: The motion is denied.

23 MR. KANAREK: Also, your Honor, I would ask leave of
24 the Court, the deputies are immediately behind Mr. Manson,
25 they are standing behind him like a personal guard over him,
26 in view of the jury.

1 THE COURT: In view of his conduct in this courtroom,
2 that is exactly where they are going to remain.

3 MR. KANAREK: My request is that they be removed.

4 THE COURT: They are not the only deputies in the
5 courtroom.

6 MR. KANAREK: They are immediately adjacent to his
7 physical person.

8 THE COURT: He threw an object at the bench this
9 morning, and on a prior occasion he attempted to climb
10 over the table and come to the bench.

11 MR. KANAREK: It is prejudicial to have those
12 deputies immediately behind him so that he is practically
13 in physical -- he is in physical contact with them from
14 time to time.

15 THE COURT: He is not in physical contact.

16 MR. KANAREK: They touch him. Yes, they do, your
17 Honor, by their very closeness.

18 THE COURT: Only when he tries to get up.

19 There has been no physical contact.

20 MR. KANAREK: By their closeness, they are brushing --

21 THE COURT: That is enough. I have heard your argu-
22 ment, Mr. Kanarek, and I have considered it, and if you
23 are making a motion, it is denied.

24 MR. KANAREK: I make a motion for a mistrial because
25 of that prejudice.

26 THE COURT: The motion is denied.

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

5 THE COURT: Ladies and gentlemen, we are going to
6 take our noon recess at this time.

7 Please remember the admonition. Do not converse
8 with anyone or form or express any opinion regarding the
9 case until it is finally submitted to you.

10 The Court will recess until 1:45.

11 (Recess.)
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LOS ANGELES, CALIFORNIA, MONDAY, DECEMBER 21, 1970

1:53 o'clock p.m.

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(The following proceedings were had in the chambers of the court outside the hearing of the jury, all counsel being present, the defendants not being present:)

THE COURT: The record will show all counsel are present except Mr. Hughes.

For the record, I don't think I stated this this morning, but the Court has received no information whatsoever about Mr. Hughes or his present whereabouts, and I take it that none of you gentlemen have any knowledge either concerning Mr. Hughes.

MR. KANAREK: No, your Honor, I believe it is the considered opinion of the Ventura Sheriff's Department that he has perished as a result of the weather, including 12 inches of rain in a very short period of time.

THE COURT: Of course we have no factual basis for that other than the fact, I take it, at least I know of none, other than the fact that he apparently was driven to that area by two people in a Volkswagen and was last seen in that vicinity.

MR. KANAREK: I might point out in the Shea case just by way of reference, they have no body and they claim the person has passed away.

THE COURT: Mr. Kanarek, let's not get into something

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1 else.

2 MR. KANAREK: What I mean --

3 THE COURT: I don't care what you mean, Mr. Kanarek,
4 let's not get off in the realm of fantasy.

5 Do you have something, some factual basis?

6 If you are just going to get off in some
7 collateral irrelevant argument, I don't want to hear it.

8 MR. KANAREK: It is not collateral, your Honor.

9 THE COURT: I am not interested in what happened in
10 the Shea case.

11 Anything else, gentlemen? Have you talked to
12 your clients?

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1 MR. KEITH: Yes.

2 MR. FITZGERALD: Yes.

3 THE COURT: What is their desire?

4 MR. KEITH: My understanding is that all three of them
5 prefer to stay upstairs -- and co-counsel can correct me if
6 I am wrong -- in the room where they presently are.

7 I can describe it. It has a green carpet and
8 there is a couch.

9 THE COURT: That is the anteroom to the jury room.

10 MR. KEITH: Yes.

11 They both -- they all said they could hear in
12 that room very well.

13 THE COURT: Have each of them been advised that they
14 may return to the court when they are willing to conduct
15 themselves in a proper manner?

16 MR. FITZGERALD: Yes, they have.

17 THE COURT: I take it that what you are saying is
18 that they have indicated they don't wish to return?

19 MR. FITZGERALD: In substance, they have so indicated.

20 MR. KEITH: They would just as soon stay there.

21 MR. FITZGERALD: Actually, my client was willing to
22 return to the courtroom when you, your Honor, was willing
23 to allow her to put on a defense, which I took to mean
24 that she is not affirming that she will conduct herself
25 in the manner in which she is expected to conduct
26 herself.

1 THE COURT: We are not going to have any game-playing.

2 MR. FITZGERALD: We have been through all this before.

3 THE COURT: Yes.

4 There are no conditions attached to my offer
5 to them to let them return other than the condition of
6 behaving themselves, and if they are going to attach
7 some kind of conditions to an answer -- I don't know what
8 the conditions are -- then I take it they do not wish to
9 return.

10 But they have been advised that they may
11 return; is that correct?

12 MR. FITZGERALD: Yes.

13 I think a fair interpretation of their state-
14 ments is that they don't wish to return.

15 MR. KEITH: They would, as I understood it, prefer
16 to remain in the room that I have just described to the
17 court.

18 Apparently they have been required by the
19 deputy sheriffs to go to some other room which is very
20 uncomfortable, and they object to going to that room
21 to hear, now, the arguments of counsel, and would like to
22 remain where they are.

23 That is the way I understood it.

24 MR. FITZGERALD: That is correct. Right.

25 THE COURT: Where they are? You mean upstairs in
26 the jury room?

1 MR. KEITH: Upstairs. I am calling it the green
2 room because it has a green carpet.

3 MR. BUGLIOSI: It is not apple green,^{is} /it?

4 MR. KEITH: Touche.

5 THE COURT: I don't know whether the record reflected
6 it or not this morning, when the three female defendants
7 were removed the second time, I noticed that one or more
8 of them struck one or more of the female deputy sheriffs
9 and also one of the male deputy sheriffs. I don't know
10 whether it was Sergeant Maupin or one of the other deputies
11 in the confusion, but there was a physical altercation,
12 and these defendants did, in fact, strike these deputies
13 who were attempting to get them seated so that we could
14 continue the trial, and I do want the record to reflect
15 that.

10a fls.

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1 MR. KEITH: Would the record also reflect, since it
2 was my client, that apparently she inflicted no physical
3 injuries of any kind on any of the deputy sheriffs with
4 whom she struggled?

5 THE COURT: I saw no physical injuries, Mr. Keith.

6 Anything else, gentlemen?

7 MR. FITZGERALD: Yes. I have something that I would
8 like to bring to the Court's attention.

9 As I was leaving court this morning, I was
10 approached by a young woman named Sandra Good.

11 I know this person to be an acquaintance of
12 Patricia Krenwinkel, Leslie Van Houten, Susan Atkins and
13 Charles Manson.

14 She told me that she attempted to gain entrance
15 into the courtroom this morning and displayed proper
16 identification but was refused access to the courtroom as
17 the result, she was told by a deputy sheriff, of a court
18 order from your Honor that she and "the other girls"
19 were not to be allowed not only within the courtroom but
20 the immediate vicinity of outside the courtroom.

21 THE COURT: No, there is no such order.

22 Anything else, gentlemen?

23 MR. BUGLIOSI: Yes, your Honor. One point.

24 Could your Honor admonish the jury to dis-
25 regard all of the statements made by the defendants today
26 in open court?

1 They made some statements like "Charles Manson
2 is innocent," and things like that.

3 I think that the jury should be told anyway,
4 just in case one of them back in the jury room mentions it
5 and they start talking about it, hopefully one will say:
6 Well, Judge Older told us to disregard it. Because they did
7 make several statements.

8 THE COURT: Very well.

9 MR. BUGLIOSI: Could I have just a minute to go to
10 the restroom?

11 THE COURT: Does that have to be on the record?

12 MR. KEITH: Before you go, would the Court be kind
13 enough to advise the lady deputy sheriffs that the three
14 female defendants be permitted to stay in the room with the
15 non-apple green floor?

16 THE COURT: I am not going to do that.

17 I really don't care what room they put them in.
18 That is up to the Sheriff's Department. They have the
19 responsibility for the security of these people, and if
20 they want to put them in one room other than the other,
21 it is entirely up to them, as long as they have a speaker
22 and can hear the proceedings, which has been the case so
23 far and I am sure will continue to be in accordance with
24 the Court's order.

25 THE CLERK: Did you have anything to advise the
26 Court about the other woman attorney, Mr. Keith?

1 MR. KEITH: Yes, thank you, Mr. Darrow.

2 A lady, who identified herself as Mrs. Fielder,
3 came up to me and seemed in a state of confusion about what
4 she should do or ought to do.

5 When we were talking to the defendants upstairs,
6 Miss Van Houten never even broached the subject that she
7 would like to have Mrs. Fielder associate in the defense of
8 her case with me and Mr. Hughes. So, as far as I am con-
9 cerned, the subject is dropped until it is further again
10 reopened.

11 MR. BUGLIOSI: Just for the record, my information is
12 that Mrs. Fielder just passed the bar last year. She is
13 somewhat experienced. That she has been visiting Charles
14 Manson the last three weeks on almost a daily basis.

15 For whatever that is worth, I mention it.

16 THE COURT: All right, gentlemen.

17 How much time do you need, Mr. Bugliosi?

18 MR. BUGLIOSI: You mean, until I finish?

19 Oh, I will be back in a half minute.

20 THE COURT: Let's bring the defendants in, and as soon
21 as Mr. Bugliosi comes back, we can bring the jury back in
22 and we will proceed.

23 MR. KEITH: Bring the defendants in?

24 THE COURT: No. Mr. Manson only. The female
25 defendants will remain out of the courtroom.

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1 (The following proceedings were had in open
2 court in the presence and hearing of the jury, defendant
3 Manson being present, all other defendants being absent:)

4 THE COURT: The Defendant Charles Manson is present.
5 The Defendants Susan Atkins, Patricia Krenwinkel and Leslie
6 Van Houten are not present. All of counsel are present and
7 the jury is present.

8 You may proceed, Mr. Bugliosi.

9 MR. BUGLIOSI: Yes, your Honor.

10 Does the Court intend to admonish the jury?

11 THE COURT: Yes.

12 With respect to the various statements and
13 remarks that were made by the defendants here in court
14 this morning, ladies and gentlemen, I admonish you to
15 disregard those remarks and statements in their entirety.

16 You may proceed, Mr. Bugliosi.

17 DEFENDANT MANSON: I would like to admonish you to
18 remember that I would like to put on a defense and show you
19 the other side of the story.

20 THE COURT: You may proceed.

21 MR. BUGLIOSI: Where we left off, I indicated that
22 Manson had gone into a building at Spahn Ranch; then when
23 he came back out of the building he had a conversation with
24 Deputy Olmstead:

25 "Q Did you have any conversation with
26 Mr. Manson with respect to the Black Panthers?

1 "A Yes, I did.

2 "Q What did he say to you?

3 "A He advised me that the Police Depart-
4 ments and the motorcycle gangs should join forces
5 and wipe out the Negro community."

6 This was just a couple of weeks now before the
7 Tate-La Bianca murders.

8 Incidentally, as you can tell, I am proceeding
9 in a chronological fashion in terms of events. I am not
10 proceeding in the order of the witnesses, as far as they
11 were called to the witness stand, some of these witnesses
12 I am summarizing their testimony on right now. They were
13 some of the last witnesses who testified.

14 But they testified to events which preceded
15 these two nights of murders. That is why I am going over
16 them now.

17 "Q Did he say anything else to you?

18 "A Yes.

19 "Q What did he say?

20 "A Well, we talked about the reason the
21 people at the ranch were armed and expecting an
22 attack from the Black Panthers.

23 "And he advised me that a Black Panther
24 had come up there to ride on a horse and apparently
25 made advances towards one of the female members of
26 the Family, or one of the women of the group, as he

1 "called it, I believe, and he said that they, the
2 Family, or the members of the Family, had beat him
3 up, and this is why the Panthers were going to
4 attack him.

5 "Q Did he say anything else about the
6 Black Panthers?

7 "A He said that they had seen Black
8 Panthers in the area walking around the ranch,
9 and had seen quite a few of them driving by and
10 apparently casing the place.

11 "Q Did Mr. Manson say anything about his
12 respect for the police?

13 "A Yes, he did.

14 "Q What did he say?

15 "A He told me that he respected the police,
16 and that due to this respect, he said that he could,
17 if he wanted to, he could kill me any time he wanted
18 to, he said, all he would have to do is ride up
19 next to me at a stop sign and stick a shotgun out
20 of the window and blow my head off."

21 Now, you recall Linda Kasabian's testimony on.
22 the night of the La Bianca murders, when they were driving
23 on Sunset Boulevard, you recall she testified Manson wanted
24 to kill the driver of the white sports car by driving next
25 to him in the light, somewhat similar to what Manson told
26 Olmstead on July 28th, 1969.

1 "Q Did he say anything to you about any
2 guns being trained on you during your conversation
3 with him?

4 "A Yes, he did.

5 "Q What did he say?

6 "A I asked him where the rest of the
7 people that lived at the ranch were, because we
8 came across warm sleeping blankets and what appeared
9 to be bedrolls and things laid out where there was
10 nobody sleeping in them.

11 "And he told me that the people had
12 scattered into the hills around us and that at that
13 time, he said, there was guns trained on us from the
14 hills around us, and that on his command that we
15 could be wiped out."

16 This is all evidence, of course, of Manson's
17 total, complete domination over the Family.

18 Olmstead testified that Manson seemed to be
19 very serious in his statements about the Black Panthers,
20 et cetera.

21 There was no indication that Manson was coming
22 up with Olmstead.

23 Deputy George Grap. That was Olmstead's
24 partner, a former deputy sheriff, and he was with Olmstead
25 on July 28th, 1969.

26 He also had a conversation with Manson at the

1 intersection of Santa ^{Susanna} Pass Road and Topanga Canyon Road.

2 He also had a conversation with Manson at the
3 ranch that same night.

4 "I asked Mr. Manson why he had been
5 hiding in the bush area close to the intersection
6 in a dune buggy, and he related that he was on lookout
7 for the Black Panthers.

8 "That seemed rather unusual, so I asked
9 him why he felt the Black Panthers might be coming
10 to the Spahn Ranch or to that area.

11 "Mr. Manson responded, using his own
12 words, he said, 'We got into a hassle with a couple
13 of those black mother f-u-c-k-e-r-s and we put one
14 of them in the hospital, and,' he said, 'they said
15 they would get us for that.'"

16 At the ranch Manson made the following statements
17 to Grap:

18 "Mr. Manson indicated to me by a sweep
19 of his hand the mountains to the north; that they
20 had fortified these positions in expectation of the
21 Black Panthers arriving, continuing as I was filling
22 out the cards, and so forth, Mr. Manson said:

23 "'You know, you guys, you cops ought
24 to get smart and join up with us,' he said, 'Those
25 guys are out to kill both you and us.'

26 "He said, 'I know you hate ^{them} / as much

1 "as we do, but if we join together we could
2 solve this problem."

3 "And he said, 'Well, they are out to stop us,
4 we should stop them first.'"

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1 Again showing state of mind that Manson had
2 towards black people.

3 Very concerned about black people wiping Whitey
4 out. Charlie wanted to get to them first.

5 Frank Guerrero. Mr. Guerrero testified that on
6 August 8, 1969, he was in the process of painting a room at
7 the Tate residence.

8 He said Sharon was going to use the room as a
9 nursery for the arrival of Sharon's baby, and he pointed out
10 the room on People's 8, and it is marked "nursery."

11 You will have People's 8 back in the jury room.
12 It is kind of hard to lug back there, but there is a room
13 in the Tate residence, and it's marked "Nursery," and this
14 is the room that Sharon was having decorated for the arrival
15 of her baby.

16 Guerrero testified he left the premises around
17 1:20 p.m., August 8, 1969.

18 He testified that when he left the premises
19 the screen to the outside window to the dining room was on
20 the window. It was not on the ground as it is in this
21 photograph.

22 This photograph was taken on the morning of
23 August 9, 1969, and as you can see this screen to the front
24 window at the Tate residence is on the ground.

25 He also testified that when he left the Tate
26 residence at 1:30, this screen was slit horizontally as it

1 is right now.

2 Mr. Guerrero pointed out on the diagram,
3 People's 8, the window which is shown in People's 26.

4 He pointed it out also on People's 8, the diagram.
5 And on the diagram, it is the second window to the right of
6 the front door of the residence, and the word "screen" is
7 inserted on the diagram below the window.

8 I am not going to keep lugging that back and
9 forth, so I am just going to have to refer to the entries
10 on it.

11 Note that this window here depicted in People's
12 26 is the same window, the same window that Linda Kasabian
13 testified she observed Tex Watson out the screen on
14 horizontally, the same window.

15 Winifred Chapman, she testified that she worked
16 as a cook and a housekeeper for Sharon and her husband,
17 Roman Polanski, at the Polanski residence.

18 She testified the Polanskis moved into the house,
19 she believed, in February of 1969. She said that Abigail
20 Folger and Frykowski moved into the Tate residence March of
21 '69 and she identified on People's 8 in that diagram the
22 room in which Abigail and Voityck slept.

23 She also pointed out where Sharon and her hus-
24 band slept, and it is called "the master bedroom."
25 It is denominated "master bedroom" on that diagram.

26 She said that in March or April of '69 Sharon

1 left for Rome. We found out, of course, the precise date
2 was March 24th, from Rudy Altobelli.

3 But Winifred recalled the month to be March or
4 April. She said Sharon left for Rome and Mr. Polanski left
5 for Brazil.

6 However, she continued at the residence, working
7 for Abigail and Voityck. She said Sharon returned to the
8 residence July 18, 1969, but Roman was still away, in fact
9 Roman was still away August 8th and 9th, 1969.

10 Mrs. Chapman worked four to five days a week
11 while the Polanskis were away from the residence, and five
12 to six days a week while they were in town.

13 Now and then she stayed overnight. As fate
14 would have it, as you recall, the evening of August 8, 1969,
15 after the working day, Sharon invited Mrs. Chapman to stay
16 overnight; Sharon thought it might be a little too hot for
17 Mrs. Chapman in her apartment in the city, but fortunately
18 for Mrs. Chapman she declined. She went home.

19 There is no reason to believe that she would
20 have been alive today if she had stayed overnight.

21 Mrs. Chapman testified to the people she saw
22 on the premises on this fateful day, August 8, 1969,
23 including the painter, Frank Guerrero, and the gardener,
24 Tom Vargas, and Tom's brother, Dave Martinez.

25 She also said actress Joanne Pettit and another
26 woman visited Sharon for lunch on August 18th and left at

1 around 3:30 p.m.

2 She said Abigail left the premises at around
3 3:45 p.m., and Voityck left at 4:00 p.m.

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1 Mrs. Chapman left around 4:30 p.m., and when
2 she left Sharon was alone inside the residence.

3 The crucial part of Mrs. Chapman's testimony,
4 of course, was her washing of the outside of the front
5 door of the Tate residence that day before she left, August
6 the 8th. She washed the entire front door of the Tate
7 residence.

8 And also on August 5th, which was the
9 preceding Tuesday, she washed a portion of the inside of
10 the back door to the master bedroom of the Tate residence.

11 This is her testimony in that regard.

12 "Mrs. Chapman, I show you People's 9 for
13 identification. Do you know what is shown in
14 this photograph?

15 "A The door leading to the front house.
16 That is the front door to the Tate residence.

17 "Q On the date August the 8th, 1969,
18 did you have occasion to wash that front door?

19 "A I did wash it.

20 "Q About what time of day did you
21 wash the front door?

22 "A Before lunch.

23 "Q Why did you wash the front door?

24 "A Well, it was splattered. The dogs
25 had marked it up. So I just cleaned the whole
26 door.

1 "Q What dogs?

2 "A Well, Mrs. Polanski's dog, and
3 Gibby had one.

4 "Q What was the dog's name?

5 "A Prudence.

6 "Q What about Abigail's dog's name?

7 "A Tom.

8 "Q You say you washed the outside of
9 the front door because the dogs prints were on the
10 outside of the front door?

11 "A Yes. It was muddy.

12 "Q Did you frequently wash the outside
13 of the front door?

14 "A Yes.

15 "Q How frequently?

16 "A A couple of times a week."

17 So, it wasn't unusual that she washed it on
18 this occasion.

19 "Q On this particular Friday, August
20 8th, 1969, did you wash the entire front door or
21 just portions of it?

22 "A No, the entire door.

23 "Q What did you wash it with?

24 "A I washed the windows with vinegar
25 and water, and the other part with soap and water."

26 Then I showed her People's 10 for identification,

1 the photograph, and she identified that as being the door
2 to the master bedroom that led to the swimming pool at the
3 Tate residence.

4 "Q Is this the bedroom that Sharon and
5 her husband Roman occupied when they were living
6 there?

7 "A Yes.

8 "Q Do you ever recall washing the
9 inside of the back door to this room?

10 "A Yes.

11 "Q How often did you normally wash
12 this back door?

13 "A A couple of times a week.

14 "Q Why did you find it necessary to
15 wash it that often?

16 "A Because of the dog prints and the
17 handprints, because they used it quite a bit.

18 "Q When you say 'they,' who do you
19 mean?

20 "A The Polanskis.

21 "Q This is the door that they exited
22 to go to the swimming pool?

23 "A They exited and entered, too.

24 "Q Did you wash inside of the back
25 door, the one shown in the photograph, People's
26 10 for identification, that Friday, August the
8th, 1969?

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"A. No.

"Q Did you wash it earlier in the week?

"A. On Tuesday.

"Q That would be the 5th?

"A. Yes.

"Q About what time of the day did you wash it?

"A. In the afternoon.

"Q Did you wash the entire door?

"A. No.

"Q What portion of the door did you wash?

"A. I washed that part on the inside, and on the outside I washed the lower part."

12a

12a-1

1 She circled that portion on the inside of the
2 back door of the master bedroom that she washed off on
3 Tuesday, August the 5th, and this is the same portion that
4 Patricia Krenwinkel's prints were found on, ladies and
5 gentlemen.

6 Now, since Mrs. Chapman, prior to these murders,
7 washed the two areas where Tex Watson and Patricia Kren-
8 winkel's prints were found, we thereby know that Watson and
9 Krenwinkel left their prints at the Tate residence during
10 the commission of these murders.

11 In other words, Watson and Krenwinkel were
12 inside the Tate residence at the time that they left their
13 prints on the respective front door and inside of the back
14 door.

15 Tom Vargas. He is the gardener on the Tate
16 premises.

17 Vargas testified that around 6:00 to 6:30 p.m.
18 on August the 8th, 1969, he receipted for two trunks shown
19 in this photograph right here that were inside the Tate
20 residence.

21 The trunks were sent to the residence by Roman
22 Polanski, and Vargas testified that the reason that he
23 receipted for them is that Sharon was asleep inside the
24 residence.

25 Vargas left shortly after receipting for the
26 two trunks, and to his knowledge, only Sharon was on the

12a-2

1 premises. He believes he saw William Garretson walk the
2 dogs shortly before he left.

3 Dennis Hearst testified that at approximately
4 7:00 p.m. on August the 8th, 1969, he delivered a bicycle
5 to the Tate residence for Abigail Folger.

6 He said Jay Sebring answered the door, and Mr.
7 Hearst told him that he had left the bicycle in the garage.

8 Mr. Sebring was the only person Mr. Hearst saw.
9 Of course, he did not enter the residence. Sebring came
10 to the door.

11 Linda Kasabian. As you know, of course, Linda
12 Kasabian originally was a defendant with these defendants
13 and was charged with these murders in the Grand Jury
14 indictment.

15 Now, you heard the term "Star witness for the
16 prosecution" on television and in movies. Unquestionably,
17 Linda Kasabian was the star witness for the prosecution in
18 this case. No question about it.

19 However, independent and in addition to Linda
20 Kasabian's testimony, the prosecution offered a massive
21 amount of evidence connecting each defendant with these
22 murders, completely apart from Linda's testimony.

23 But Linda obviously was the single most
24 important witness whom the prosecution called to the
25 witness stand.

26 At the start of Linda's testimony I asked her

12a-3

1 why she was going to tell everything she knew about these
2 seven murders, and she replied, "I strongly believe in
3 truth, and I feel that truth should be spoken."

4 Linda was on that witness stand, ladies and
5 gentlemen, for 18 days.

6 An extraordinarily long period of time for any
7 witness to testify in any case.

8 I think you will all agree with me that during
9 that 18 days Linda Kasabian and the truth were companions.

10 Linda testified that she was born on June the
11 21st, 1949, in ^{Bitteford,} Maine. That would make her 21 years old
12 now, 20 years old at the time of these murders.

13 Her first marriage was at the age of 16 and
14 quickly ended in divorce.

15 Then she married her second husband, Bob
16 Kasabian, in September of '67. That was also an unsuccessful
17 marriage but it had not yet terminated.

18 They had two children, a girl Tanya and a
19 boy Angel.

20 Linda testified that for the past few years
21 she has lived in several hippie communes throughout the
22 country, and during that time she took LSD approximately
23 50 times.

12b fls.

2B-1
1 She testified that she and Bob separated in
2 April of 1969 when they were living in Taos, New Mexico.

3 She immediately went back East to her parents'
4 home in New Hampshire where she lived with her mother.

5 In late June, 1969, Bob called Linda on the
6 phone and sought a reconciliation with her.

7 Linda was amenable, so she immediately flew
8 out here to Los Angeles where Bob was at the time.

9 She arrived in Los Angeles around June 27,
10 1969, with her daughter Tanya, and commenced to live with
11 Bob, Charles Melton, and Jim and Julie Otterstrum in back
12 of a truck made into a home, on Topanga Canyon Boulevard in
13 the Topanga Canyon area of Los Angeles near the ocean.

14 All five were planning to go to South America,
15 drive to the tip of South America, buy a boat and sail
16 around the world.

17 Well, the reconciliation obviously never worked
18 out. In Linda's words: "I didn't feel that he was ready to
19 accept me and the child as a responsibility."

20 On July the 4th, 1969, a girl named Gypsy --
21 her true name is Katherine Share -- a member of the Family,
22 came to visit Charles Melton.

23 Linda had never met Gypsy before, nor had Linda
24 ever been out to the Spahn Ranch.

25 They got to talking to each other, and Gypsy
26 told her that there was a beautiful man that they had all

1 been waiting for. Gypsy told her that they were living
2 there like a family, and that she would be accepted.

3 Pursuant to Gypsy's invitation, and in view of
4 the fact that she had been, in her words, rejected by Bob,
5 Linda left her husband on July the 4th, 1969, and went to
6 Spahn Ranch and started to live with the Family.

7 The first day she was at Spahn Ranch, July 4th,
8 she did not meet Charles Manson, but she did meet Charles
9 Tex Watson and she had sexual intercourse with him that
10 night.

11 The next day, July the 5th, 1969, she and
12 Gypsy and Mary Brunner left the Spahn Ranch to go to
13 Charles Melton's truck for the purpose of having Linda
14 steal \$5,000 of Melton's money, which Linda did.

15 When she returned to Spahn Ranch, she
16 believes she gave the \$5,000 to Leslie Van Houten, although
17 she did not know for sure Leslie was the person whom she
18 gave the money to.

19 In any event, she never saw the \$5,000 again,
20 and she did not receive any benefit from the \$5,000.

21 Now, let's face it. Linda stole \$5,000. But
22 let's also face the fact that the theft of the \$5,000 took
23 place after Linda had been exposed to the members of Charles
24 Manson's family.

25 DEFENDANT MANSON: At least a day and a half.
26

12c-1

1 MR. BUGLIOSI: Also, let's face the fact that her
2 state of mind -- and I am not covering up for the fact
3 that she stole the \$5,000 -- let's face the fact that her
4 state of mind was not the state of mind typically of
5 someone stealing money, because she didn't steal it for
6 herself.

7 She gave the entire \$5,000 to other members
8 of the Family and did not profit in any fashion from it.

9 She testified that she took the \$5,000 to
10 help Charlie Manson to go to the desert.

11 I don't know why they needed \$5,000 to get
12 there, but apparently Linda felt they did, or the Family
13 felt they did.

14 The first time Linda met Manson, Charlie was
15 with several girls, Gypsy, Brenda McCann, and Snake.

16 DEFENDANT MANSON: They were not allowed to testify
17 either.

18 MR. BUGLIOSI: Manson asked Linda why she came to
19 live at the ranch.

20 She told him that her husband had rejected
21 her and that Gypsy told her he would welcome her as part
22 of the Family.

23 Manson then felt Linda's legs, and she testified
24 that she got the impression he thought they were okay.

25 The next day Manson made love to Linda in
26 a cave in back of the ranch, and he told her she had a

12c-2

1. father hangup.

2. Linda was impressed by this because no one
3. ever told her this before, and she said she did have a
4. hangup. She disliked her stepfather very much.

5. Linda testified to life at the ranch. She
6. said that the group that lived there was called the Family,
7. and that she became a member of the Family.

8. When I asked her what she meant when she said
9. she was a member of the Family, she replied, "Well, we
10. live together as one Family, as a Family who is living
11. together, a mother and a father and children, but we were
12. all just one and Charlie was the head."

13. She wasn't talking about Charles Tex Watson,
14. ladies and gentlemen, because I asked her. I said: Now,
15. when you say Charlie, do you mean Charles Watson or Charles
16. Manson?

17. Manson.

18. She used to refer to Watson as Tex. Apparently
19. everyone called him Tex.

20. She said there were about 20 members of the
21. Family, most of whom were young girls.

22. Linda, of course, testified to Manson's
23. total and complete domination over the Family. It was
24. he who selected the two camping sites Linda went to during
25. her brief stay at Spahn Ranch.

26. While at the second camping site, he instructed

1 the girls to stand guard in shifts, and ordered a walkie-
2 talkie system be set up.

3 When they would go on garbage runs at super-
4 markets to get food, he said only those with driver's
5 license should go into town.

6 He even told the girls how they should dress
7 during the week and on weekends, and instructed Mary
8 Brunner, Bruce Davis and Bobby Beausoleil to go into town
9 and get certain types of clothing for the girls.

12d fls.

12D-1

1 He even regulated their sexual activity.

2 You recall Linda Kasabian discussing the sexual
3 orgy in the back house at Spahn Ranch in mid-June, 1969.

4 No one touched anyone else, no one made love
5 to anyone else, unless Charlie said so.

6 Charlie called all the shots. Charlie was
7 orchestrating that orgy, as it were.

8 Linda testified that Manson told the girls in
9 the Family to make love to visitors at the ranch in an
10 effort to induce them to join the Family.

11 What more effective way is there, ladies and
12 gentlemen, to control a human being than to regulate,
13 perhaps, the most private and intimate of all human conduct,
14 one's sexual relationships.

15 Incidentally, I might add, parenthetically,
16 that the reason that we offered the sexual activity of the
17 Family into evidence was, obviously, not to bring any filth
18 into the case, but as one further indication of Manson's
19 total and complete domination over the Family.

20 Manson even interfered with and attempted to
21 dissolve the very most fundamental relationship of all,
22 the relationship between mother and child.

23 He told Linda Kasabian that he did not want her
24 to feed or give any attention to her daughter, Tanya.
25 That was to be done by other people.

26 But even Charlie was unsuccessful in that

endeavor. Linda testified -- and I thought it was rather moving -- she said that when there wasn't anyone around, usually Charlie, "I would give her my love and feed her."

Manson was obviously attempting to sever, completely sever, the umbilical cord between these members of the Family and their prior contact with society. Everything that they knew in the past he was just trying to sever and cut away, even the most fundamental of all human relations. He didn't want Linda to give attention to her own child.

Linda testified that when she first joined the Family, Manson spent more time with her than the other girls, but added that this was the usual thing he would do when a new girl came to the ranch.

He did the same thing with Stephanie Schram.

She said most of the time he spent with her he talked to her. The obvious purpose of spending a lot of time with new members of the Family was to impregnate them with his sick, far-out philosophy on life. That was the obvious reason, and once they became hard-core members, he went on to some other young love, as he called the young girls.

During the discussion he had with Linda, Linda testified that he told her that everything was all right, there was no such thing as wrong. No sense makes sense. You won't get caught if you don't have a thought in your

1 head. If you are willing to be killed, then you should be
2 willing to kill.

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1 He also told her of his great fear of the
2 Black Panthers, and that the Family was being watched by
3 the Black Panthers, and that the Black Panthers would
4 probably kidnap and kill the children, naturally, and also
5 the Family themselves.

6 He said that the only reason that the Black
7 people came to the Spahn Ranch to rent horses was to
8 get a setup of the ranch.

9 Therefore, Manson instructed everyone to
10 keep the children out of sight and not let them walk
11 around in the front of the ranch on weekends.

12 Apparently that is when black people came to
13 the ranch to rent horses.

14 Manson told the whole Family to stay out of
15 sight.

16 She said that at night one or two male members
17 of the Family would be on guard with guns, guarding against
18 the Panthers.

19 Manson told her about Helter Skelter and the
20 revolution between the blacks and whites, and all non-blacks,
21 including brown people, would be killed by the black men.

22 Linda testified that Helter Skelter was a
23 daily word in the Family, an every-day word used constantly.
24 She said she even saw the word Helter Skelter painted on
25 a jug in the parachute room.

26 She thought this was for donations for Helter

12e-2

1 Skelter.

2 Manson spoke of the unity of the black man as
3 opposed to the white man.

4 Linda testified he used to say that blackie was
5 much more aware than whitey and super together, and whitey
6 was just totally untogether, just could not get together.

7 They were off on these side trips. And blackie
8 was really together.

9 "Did Mr. Manson say anything about bringing
10 the white man together?"

11 "Yes."

12 Incidentally, for your listening pleasure, I
13 have performed a surgical operation on any particular
14 attorney's objections in this case so that I could go
15 through a little more swiftly.

16 "What did he say about bringing the
17 white man together to be more like blackie?"

18 "He said he had a way to do it, and
19 his way was the only way to bring the white man
20 together.

21 "Did he say what that way was?"

22 "A No."

23 Well, the world found out what Charlie Manson's
24 way of bringing Whitey together was on the nights of
25 August the 9th and 10th, 1969, with the savage, inhuman
26 and extremely bizarre Tate-La Bianca murders.

1 Manson didn't lecture only to Linda. He
2 lectured nearly every night to the Family.

3 She called it suppertime.

4 Some people call it dinnertime.

5 At suppertime he would talk about his philos-
6 phies, including Helter Skelter.

7 She said that he would do this almost every
8 night, and that he would do nearly all the talking at
9 suppertime. Everything was directed at him.

10 She said the group also sang as a group at
11 supper, but again Manson was the lead singer and guitarist.

12 Manson had a captive audience, like I have.
13 You may not like what I say, but you have to listen. You
14 can't say boo.

15 Linda testified that she and all the girls
16 worshipped Manson, that she loved him and thought he was
17 Jesus Christ.

18 She said Manson had a power over her and
19 "I just wanted to do anything and everything for him because
20 I loved him and he made me feel good, and it was just
21 beautiful."

22 After I asked Linda this question: Did you ever
23 see or observe any members of the Family refuse to do
24 anything that Manson told him or her to do? She replied:
25 No, nobody did. We always wanted to do anything and every-
26 thing for him.

1 The girls used to tell Linda, the girls in
2 the Family used to tell Linda, "We never question Charlie.
3 We know that what he is doing is right."

4 In fact, Manson told Linda, when Linda joined
5 the Family, "Never ask why."

6 It is rather obvious, ladies and gentlemen. It
7 is rather obvious that when the sun set at Spahn Ranch on
8 the night of August the 8th, 1969, the atmosphere at the
9 ranch, the climate at the ranch, was such that neither Linda
10 nor anyone else would have dared or even wanted to disobey
11 any instructions given to them by Charles Manson.

12 f fls₁₂

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12F-1

1 Linda testified that on the afternoon of
2 August the 8th, 1969, the afternoon of the Tate murders,
3 he, referring to Manson, was telling us, I remember I was
4 sitting on the couch in front of the, they call it the gun
5 room where Danny used to sleep -- Danny De Carlo -- he was
6 telling us about his trip up to Big Sur and that the people
7 were not really together, they were just off on their
8 little trips and not getting together.

9 So he came out and said, he said, "Now is the
10 time for Helter Skelter."

11 Now, mind you, ladies and gentlemen, this is
12 several hours, just a few hours before the Tate murders.
13 Manson is saying, "Now is the time for Helter Skelter."

14 Let's look at the transcript of what happened
15 that particular night. This is extremely important
16 testimony in evidence.

17 "The night of the afternoon that Mr. Manson said
18 'Now is the time for Helter Skelter,' were you still at the
19 ranch that night?

20 "Yes.

21 "Was this the evening of August the 8th, 1969?

22 "I believe so.

23 "What took place that evening, Linda, at the
24 ranch?

25 "It was the same, you know, We went through a
26 supper thing. I believe we ate in the saloon.

1 "It was in the saloon?

2 "Yes.

3 "You say we. You are referring to the
4 Family?

5 "The Family, yes.

6 "You know about what time you commenced
7 eating?

8 "It was usually after sundown. So, whatever
9 time that is, I don't know.

10 "How long did it take you to eat your dinner?

11 "Oh, dinnertime was really funtime. So, maybe
12 an hour. And then maybe we would talk or sing songs, or
13 maybe he would play his guitar, whatever.

14 "How many members of the Family were present?

15 "I believe all that were living there except
16 for Bobby Beausoleil.

17 "And did anything unusual happen after dinner
18 that night?

19 "Yes, I remember I was in the kitchen,
20 cleaning up, and maybe just sitting around.

21 "How long after dinner was this?

22 "Maybe an hour or so.

23 "You may continue.

24 "And there were people sitting out front,
25 you know, on chairs or on the rocks, which was a usual
26 thing after we eat, talking, whatever.

1 "I remember I was standing out front at this
2 one point and Charlie came up to me and pulled me off the
3 porch, and I was standing at the very end of the porch,
4 closest to George Spahn's house, and he told me that --

5 "He told you what?

6 "He told me to get a change of clothing, a
7 knife and my driver's license.

8 "Did Mr. Manson tell you to change the clothing
9 you already had on or to bring an additional change of
10 clothing?

11 "To bring an additional.

12 "To bring an additional change of clothing?

13 "Yes.

14 "After Mr. Manson told you to get a knife and
15 a change of clothing and your driver's license, what did you
16 do?

17 "Well, I went to George Spahn's house to look
18 for my driver's license, because when I first came in I
19 handed everything over to them, and they took charge of my
20 driver's license and my identification."

1 "When you say 'they' about whom are you
2 referring?

3 "I don't know, just the girls, I remember going
4 into the trailer, and the girls just took my bag and
5 you know, it was theirs.

6 "What was mine was theirs and what was theirs
7 was mine.

8 "Okay, you may continue.

9 "Then I went into the house to look for
10 my driver's license which I could not find, and I
11 told Squeaky --

12 "I believe you indicated that you went looking
13 for your driver's license.

14 "Yes.

15 "And you went to George Spahn's house?

16 "Yes.

17 "Did you find your driver's license there?

18 "A No.

19 "Did you eventually get it?

20 "A Yes.

21 "Who gave it to you?

22 "Brenda.

23 "Brenda McCann?

24 "Yes.

25 "After you got your driver's license, what
26 did you do?

1 "Well, Charlie was standing there when she
2 gave me the driver's license.

3 "No, this was before.

4 "I couldn't find the knife. I remember seeing
5 one in the saloon, but it wasn't there.

6 "Then -- I believe his name was Larry --"
7 She saw him.

8 "All right.

9 "Then Brenda came along, and Charlie was with
10 her, or they were standing together in a group, and
11 she gave me the driver's license.

12 "And Charlie told me to go with Tex and do
13 what Tex told me to do."

14 I know that some of you have unbelievable
15 memories. I don't.

16 Linda testified several months ago. And this
17 is difficult to remember, at least for most of us.

18 "What is the next thing that happened? You
19 had the knife and change of clothing and the driver's
20 license. What happened next?

21 "Well, Charlie told me to go with Tex and to
22 do what Tex told me to do."

23 Charlie told Linda to go with Tex and do whatever
24 Tex told her to do.

25 Then she got in the car, and Sadie and Katie
26 were already in the back seat, and Tex was standing on the

1 driver's side with the door partly open.

2 "You entered the car?

3 "A Yes.

4 "Where was the car parked?

5 "Right at the end of the boardwalk, close to
6 George Spahn's house."

7 This is People's 29 for identification. This is
8 at the Spahn Ranch. Santa Susanna Road is here. This is
9 George Spahn's house, and this is the car, or the location
10 of where the car was when she got in the car and Tex was
11 there and so was Sadie and Katie.

12 This is the bunkhouse right here. The saloon
13 would be one of these rooms right here.

14 The markings in red is either by Linda, or
15 she told me where to mark it and I marked them with the
16 Court's permission.

13 fls.

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1 I showed Linda People's 38 and she identified
2 this car, this photograph as being a photograph of John
3 Swartz's 1959 Ford.

4 Linda testified that this was the car that the
5 group drove on the night of the Tate murders, in fact she
6 said this is the car they drove on the following night, the
7 night of the La Bianca murders. The car belongs to Johnny
8 Swartz, one of the ranch hands at Spahn Ranch.

9 "Q Now, when you walked up to the car,
10 you say Katie and Sadie -- that is Patricia and
11 Susan -- were inside the car. Where was Tex?

12 "A He was standing over by the driver's
13 side.

14 "Q Was he talking to anyone?

15 "A I think he was talking to Charlie.

16 "Q What is the next thing that happened?

17 "A Tex got in the car, and we started --

18 "Q Were you in the car at that time?

19 "A Yes.

20 "Q Where were you seated in the car?

21 "A On the passenger side in the front
22 seat.

23 "Q And Katie and Sadie, where were they?

24 "A In the back seat.

25 "Q Did Tex get behind the driver's seat?

26 "A Uh-huh.

13-2

1 "Q Now, you say Tex started to drive off
2 the front lot of Spahn Ranch?

3 "A Yes.

4 "Q What happened at that point?

5 "A We got about to the middle of the drive-
6 way, you know, and Charlie called us and told us to
7 stop, and he came to the car to my side of the window,
8 stuck his head in and told us to leave a sign.

9 "He said, 'You girls know what I mean,
10 something witchy,' and that was it."

11 "Q Mrs. Kasabian, after Mr. Manson told you
12 girls to leave a sign, something witchy, what is the
13 next thing that happened?

14 "A We drove off.

15 "Q Tex was driving?

16 "A Yes.

17 "Q At the time you drove off did Manson
18 see you off?

19 "A Yes, he did.

20 "Q Was he standing alone as you drove off?

21 "A Yes, he was.

22 "Q There was no one standing beside him?

23 "A No, not that I know of."

24 Much of the evidence, of course, I haven't
25 got into yet. There is no question at all that Manson was
26 sending Tex, Sadie, Katie and Linda out on his mission of

13-3

1 murder. Linda testified that they were all wearing dark
2 clothing, Sadie a black T-shirt, Katie a dark T-shirt,
3 Tex with a black turtleneck sort of a velour velvet shirt.
4 She said all three were wearing dark Levis.

5 Now, note that a dark blue T-shirt, a black
6 T-shirt and a black velour velvet shirt along with three
7 pair of Levis and a white T-shirt were found over the side
8 of the hill, you recall, on December 15, 1969, by King
9 Baggott, Channel 7. He found it across the road from
10 2901 Benedict Canyon Road.

11 Linda testified that she, Katie and Sadie were
12 barefooted but Tex was wearing shoes.

13 Now, with respect to the fact that Katie, Sadie
14 and Linda were barefooted, you recall the testimony of
15 Officer Granada that a bloody footprint, not shoeprint,
16 but a bloody footprint was found on the flatstone front
17 portion of the Tate residence.

18 Now, although one's feet have ridges and islands
19 and bifurcations just like one's fingers, there is no way
20 in the world to ascertain whose footprint that was for the
21 simple reason that the islands and the ridges and the
22 bifurcations on one's feet simply would not leave an
23 identifying imprint on a surface such as flagstone.

24 MR. KANAREK: Your Honor, I must object to that as
25 assuming -- that is conjecture. I hate to interrupt Mr.
26 Bugliosi, but I don't think that is a fair statement that he

13-4

1 can make.

2 That is certainly not the technology in our
3 world today. I ask your Honor to strike that statement.

4 He cannot make that statement; that is not part
5 of this record, that that could not be identified, that
6 footprint.

7 THE COURT: The motion is denied.

8 MR. BUGLIOSI: In any event, the relevant point is
9 that Linda recalled that Sadie and Katie were barefooted,
10 and there was in fact a bloody footprint on the flagstone
11 front porch of the Tate residence.

12 Going back to the clothing, Linda testified all
13 four of them were dressed in dark clothing. She also
14 testified that each of them had an additional change of
15 clothing.

16 So apparently Manson did tell Linda to get an
17 extra set of clothing; all four of them had a fresh change
18 of clothing.

19 Linda testified that they drove off from Spahn
20 Ranch she did not know where they were going, although
21 Tex did say he had been to the place before.

22 Linda said she also did not know what Tex,
23 Sadie and Katie were going to do. They did not tell her,
24 and she did not even ask them.

25 When I asked her why she did not ask, she
26 replied, "I was told right from the very beginning, never

13-5

ask why. "

When I asked her when she was told this, she replied when she first came to Spahn Ranch.

When I asked her who told her to never ask why, again she said Charlie told her.

Then she said they all did.

Apparently the girls in the Family also told her.

13a fls. 8

13a-1

1 Linda testified that although she didn't know
2 what was going to happen that night, she said she thought
3 they were going on a creepy-crawly mission.

4 She said a creepy-crawly mission is "where you
5 go where you creepy-crawl into people's houses and you take
6 things which actually belonged to you in the beginning,
7 because it actually belongs to everybody."

8 In other words, Linda thought she was going out
9 to steal that night. She apparently did not know that the
10 mission was going to be murder.

11 She said all of the girls had told her about
12 creepy-crawly, and Charlie also spoke about creepy-crawling.

13 She testified, "I remember one specific instance
14 where the girls made Charlie a long, black cape, and one of
15 the girls was putting it on him, and he sort of said, 'Now,
16 when I go creepy-crawling people won't see me because they
17 will think I am a bush or a tree.'"

18 Linda testified that there were three knives in
19 the car that night. One of them was People's 39, this
20 buck knife, the knife that she brought to the Spahn Ranch
21 with her on July 4, 1969.

22 This is the buck knife which Officer Granado
23 found on one of the sofas inside of the Tate residence.

24 Incidentally, ladies and gentlemen, if Linda
25 were going to lie, the very last thing in the world she
26 would say is that her own knife, or a knife she originally

1 had was found inside the Tate residence.

2 The knife that was found inside the Tate
3 residence, if she were about to lie, she certainly would
4 not say that was her knife.

5 In any event, this is not the knife that
6 Linda took with her that night, but it was one of the three
7 knives in the car, she saw it there.

8 She said that she had gotten this other knife
9 from Larry. That particular knife had black tape around
10 the handle.

11 And then there was a third knife, so there was
12 People's 39, Linda's knife, the knife with black tape
13 around it, and then there was another knife.

14 Linda, as you remember, estimated the approxi-
15 mate dimensions of the blades on these two other knives,
16 not the buck knife, not the buck knife, but she estimated
17 the dimensions of the blades on these other two knives,
18 and, as you recall, the estimations she gave were
19 remarkably close to the estimations of the murder weapon
20 given by Dr. Noguchi.

21 I will go into the comparative dimensions
22 when I discuss Dr. Noguchi's testimony.

23 Of course Linda added that she had no way of
24 knowing whether Tex had another knife on his person that
25 night. In fact, Sadie could -- Katie or Sadie could have
26 had another knife on their person, but she only saw three

1 knives in the car.

2 I showed Linda People's 40, the .22 caliber
3 revolver. She identified this revolver as being the
4 revolver in the car that night. She said it was in the
5 glove compartment.

6 As they were proceeding towards their destination,
7 Tex told Linda to wrap the three knives and a gun in a piece
8 of clothing, and if they were stopped, to throw them out of
9 the window, whereupon Linda did wrap the three knives and
10 the gun in a skirt of hers which was part of her change of
11 clothing.

12 Linda testified that Tex drove all the way to
13 their ultimate destination. She said it was a house on top
14 of the hill, which she identified from photographs here in
15 court as being the Tate residence.

16 She said Tex drove directly to the Tate resi-
17 dence. The significance of this is that apparently this
18 night as opposed to the following night when they were
19 roaming the City, this particular night the killers knew
20 exactly where they were going to go from the moment they
21 left the Spahn Ranch.

22 She said Tex drove directly to the Tate
23 residence.

24 She said that it took Tex between a half hour
25 and an hour to drive to the Tate residence, and she
26 guessed they arrived roughly around midnight.

1 Linda said that Tex turned the car around at
2 the top of the hill, outside the gate of the Tate residence,
3 and parked the car next to a telephone pole.

4 This is one photograph of the telephone pole.
5 Here is a closer-up view, and this is another photograph of
6 the telephone pole.

7 You will notice this is the front gate of the
8 Tate residence, the front gate.

9 This is the telephone pole in front of which
10 Tex Watson parked Johnny Schwartz's 1959 Ford.

11 And you will recall that Linda testified that
12 eventually she, Tex, Katie and Sadie climbed over the
13 front gate by going to the right of the fence here, and
14 she drew a red arrow indicating the path that they took in
15 going over the fence.

13b

13b-1

1 When they were at the telephone pole Linda
2 was seated in the passenger seat of Swartz' car.

3 The telephone pole, of course -- well, not of
4 course, but the telephone pole was on the passenger side of
5 the car as Tex drove up the hill and then turned around.

6 She said Tex got out of the car, climbed the
7 telephone pole, and although she doesn't remember hearing
8 Tex cut the telephone pole wire, she did see a few wires
9 fall onto the ground.

10 Tex got back in the car, drove to the bottom
11 of the hill and parked the car.

12 Linda pointed out on People's 25 where Tex
13 parked the car.

14 Now, again, this would be the gate right here
15 of the Tate residence. This is the driveway leading up
16 to the Tate residence; this is the telephone pole.

17 After Tex cut the wires he drove down the hill,
18 turned around, parked approximately right there.

19 All four got out of the car at that particular
20 point and started to walk up the hill. Tex was carrying
21 a rope.

22 This is, of course, a portion of the rope.

23 I showed her People's 41 for identification.
24 She could not positively identify it, but she said it did
25 look like the rope that Tex was carrying.

26 Of course they came up to the front gate, and

13b-2

1 I have already shown you on the photograph the way they
2 went over the front gate, to the right, climbed up and over
3 to the right.

4 Let's pick up her testimony at this point.

5 "We climbed over a fence and then a light
6 started coming towards us and Tex told us to get
7 back and sit down."

8 At this point Linda began to cry on the witness
9 stand and I asked her if we could go on, and she said
10 yes, she's okay.

11 "A car pulled up," she said, in front of us
12 and Tex leaped forward with a gin in his hand and stuck
13 his hand with the gun at this man's head.

14 "And the man said, 'Please don't hurt me,
15 I won't say anything.' And Tex shot him four
16 times.

17 "Q Did you actually see Tex point the gun
18 inside the window of the car and shoot the man?

19 "A Yes, I saw it clearly.

20 "Q About how far away were you from Tex
21 at the time that he shot the driver of the car?

22 "A Just a few feet.

23 "Q Were you on the driver's side of the
24 car or were you on the passenger's side of the car?

25 "A The driver's side.

26 "Q Did you notice anyone else in the car

13b-3

1 "other than the driver?

2 "A No.

3 "Q Did you see the driver?

4 "A Yes.

5 "Q After Tex shot the driver four times
6 what was the next thing that happened?

7 "A The man just slumped over.

8 "I saw that, and then Tex put his head
9 in the car and turned the ignition off.

10 "Q Did the man slump to his left or to
11 his right, if you recall?

12 "A Towards the passenger side to his right."

13 Here is a photograph of Steven Parent, dead behind
14 the front seat of this car.

15 You will notice as Linda testified his head
16 is in fact slumped over toward the right.

17 "Q What is the next thing that happened?

18 "A Tex put his hand in the car and turned
19 the ignition off.

20 "He may have taken the keys out, I
21 don't know, and then he pushed the car back a few
22 feet and then we all proceeded towards the house
23 and Tex told me to go in back of the house and see
24 if there were open windows and doors, which I did.

25 "Q Did you find any open doors or windows
26 in the back of the house?

13b-4

1 "A No, there was no open windows or
2 doors.

3 "Q Did you try to open any doors or
4 windows?

5 "A No.

6 "Q What is the next thing that happened,
7 Linda?

8 "A I came around from the back, and Tex
9 was standing at a window, cutting the screen, and
10 he told me to go back and wait at the car, and he
11 may have told me to listen for sounds, but I don't
12 remember him saying it.

13 "Q You say you saw him cut the screen
14 to a window?

15 "A Yes."

16 At that time I showed her People's 4 for
17 identification, a photograph of the house, and she said
18 that this particular window was the window that she saw
19 Tex cut the screen on.

20 I have already shown you a close-up view of
21 the screen. This is the screen on the ground as it was
22 on August 9th, the morning after the murders.

23 She said this is the window that Tex came up
24 and cut the screen on; she thinks he cut it horizontally.

25 Of course back in the jury room you will be
26 able to look at that photograph and see there is a cut on

43b-5

that screen, and it is a horizontal cut.

Officer Whisenhunt, I believe, was the officer who testified -- he was one of the three officers who first arrived at the scene on Saturday morning. He is the one that testified to the screen being off the window and the horizontal cut.

13c Fls.

13c1

1 Linda testified that after Tex told her to go
2 down to the car, she did go down to the car, Parents' car,
3 not Schwartz's car at the bottom of the hill, but Parents'
4 car and she briefly glanced inside the car at the man.

5 At this point I asked Linda to look at People's
6 42, the photo of Steven Parent, dead behind the driver's
7 seat of the car.

8 You recall she turned away from the photograph.
9 She said, "I don't have to look at the picture, it's in
10 my head."

11 Eventually she did look at the picture and she
12 said it depicted the way the man looked on the night of the
13 Tate murders.

14 This is the first time that anyone had ever
15 shown Linda Kasabian any photograph of any of the five
16 victims dead at the scene of the murders.

17 MR. KANAREK: Your Honor, that is not part of the
18 evidence, Mr. Bugliosi gratuitously --

19 MR. BUGLIOSI: This is her statement. She never had
20 seen any photograph of any victim at the scene.

21 MR. KANAREK: Mr. Bugliosi was making it as a fact,
22 your Honor, not as evidence.

23 I would ask your Honor to instruct the jury on
24 that difference. That is slightly different than the state-
25 ment that he has just enunciated a few moments previously,
26 your Honor.

1 THE COURT: Let's proceed.

2 MR. BUGLIOSI: "Q While you were down by
3 the car do you know where Tex, Sadie and Katie
4 were?

5 "A No, I didn't see them.

6 "Q Did either of those three come
7 down to the car?

8 "A Yes, Katie came down at one point."

9 Katie, of course, is Patricia Krenwinkel.

10 "Q Did Katie say anything to you?

11 "A Yes, she asked for my knife, and
12 I gave it to her, and she told me to stay there
13 and listen for sounds, and I did, and she left.

14 "Q When she left, did she walk in the
15 direction of the residence?

16 "A Yes.

17 "Q Did you see either Patricia
18 Krenwinkel or Susan Atkins or Tex walk into the
19 residence?

20 "A No, I didn't.

21 "Q Were you all alone by the car?

22 "A Yes."

23 Linda testified that a few minutes after Katie
24 left she started hearing these horrifying screams coming
25 from the direction of the Tate residence.

26 She said, "I heard a man scream out

1 'No. No.'

2 "Then I just heard screams."

3 She said, "I just heard screams at that
4 point. I don't have any words to describe how a scream is.
5 I never heard it before."

6 She never heard that type of scream before.

7 Her description of the screams were stricken
8 from the record.

9 "Q Were these screams of men or women
10 or both?

11 "A. It sounded like both.

12 "Q Were the screams loud screams or
13 soft screams or what?"

14 She said, "Loud, loud."

15 "Q Were these human screams?

16 "A. Yes, they were human.

17 "Q Did you hear what the people
18 were screaming?

19 "A. No, just at one point in the
20 beginning I heard a man say, 'No, no.'

21 "Q How long did the screaming continue?

22 "A. Oh, it seemed like forever, infinite.
23 I don't know.

24 "Q Was the screaming constant or was
25 it in intervals?

26 "A. It seemed constant, I don't know.

1 "Q Now, what did you do when you
2 heard these screams?

3 "A I started to run towards the house.

4 "Q Why did you do that?

5 "A Because I wanted them to stop.

6 "Q What happened after you ran
7 towards the house?

8 "A There was a man just coming out of
9 the door and he had blood all over his face and
10 he was standing by a post, and we looked into
11 each other's eyes for a minute, I don't know
12 however long, and I said, 'Oh, God, I am so
13 sorry. Please make it stop.' And then he just
14 fell to the ground into the bushes.

15 "And then Sadie came running out of the
16 house, and I said, 'Sadie, please make it stop.'

17 "And then I said, 'I hear people coming.'

18 "And she said, 'It is too late.'

19 "And then she told me that she left her
20 knife and she couldn't find it, and I believe
21 she started to run back into the house.

22 "While this was going on the man had gotten
23 up, and I saw Tex on top of him, hitting him
24 on the head and stabbing him, and the man was
25 struggling, and then I saw Katie in the background
26 with the girl, chasing after her with an

1 "upraised knife, and I just turned and ran to
2 the car down at the bottom of the hill.

3 "Q Now, when you told Sadie that
4 people were coming, was that the truth?

5 "A No.

6 "Q Why did you tell her that?

7 "A Because I just wanted them to
8 stop.

9 "Q You said you saw Katie. That is
10 Patricia Krenwinkel?

11 "A Yes.

12 "Q Was she chasing someone?

13 "A Yes.

14 "Q Was it a man or a woman?

15 "A It was a woman in a white gown."

16 Linda later testified that she thought the woman
17 had long dark hair, possibly brown, "I'm not positive,"

18 And you will note later from a photograph of
19 Abigail Folger that she does have long dark hair.

20 You recall that Linda Kasabian was crying on the
21 witness stand when she related her observations of these
22 horrible murders.

23 The cross-examination by Mr. Fitzgerald, he
24 asked Linda if she only cried on the witness stand, and
25 you recall she answered him that she even cries any time
26 she thinks about it in her room.

1 You recall at that point -- I cannot find the
2 particular photograph -- I will find it in a while.

3 MR. KANAREK: Your Honor, out of courtesy to
4 Mr. Bugliosi, I think it is about time to recess anyway,
5 your Honor.

6 THE COURT: I have not heard any request from
7 Mr. Bugliosi.

8 MR. KANAREK: It's about five after 3:00.

9 MR. BUGLIOSI: Whenever the Court wants to take it.

10 THE COURT: Well, normally we take it at 3:15.

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13d

3-D

1 MR. BUGLIOSI: You recall I showed Linda Kasabian an
2 aerial photograph of the Tate residence, and I will show
3 you the aerial photograph later.

4 An aerial photograph does not show the entire
5 front lawn of the Tate residence, but Linda pointed out on
6 the aerial photograph where she saw Tex stab Frykowski and
7 where she saw Krenwinkel chasing Abigail, and you will
8 note -- I will show you the photograph and the position of
9 Frykowski and Folger's bodies, People's 8, that diagram.

10 This is it. It's always good to have a helper.

11 This is 7. This is the aerial photograph, right
12 here, this is the Tate residence, this is the pool, this
13 is the front gate of the Tate residence, the driveway.

14 Now, as you can see you cannot see the entire
15 front lawn here because the trees block off part of the
16 view.

17 Nonetheless, Linda pointed out on this aerial
18 photograph where she saw Tex stab Frykowski, & this point
19 right here.

20 She also pointed out where Folger and Patricia
21 Krenwinkel would have been, absent these trees.

22 This closely corresponds, ladies and gentlemen,
23 very, very closely corresponds to where Frykowski's and
24 Folger's bodies are on People's 8, where the police found
25 the bodies on the morning of August the 9th.

26 The reason, the reason I had

1 Linda point out on this aerial photograph where the bodies
2 were located is because People's 8 already contains,
3 already contains an indication on them where Frykowski's
4 and Folger's bodies were found by the police.

5 So Linda on this aerial photograph -- and when
6 we compare this with People's 8, you will see the location
7 of the bodies very, very closely corresponds to where the
8 police found the bodies in the morning.

9 After Linda observed Tex stabbing Frykowski,
10 she testified that she ran away, and this time she didn't
11 run down to Parent's car, she ran down to Swartz's
12 car at the bottom of the hill.

13 She got down on the ground and tried to collect
14 her thoughts. She said her first thought was to go to the
15 police and get help but, "I had a vision."

16 "Q What sort of a vision?

17 "A Charlie entered my head again.

18 Tanya was there and I was just afraid for Tanya's
19 life.

20 "Q Where did you think Tanya was?

21 "A I knew she was back at the ranch.

22 "Q Where did you think Charlie was?

23 "A I knew he was back at the ranch."

24 A few minutes after Linda got in the car she
25 said Tex, Katie and Sadie arrived back in the car.

26 She said there was a three, four, five-minute

1 interlude between the time she arrived at the car and the
2 time Tex, Katie and Sadie arrived.

3 She testified Tex drove off. She got in
4 Swartz's car and drove off, and Tex, Katie and Sadie started
5 to change their clothing.

6 Tex also started to change the top of his
7 clothing and while he was changing his clothing Linda said
8 she had steered the car.

9 She said there were only two knives and a revolver
10 in the car at that point -- well, the third knife, this buck
11 knife, was left inside the Tate residence. There were two
12 knives left still inside the car.

13 Now, we don't know for sure, ladies and
14 gentlemen, whether this is the knife that Susan Atkins
15 left inside the Tate residence. We cannot be positive of
16 that, but it would seem like it was because Susan Atkins
17 did tell Linda that she left her knife inside the residence,
18 and this knife was found on a sofa inside the Tate residence,
19 and Linda also recalls that the knife was in the car as
20 they drove to the Tate residence; then after the murders it
21 was no longer in the car.

22 With respect to the revolver, I showed her the
23 revolver again, and I asked her if the right hand grip, the
24 right hand grip was on the revolver earlier in the evening.

25 She said yes it was, and she believes it was not
26 on the revolver when Tex came back to the car.

1 I asked Linda if Tex said anything about the
2 grip of the gun after he returned it to the car, and she
3 answered, "I am not positive but I think he said something
4 to the effect that when he hit the man over the head that
5 it shattered the gun and it didn't work any more.
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13e-1

1 "Q Did Katie and Sadie say anything as
2 you were driving off from the residence?

3 "A Yes, they did.

4 "Q What did they say?

5 "A They complained about their head, that
6 the people were pulling their hair, and that their
7 heads hurt.

8 "And Sadie even came out and said that
9 when she was struggling with a big man, that he hit
10 her in the head.

11 "And also Katie complained of her hand,
12 that it hurt.

13 "Q Did she say why her hand hurt?

14 "A Yes.

15 "Q What did she say?

16 "A She said when she stabbed, that there
17 were bones in the way, and she couldn't get the knife
18 through all the way, and that it took too much energy
19 or whatever, I don't know her exact words, but it
20 hurt her hand."

21 The poor little sweetheart, her hands hurt,
22 could you imagine that?

23 If ever there was a sweet little innocent girl,
24 it's Patricia Krenwinkel.

25 Linda also testified that Tex said he had
26 stolen 70 dollars/^{from} the residence, but neither Sadie nor

13e-2

1 Katie said they had taken anything.

2 Linda testified that after they drove away from
3 the Tate residence Tex started to look for a place to hose
4 the blood off their bodies.

5 "Q Did Tex eventually stop the car?

6 "A Yes, he did.

7 "Q Do you know where he stopped the car?

8 "A I don't know the names or anything, but
9 it was a street -- we had spotted a hose coming out
10 from a house, and we went up the hill and turned
11 around and parked and walked up to the house.

12 "Q How far was this particular home where
13 the hose was from the residence where the killings
14 took place?

15 "A Not very far, maybe five or ten
16 minutes, I am not sure.

17 "Q Was this home on a dark street?

18 "A Yes.

19 "Q Was this a level street or a hilly
20 street?

21 "A It was sort of a hilly street.

22 "Q And the hose from the house was visible
23 from the car?

24 "A Yes.

25 "Q The headlights picked it up?

26 "A Yes.

13e-3

1 "Q Did Tex stop the car right in front of
2 the house?

3 "A No, he didn't."

4 Linda testified that this was the home in
5 front of which Tex, Katie and Sadie hosed themselves off.

6 This is the hose here, extending out from the
7 house.

8 She said this is the area, right here, where
9 Tex, Katie and Sadie hosed themselves off.

10 As you recall, later Rudolph Weber testified
11 that is his house, right here.

12 He said he came out, he observed the three
13 people -- four people actually, three of them apparently
14 had been hosing themselves off, and Tex, Katie and Sadie
15 marked an X here where they were, very close to where Linda
16 said they were.

17 Linda testified that this is the place, right
18 here where Tex parked the car.

19 This is the house, this is the approximate
20 place where they hosed themselves off; then apparently
21 Tex drove down here, he parked his car approximately at
22 the same location that this car is parked here.

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

The court will recess for 15 minutes.

(Recess.)

13f fls.

13f-1

1 THE COURT: Mr. Manson is present, all counsel
2 are present, the jury is present.

3 You may proceed, Mr. Bugliosi.

4 MR. BUGLIOSI: Thank you.

5 Look at Linda's testimony with respect to the
6 hosing incident and also throwing away the clothing shortly
7 thereafter:

8 "Q Would you relate what happened, Linda?

9 "A An older woman came running out of the house,
10 that is the house I have shown you in the photograph.

11 "Q This is the house where the hose was?

12 "A Yes.

13 "Q All right, what happened next?

14 "A And I don't remember her exact words,
15 but she said, 'Who is there?' or 'Who is that, what
16 are you doing?'

17 "And Tex said, 'We are getting a drink of
18 water.'"

19 "Then she got sort of hysterical and she said,
20 'My husband is a policeman; he is a deputy,' or some-
21 thing like that.

22 "And then her husband came out and he said,
23 'Is that your car?'

24 "And Tex said, 'No, we are walking.'

25 "Q What is the next thing that happened?

26 "A And we started to walk towards the car.

1 "Q All four of you?

2 "A Yes. And the man was behind us.

3 "Q Did the man follow you all the way down
4 to the car?

5 "A Yes, he did.

6 "Q Do you recall what the man looked like?

7 "A I just remember he was old and he had
8 white hair, that is all I remember."

9 Of course, Mr. Weber has white hair and he is
10 approximately 65 years of age.

11 In fact I showed her a photograph at that point,
12 People's 45, which shows Mr. Weber in the photograph in
13 front of his home, and she said:

14 "I recognize the white hair and the
15 oldness of him," but she did not recognize his face.

16 And I asked her what happened at the bottom of
17 the hill.

18 She said they all got into the car.

19 I said, "What is the next thing that happened?"

20 She said, "The man was right behind us and he
21 came to the driver's seat and he started to put his hand
22 in the car to reach for the keys and Tex blocked him, grabbed
23 his hand and just jammed, you know.

24 "Q You say Tex jammed, what do you mean
25 by that?"

26 The answer is "Drove off fast."

1 "When you reached the bottom of this particular
2 street, do you recall if you took a left or a right?

3 "A I believe we took a right.

4 "Q Where did Tex drive to?

5 "A I don't know, it was sort of -- there
6 weren't too many houses and it was like a country
7 road, sort of wood, bushes and trees, you know,
8 very few houses.

9 "Q Was it dark?

10 "A Yes, there were very few lights.

11 "Q Was this a straight road or a winding
12 road?

13 "A Winding and hilly, up and down.

14 "Q Very few homes?

15 "A Yes.

16 "Q Are you indicating it was kind of out in
17 the country?

18 "A Yes.

19 "Q What is the next thing that happened?

20 "A I remember we came to sort of a level
21 part of the road and through a dirt shoulder, and
22 he pulled off" -- referring to Tex -- "and handed
23 me the clothing and told me to throw them out,
24 which I did.

25 "Q What clothing are you talking about?

26 "A The clothing that the three, Tex, Katie

1 "and Sadie changed.

2 "Q Did you get out of the car when you
3 threw the clothing?

4 "A Yes, I did.

5 "Q And how did you throw the clothing?

6 "A They were just in one big bundle and
7 I just threw them.

8 "Q Where did you throw the clothing?

9 "A Over a hill.

10 "Q And the hill was right next to the
11 highway?

12 "A Yes.

13 "Q Was it a steep hill?

14 "A It was dark. I couldn't really tell,
15 but it sort of looked like it might be steep.

16 "Q And you threw the clothing in a bundle
17 over the side of the hill?

18 "A Yes.

19 "Q Then you got back in the car?

20 "A Yes.

21 "Q You were the only one that got out of
22 the car at that point?

23 "A Uh-huh.

24 "Q At this point where you threw the
25 clothing over the side of the hill, about how far
26 was that from the home where Tex, Katie and Sadie

1 "hosed themselves off?

2 "A I don't know, I don't know the distance.

3 "Q How long did it take you to get there
4 from the place where Tex, Katie and Sadie hosed
5 themselves off?

6 "A Maybe ten or fifteen minutes, I don't
7 know."

8 At this point in Linda's testimony I showed
9 her People's 50 through 56. This was the seven articles of
10 clothing that King Baggott found across the street from
11 2901 Benedict Canyon Road on December 15th, 1969.

12 Linda identified People's 50.

13 I don't want to pick the clothing up now and
14 get the sand all over me, but you will have all the
15 exhibits back in the jury room.

16 She identified People's 50 as the shirt Tex
17 wore.

18 Linda identified People's 52 as the black T-shirt
19 Katie wore, and People's 54 as the dark blue T-shirt Sadie
20 wore with respect to the denim pants, 54, 55 and 56, she
21 identified all three of them, but she did not know which
22 denims Tex, Katie and Sadie were wearing.

23 The only article of clothing Linda could not
24 identify, as you recall, was the white T-shirt, T-shirt,
25 People'd 53. She said she doesn't recall seeing it at
26 that time.

I think that is understandable, the mission
this night, ladies and gentlemen, was murder. The reason,
of course, why Tex, Katie and Sadie and Linda were all
dressed in black, obviously was to avoid detection.

13g fls.

.3-G

1 So Tex, Katie or Sadie was wearing a white
2 T-shirt. Obviously it would be beneath their dark top.

3 Also Linda said she threw the clothing over in
4 a bundle, the white T-shirt was somewhere in the middle of
5 the bundle. She did not see it.

6 After Linda threw the clothing over the side of
7 the hill, Tex drove off and told Linda to wipe the finger-
8 prints off the two knives and throw them out of the window.

9 Linda testified she wiped the prints off with
10 a rag, and while the car was still in motion, threw the
11 first knife out, slanted it in the bushes at the road,
12 a few seconds thereafter the second knife was thrown out,
13 bounced into the curb off the side of the road.

14 She testified she threw the knives out of the
15 window shortly after throwing the clothing over the side
16 of the hill.

17 She said she did not remember whether or not
18 she threw the revolver, People's 40, out of the car.

19 Now, if Linda didn't, surely one of these
20 defendants must have, probably Tex.

21 The revolver was found on September 1st, 1969
22 at 3627 Longview Valley Road, which is very close to where
23 the clothing was found. Obviously Tex or Manson did not
24 drive back to this area a day or two later and throw the
25 revolver off the side of the hill, it must have been thrown
26 on that particular night by either Katie, Sadie or,

1 probably, Tex, because Linda just does not simply recall the
2 revolver being thrown out of the car.

3 Sergeant Albert Lavalley of the Los Angeles
4 Police Department -- this is People's 98 right here --
5 testified that he prepared People's 98 which is a map of
6 the streets showing the respective locations of the Tate
7 residence, Rudolf Weber's residence on Portola Drive, where
8 the clothing was found, and where the revolver was found.

9 What Lavalley did was simply place this paper
10 here which is tracing paper over People's 262 which is an
11 aerial photo of the same area and he simply traced in the
12 streets.

13 This is called the overlay, People's 98.

14 You recall that Sergeant McGann, one of the
15 investigating officers in the Tate case, testified
16 that he drove the distance between the Tate residence and
17 Weber's residence on Portola Drive, 1.8 miles, also the
18 distance between Weber's house and where the clothing was
19 found at 1.8 miles, and coincidentally the distance
20 between where the clothing was found and the revolver was
21 also 1.8 miles. That is not saying the way the crow flies,
22 the way Mr. Kanarek uses that term, but at least driving
23 on those roads it apparently was 1.8 miles between these
24 particular locations.

25 Incidentally, Sergeant McGann also testified
26 that the police searched this area, but did not find the two

1 knives.

2 The first search was in November of 1969
3 which was three months after the murders. At least with
4 respect to the one knife that Linda said bounced off the
5 curb back into the street, it's rather obvious that someone
6 must have picked it up, probably a youngster riding by
7 on his bicycle; in fact, that could also have happened
8 to the second knife, or perhaps the police just did not
9 see this knife during their search.

10 McGann also testified that this particular
11 area up there is hilly with winding roads, has very few
12 homes, a lot of brush and trees and very dark at night.

13 So Linda's description of the area coincided
14 with the way this actual area is, according to the testimony
15 of Sergeant McGann.

16 A country road, very few homes, winding, hilly
17 road.

18 Linda testified that after the clothing and
19 the knives and undoubtedly the revolver were thrown out of
20 the car, Tex stopped at a gas station where Sadie and
21 Katie and Tex went into a restroom and washed off.

22 Tex then bought \$2 worth of gas.

23 Linda then became the driver and she drove
24 back to Spahn Ranch.

25 Was Charlie Manson sleeping, ladies and
26 gentlemen? Was he sleeping when Tex, Sadie, Katie and

1 Linda arrived back at Spahn Ranch?

2 After successfully completing his mission of
3 murder was he sleeping?

4 After all, Linda testified that they arrived
5 back at the ranch about an hour to an hour and a half after
6 the murders, which would place their arrival back at the
7 ranch somewhere around 1:30 or 2:00 a.m. in the morning,
8 when only the Goblins are out.

9 But no, Charlie Manson was up; he was up around
10 2:00 o'clock all by himself, and in fact almost in the same
11 place in the parking area of Spahn Ranch where he had
12 seen them off a couple -- several hours earlier.

3 H

13H-1

1 Charlie was not going to go to sleep that night,
2 when he sent his robots off on a mission like that; he
3 wanted to know what happened, obviously.

4 I asked Linda, "Was there anyone in the
5 parking area at Spahn Ranch as you drove in the Spahn
6 Ranch area?

7 "A Yes.

8 "Q Who was there?

9 "A Charlie.

10 "Q Was there anyone there other than
11 Charlie?

12 "A Not that I know of.

13 "Q Where was Charlie when you arrived
14 at the premises?

15 "A About the same spot he was in when
16 he first drove away.

17 "Q What happened after you pulled the
18 car onto the parking area and parked the car?

19 "A Sadie said she saw a spot of blood
20 on the outside of the car when we were at the
21 gas station.

22 "Q Who was present at that time when
23 she said that?

24 "A The four of us and Charlie.

25 "Q What is the next thing that
26 happened?

1 "A Well, Charlie told us to go into
2 the kitchen, get a sponge, wipe the blood off,
3 and he also instructed Katie and I to go all
4 through the car and wipe off the blood spots.

5 "Q What is the next thing that happened
6 after Mr. Manson told you and Katie to check the
7 car out and remove the blood?

8 "A He told us to go into the bunk
9 room and wait, which we did.

10 "Q Before you went into the bunk room
11 did you and Katie wipe off any blood inside of
12 the car?

13 "A No, I didn't see any.

14 "Q Did you and Katie enter the car
15 looking for blood spots?

16 "A Yes.

17 "Q Did you and Patricia Krenwinkel
18 then enter the bunk room?

19 "A Yes.

20 "Q You, Katie and Sadie?

21 "A Yes.

22 "Q Was there anyone else inside of
23 the bunk room when you arrived?

24 "A Yes, there was.

25 "Q Who was that?

26 "A Clem."

1 That is Clem Tufts.

2 "And Brenda."

3 That is Brenda McCann.

4 "Q Was there anyone else inside the
5 bunk room?

6 "A. No.

7 "Q Did Mr. Manson eventually enter
8 the bunk room?

9 "A. Yes, he did.

10 "Q When Mr. Manson entered the bunk
11 room was he with anyone?

12 "A. Yes, he was.

13 "Q With whom was he?

14 "A. With Tex.

15 "Q Did he and Tex arrive together in
16 the bunk room?

17 "A. Yes."

18 Once inside the bunk room Tex told Manson and
19 the group that when he arrived at the residence where the
20 murders took place he told the people at the residence:

21 "I am the devil here, to do the devil's
22 work."

23 Tex also told Manson that:

24 "There was a lot of panic and it was real
25 messy and bodies were laying all over the place
26 but they were all dead."

1 In other words, Tex was reporting; Tex was
2 giving his report to Charlie, mission accomplished, sir.

3 But even the mission being accomplished was not
4 enough for Charlie Manson. That wasn't enough.

5 That wasn't enough that his robots had just
6 viciously cut down and slaughtered five human beings at
7 the Tate residence, their blood probably still trickling
8 out of their dead bodies when Tex reported to Manson, that
9 wasn't enough for Charlie.

10 Charlie wanted assurances from all of them that
11 they had no remorse.

12 He was not just satisfied with the murders;
13 he wanted to make sure that all of them had absolutely no
14 remorse for what they had done.

15 Of course, why should they have remorse? All
16 they had done was kill five human beings.

17 But human beings are pigs, and pigs don't
18 deserve to live. Birds, yes; rattle snakes, yes; but not
19 human beings.

20 Of course, they all told Charlie that they had
21 no remorse. But even then Manson was not satisfied because
22 his savages had caused fear and panic in the victims,
23 and it was too messy.

24 Charlie did not quarrel with the fact that
25 five people had been brutally slain, but he wanted them to
26 be slain in such a way where they didn't panic, I mean

1 he is a considerate guy.

2 After Tex had reported to Manson, and Manson
3 got assurances from everyone that they had no remorse,
4 Linda testified:

5 "Charlie told us not to talk this over with
6 anybody at the ranch, and to go and get some
7 sleep."

8 After all, Manson had plans for the
9 coming evening, and even robots, of course, need a little
10 rest.

11 Linda testified that she slept most of the next
12 day, and when she got up Sadie came and told her to watch
13 television, which she did inside a trailer at the ranch,
14 in the morning, apparently.

15 Linda said they watched the news accounts of
16 the murder, and this was the first time she learned the
17 names of the victims.

18 Linda testified that neither en route to the
19 Tate residence or after the murders did Tex or Sadie or
20 Katie say they knew who the victims were.

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1 Before I discuss Linda's testimony with
2 respect to the La Bianca murders, I am going to discuss
3 the remaining witnesses whose testimony solely or
4 essentially pertains to the Tate murders; then I will
5 pick Linda up again on the second night.

6 William Garretson presently resides in
7 Lancaster, Ohio, who flew out here for the trial.

8 Mid-March, '69, until August 9, 1969, he lived
9 alone in the guest house to the rear of the Tate residence.
10 He was employed by Rudy Altobelli, the owner of the
11 premises.

12 His sole job was to take care of Rudy Altobelli's
13 three dogs.

14 Around 8:00 p.m. August 8th he left the guest
15 house, hitchhiked down to Sunset Boulevard to get a TV
16 dinner, arrived back about 10:00 p.m.

17 He entered the premises through the front gate.
18 Everything appeared to be in order at that time.

19 Around 11:45 p.m. on August 8th Steven Parent
20 comes to visit Mr. Garretson. Mr. Parent was all alone.

21 Garretson testified that he had met Parent on
22 one occasion about two weeks earlier. At that time Garretson
23 was hitchhiking and Parent gave him a ride home.

24 Garretson testified that the nature of Parent's
25 visit on August 8th at 11:45 p.m. was to try to sell
26 Garretson a clock-radio which Parent brought with him.

1 Garretson did not buy the radio.

2 People's 17, a photograph of the interior of
3 Parent's car, Garretson identified the radio here on the
4 front passenger seat, looking like the radio that Parent
5 brought into the guest house at 11:45 p.m.

6 While Parent was with Garretson Parent made a
7 phone call to a friend. Parent left Garretson's place
8 around 12:15 a.m. on the morning of August 9th, 1969,
9 15 minutes past midnight.

10 Now, since Parent left Garretson at 12:15 a.m.,
11 we could not possibly have any better evidence that the
12 murders must have taken place between, let's say, 12:15 a.m.
13 and 12:45 or 12:50 a.m.

14 Obviously we know Parent was shot down in the
15 front seat of his car in the driveway of the Tate residence,
16 most likely as he was leaving the premises, so the murders
17 had to have taken place between 12:15 a.m. and 12:45 or
18 12:50, we couldn't possibly have any better evidence of
19 that.

20 I don't think the murders took place beyond
21 12:50 or 12:55 a.m. because Rudolf Weber testified that
22 the hosing incident in front of his home took place at
23 1:00 a.m. He knew that because he checked the clock at
24 his house, and although Weber's house is just short of two
25 miles from the Tate residence, it would have taken Tex,
26 Katie, Sadie and Linda at least a few minutes to drive from
the Tate residence to Weber's residence on Portola Drive.

1 So it appears rather clear that the five Tate
2 murders took place somewhere between 12:15 a.m. and, let's
3 say, 12:50 a.m. on August 9th, 1969.

4 Further evidence that Steven Parent was shot
5 around 12:15 a.m. is that Officer Granda of the Los Angeles
6 Police Department testified when he removed the clock-radio
7 from Parent's car the clock was 12:15 a.m.

8 I did not ask Garretson whether Parent played
9 the radio for him. I think it is a most reasonable
10 inference he perhaps did, since he brought the radio there
11 to sell it to Garretson. When Parent played the radio he
12 probably plugged it in and also set the correct time on the
13 clock.

14 Then when Parent left Garretson he would have
15 had to unplug the radio.

16 The clock was thereby stopped at 12:15 a.m.,
17 still apparently in a stopped position when Granado recovered
18 it.

19 Of course there is always a possibility that
20 this was just a coincidence. The clock stopped at 12:15 on
21 some previous occasion.

22 In any event we know that the murders must have
23 taken place between 12:15 and 12:50 because of Linda
24 Kasabian's testimony, because of Garretson's testimony,
25 because of Weber's testimony, and because of the testimony
26 of Tim Ireland who heard screams, I think, around 12:40 a.m.
I will get into his testimony shortly.

1 Getting back to Garretson, he testified that
2 after Parent left he, Garretson, wrote a few letters and
3 he listened to the stereo. He said he was awake all night,
4 falling asleep around dawn.

5 He said he did not hear any gunshots nor loud
6 screams nor loud noises of any kind during the night.

7 At first blush one would think that Garretson
8 would have been able to hear the gunshots or the screams,
9 but keep two things in mind:

10 Apparently the acoustics, or what-have-you, in
11 this area are such that from the guest house one simply
12 apparently cannot hear loud sounds coming from the vicinity
13 of the residence up in front.

14 I will get into this very shortly when I
15 discuss the testimony of Officer DeWayne Wolfer.

16 Also, as Garretson pointed out on People's 8,
17 the sofa where he was sitting was approximately six feet
18 from the stereo.

19 With his ear that close, of course, to the
20 music, it would make it that much more difficult to hear
21 loud sounds emanating from the Tate residence up in front.

22 Garretson testified that even the three dogs
23 did not bark, did not bark within a short period of time
24 after Parent left.

25 The largest of the three dogs, Christopher,
26 a Weimaraner, I think you pronounce it, did bark about two

1 or three hours after Parent left, but Garretson said it
2 was not unusual for Christopher to bark at night, and very
3 obviously Christopher's barking two to three hours after
4 Parent left had nothing to do with the Tate murders which I
5 think we conclusively established must have occurred
6 between 12:15 and 12:50.

7 Garretson testified that the police arrested
8 him for these murders when they arrived on the premises in
9 the morning, and he said he was in custody for two days,
10 and then he was released by the police.

11 Gerald Freidman testified that at 11:45 p.m. on
12 August 8, 1969 he was at home and he received a telephone
13 call from Steven Parent.

14 Parent said he was alone with a friend and
15 indicated that he was at some place other than -- at some
16 place other than where he was on the premises, some big
17 Hollywood people lived.

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1 He indicated that these people were not at the
2 same place that he was on the premises.

3 As Friedman spoke to Parent, he heard a stereo
4 playing in the background. He spoke for about five minutes,
5 and then Parent told him he would come to visit Friedman,
6 but of course, he never arrived at Friedman's place.

7 When Garretson testified that Steven Parent
8 called a friend shortly before midnight, I don't think there
9 is any question that the person he called was this person
10 Friedman.

11 DeWayne Wolfer testified that he is a
12 criminalist with the Scientific Investigation Division of
13 the L.A.P.D.

14 On the date of August 18, 1969, he went to the
15 Tate residence to conduct some tests. They were sound
16 tests.

17 He took a .22 caliber Colt revolver with a
18 9-1/2 inch barrel.

19 I showed him People's 40, the murder weapon,
20 and he said that when the .22 caliber Colt revolver was
21 fired it would have the same loudness of sound as People's
22 40, even though they are different makes.

23 People's 40 is a High Standard and this was a
24 Colt. People's 40 has a 9-inch barrel, and I think the
25 Colt had a 9-1/2 inch barrel.

26 Wolfer said that he used Remington .22 caliber

1 long rifle bullets, the same type of bullets that were
2 used on the Tate victims. He also brought a General
3 Sound Level Meter and Instrument to measure decibels or
4 units of sound.

5 Wolfer was accompanied by Officer Butler
6 during the sound tests.

7 Wolfer said that he went to the guest house or
8 the back house on the premises and stood between the couch
9 and the stereo.

10 You recall that Garretson had indicated that
11 the couch was close to the stereo.

12 With the stereo off, the stereo not playing,
13 Butler fired five rounds from three locations: where
14 Parent's car was found in the driveway was one; from the
15 living room of the Tate residence, number two; and from
16 outside the front door of the Tate residence, number three.

17 Wolfer could hear the sound of the shots being
18 fired from all three locations. But that was when the
19 stereo was off.

20 However, when he turned the stereo on to number
21 5 on the volume control and Butler fired the weapon from
22 these three locations, Wolfer could not hear the sound of
23 shots coming from either of the three locations.

24 In fact, the stereo sound at number 5 made a
25 decibel reading of 98, and the highest decibel reading of
26 the gunshot was 42, and that was when the revolver was

1 fired from outside the front door of the Tate residence,
that

2 You recall / Garretson testified that he did
3 not know what the stereo was set at when he was listening
4 to the stereo in the early morning hours of August the 9th.
5 However, when Officer Whisenhunt arrived at the guest
6 house in the early morning hours of August the 9th, he
7 said the stereo was set at number 4.

8 Wolfer testified that even at number 4, where
9 the volume control was set, even at number 4, the stereo
10 sound had a decibel reading in the 60's, far above the
11 highest sound emitted by the firing of the revolver, which
12 was 42.

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1 In fact, Wolfer testified that even at No. 3,
2 the stereo sound was slightly in excess of the highest
3 sound emitted by the firing of the revolver.

4 Wolfer testified that, in his opinion, if one
5 were in the back house and the stereo was set above 2 --
6 above 2 -- the person would not be able to hear the
7 sound of the revolver being fired from these three
8 locations.

9 It would appear, at least from the scientific
10 evidence, that Garretson did not hear the sound of the
11 revolver being fired at the time of the Tate murders.

12 Mr. Ireland, Timothy Ireland, testified that
13 on August the 8th, 1969, he was conducting a sleep-out for
14 approximately 35 children at the Westlake School For Girls
15 located at 700 North Farring Drive in Los Angeles.

16 He said that the Tate residence was approxi-
17 mately a half to three-quarters of a mile to the north of
18 the school.

19 At approximately 12:40 a.m. on August the 9th,
20 he heard a man screaming: "Oh, God, no. Please don't.
21 Oh, God, no. Please don't. Don't. Don't." For
22 approximately ten to fifteen seconds.

23 He said the screams were coming from the
24 direction of the Tate residence.

25 Mr. Ireland's testimony, of course, coincides
26 with Linda's testimony in that Linda testified that

1 Voityok Frykowski was screaming when Tex was stabbing him
2 to death on the front lawn of the Tate residence.

3 The time that Mr. Ireland heard the screams is
4 consistent with the testimony of Linda Kasabian, Garretson
5 and Rudolph Weber. There is no question but that the
6 murders must have taken place between 12:00 and 1:00
7 o'clock.

8 Ireland marked the location of the school on the
9 diagram, People's 98.

10 Rudolph Weber. Rudolph Weber resided with his
11 wife at 9870 Portola Drive in Beverly Hills. His home is
12 about a hundred yards from Benedict Canyon Drive.

13 At approximately 1:00 a.m. on August the 9th, he
14 said he was awakened by the sound of running water.

15 Now, he knows it was 1:00 a.m. because he
16 looked at the clock.

17 He and his wife went outside, and he observed
18 that someone had turned on the outside connection to his
19 water hose.

20 Rudolph Weber testified that although it is
21 very dark on his street, the headlights on a car can easily
22 see the hose which extends from his house out into the
23 street.

24 Of course, Linda testified that the headlights
25 on Schwartz's car did pick up the hose.

26 Weber next heard voices out on the street. He

1 saw one man and three girls, all of whom appeared to be in
2 their late teens.

3 He said he didn't see their faces and couldn't
4 identify them. He said, however, that the man was
5 around six feet one or six feet two inches tall, that two
6 of the girls were average height which, in his mind, was
7 five feet seven or eight inches. The third girl was small,
8 about five feet.

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1 Tex is six feet one or six feet two inches tall.
2 Sadie and Katie appear to me to be around five feet five
3 or five six or seven inches, and Linda is obviously very
4 short. She appears to be around five feet tall.

5 Mr. Weber said to the four persons, "What the
6 hell are you doing?" And the man/^{said,} "Hi. We are just getting
7 a drink of water." It was Tex.

8 Around that time, Mr. Weber's wife shouted
9 out: My husband is a deputy sheriff, and I think we are
10 going to make a report of this.

11 Weber said that his wife said this merely to
12 scare the people off, and he is not a deputy sheriff or
13 police officer.

14 Weber then saw a car parked down the street
15 and he asked the four if that was their car, whereupon
16 the man answered no, we are just walking.

17 The four people then started walking to the
18 car, and Weber followed them with his flashlight.

19 He observed them get into a car, and with his
20 flashlight he got the license plate number on the car.
21 It was a California license plate GYY 435.

22 He said it was very dark down where the car
23 was parked and he only saw the rear of the car, but he
24 estimated it to be a four-door Chevrolet about ten or 12
25 years old. He said it was a four-door, possibly tan in
26 color.

Well, of course, Swartz' car was a 1959 Ford,

1 which would be between ten and twelve years old.
2 It is a Ford. It is also a four-door, and if you look
3 at the photograph, it is light yellow or beige. Certainly
4 close to tan.

5 I don't think there is any question that it
6 was Swartz's car that Weber saw.

7 We know from Swartz's testimony, of course,
8 that license plate, No. GYY 435 belonged to his 1962 maroon
9 Ford, and that it was frequently taken off the '62 Ford and
10 put on the 1959 Ford when it was driven into town.

11 There just can't be any question in anyone's
12 mind that the car that Rudolph Weber saw was obviously
13 John Swartz's 1959 Ford. No question at all about that.

14 After the four got into the car, Rudolph Weber
15 reached through the driver's window toward the keys, although
16 he said he had no intention of taking the keys, but the man
17 drove off fast.

18 Weber went home and wrote the license number
19 down on a piece of paper thinking that if they had done
20 anything wrong in the area such as burglarizing the area,
21 anything like that, and he found out that there had been
22 a burglary, he would have the license number.

23 However, he said he threw the paper away a
24 couple of months later when he discarded some odds and
25 ends out of his writing desk.

26 He testified that he remembered the number
for two reasons; one, because he thought it was an

1 unusual number, and No. 2, because of his former job at
2 the Brentwood Country Club which involved a good memory,
3 particularly as to numbers.

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Of course, Rudolph Weber, as I indicate again, pointed out where the four people were, and he placed an X, and it is right close to where Linda said they actually were.

Weber also testified to this car being parked in the approximate location where the car was parked on August the 9th, 1969, the same place that Linda said the car was parked.

The testimony of Rudolph Weber, ladies and gentlemen, all by itself, without anything more, proves that Linda Kasabian was telling the truth on that witness stand.

Her testimony concerning this hose incident is very, very closely corresponding. It is almost identical to the testimony of Rudolph Weber.

And there is no way in the world, no way under the stars, that she could have known what happened in the hose incident unless she was one of the persons Weber saw in front of his home. She was the small girl.

Weber's testimony alone proves that Linda Kasabian was with the defendants on the night of the Tate murders.

Thrifty Drugstore should put something out for a sore throat. If you call a doctor, he tells you to take some water.

Jimmy. Jimmy is a student that lives with his

1 parents at 10090 Cielo Drive, two houses down.

2 He testified that at 8:30 on August the 9th he
3 was in front of his house warming up his car when Winifred
4 Chapman came out of the residence screaming hysterically that
5 there was blood and bodies all over.

6 The police were called and they arrived 15 or
7 20 minutes later.

8 John Swartz. Swartz testified that he was a
9 ranch hand at Spahn Ranch between 1963 and 1969.

10 The first part of June, 1969, he traded a 1954
11 Ford for a 1959 in Pueblo, Colorado.

12 He identified this car as being his car,
13 the 1959 Ford.

14 He said he never got a pink slip on the '59 Ford
15 and that the '59 Ford never had its own license plates
16 on it.

17 He said that he brought the '59 Ford to the
18 Spahn Ranch in early June of 1969.

19 He said he removed the back seat of the Ford
20 because the girls at the ranch, including Patricia
21 Krenwinkel and Susan Atkins and Leslie Van Houten,
22 used to go on garbage runs and they had to carry big
23 boxes in the back seat, so he removed the seat.

24 During August of 1969, Swartz also purchased
25 a maroon 1962 Ford for \$60 from a man named Townsend.
26 Townsend gave him a pink slip for the car but did not sign

1 the pink slip over to him.

2 He, of course, produced a pink slip on the
3 witness stand, which is marked 99, it looks to me, and you
4 will notice in the upper right-hand corner there is a
5 license plate GYY 435.

6 That is the license plate that Rudolph Weber
7 saw on the car at approximately 1:00 a.m. in front of his
8 home.

14d fls.

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1 Swartz testified that Manson and the other
2 members of the Family frequently used the 1959 Ford, but
3 they usually asked him for permission.

4 However, on one occasion, they did not ask
5 him for permission.

6 "When was that?

7 "Well, it was one night I had gone to bed and
8 the car started up and left.

9 "Now, where did you sleep at the ranch, sir?

10 "I slept in the trailer house next to Mr.
11 Spahn's house.

12 "Did you recognize the sound of your engine
13 when it started up?

14 "Yes.

15 "Any doubt about that?

16 "No doubt at all.

17 "About what time was this when you heard
18 the engine to the '59 Ford start up?

19 "I have got no idea. It was sometime during
20 the night.

21 "What time do you normally go to bed there
22 at Spahn Ranch?

23 "9:00, 10:00 o'clock."

24 Linda said that both nights they drove off
25 of Spahn Ranch about an hour after suppertime, which would
26 be 9:00 or 10:00 o'clock.

1 "You say you heard the engine to your '59
2 Ford start up. Did you look out the window of
3 your trailer?

4 "I got up and looked out the window and all
5 I could see was the taillights of the car leaving
6 the driveway.

7 "Were you out at Spahn Ranch on August the
8 16th, 1969?

9 "Yes, I was.

10 "Were you arrested that day?

11 "Yes, I was.

12 "For grand theft auto?

13 "Yes.

14 "Were you released shortly thereafter?

15 "Yes.

16 "Using August 16th, 1969, as a base of
17 reference, when was this incident that you have
18 just referred to where you heard your car being
19 started up and being driven out of the driveway?

20 "Approximately a week and a half to two weeks
21 before August 16th. The date I can't pinpoint right
22 now."

23 Swartz is looking back a whole year earlier.
24 So, it is obvious it would be very easy for him to be
25 off a couple of days.

26 "Q Around that time, the time that you

1 "observed your car being driven out of the parking
2 area of Spahn Ranch, did you give anyone permission
3 to use your car?

4 "Well, this one night I just got through
5 telling you about, I don't remember giving anybody
6 permission to drive it.

7 "How do you happen to remember that particular
8 night?

9 "Well, it is not hard to remember. All these
10 times the people would come up to you and ask your
11 permission; then one night you're lying in bed and
12 then the car starts and leaves.

13 "Now, that is kind of hard to forget.

14 "Now, referring again to that night, do you
15 know when the car was brought back to the ranch on
16 that occasion?

17 "It was back the next morning.

18 "You don't know when it came back?

19 "No, I don't.

20 "But you observed it there the next morning?

21 "Yes, I did.

22 "Now, you testified on cross-examination that
23 you had a conversation with someone and you said he
24 told you that he did not want to wake you up, is that
25 correct?

26 "I just asked Charlie why the car was taken,
you know, without coming to me first.

14e fls. 1

"He said he did not want to wake me up.

"When you said 'he,' you were referring to Charles Manson?

"Yes, sir.

"When did you have this conversation with Charles Manson?

"Well, it was the next day.

"The day after the car was taken off the premises without your consent, is that correct?

"Yes."

Now, although we can't be sure, the likelihood, the strong likelihood, is that the night when the car was taken without Swartz's consent was the night of the Tate murders, and as we know, Manson did not accompany the killers that night.

So, the mere fact that Swartz asked Manson why the car was taken without his consent, and the fact that Manson was aware of the car being taken, does not mean that Manson was with the defendants that night, the night of the Tate murders. He simply did not go along.

He certainly and obviously was aware that it was Swartz' car that was driven off the parking lot that night. In fact, he saw the killers off.

Let's look at some more of Swartz' testimony.

"Well, you have told us about one night now when you did not give anyone permission to drive it.

1 "That was a week or two before August 16th; is that
2 correct?

3 "Yes, that's right.

4 "On any other night, around that period of
5 time, did you give anyone at the Spahn Ranch permis-
6 sion to take your car off Spahn Ranch?

7 "Oh, one other night the people said they were
8 going to go downtown and play some music, so I told
9 them to go ahead and take the car.

10 "Who were these people?

11 "Charlie and the girls and some other guys.

12 "What girls are you referring to? The defendants?

13 "I can't remember who aside from Charlie was
14 going to go.

15 "You say there was Charles Manson?

16 "Right.

17 "Do you know of your own knowledge what girls
18 were with Manson?

19 "No.

20 "Any men with Manson?

21 "There might have been a couple because I
22 can't remember exactly who they were.

23 "When was this incident in relation to the
24 incident you have just referred to when you observed
25 your car being driven off the parking area without
26 your consent?

"It was within the same amount of time, a week

1 "and a half or two weeks.

2 "Was it on consecutive nights or was there a
3 separation?

4 "I don't know whether it was consecutive nights
5 or not."

6 But he said it was around the same period of
7 time, this night. The other night when Charlie did ask
8 him for permission, it very likely was the night of the
9 La Bianca murders,

10 Two nights. Two nights right around this
11 exact period of time, the exact period of time of the Tate-
12 La Bianca murders, Swartz says that his car was taken off
13 from Spahn Ranch, and Manson had something to do with it.
14 Both nights.

15 Swartz testified that during the summer of
16 1969, the 1962 Ford was never in operating condition.
17 He and members of the Family would take the license plate
18 off of the '62 and put it on the '59.

19 14 fls.
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14F-1

1 However, on one occasion, he couldn't place the
2 time in relation to August 16th, he testified that Manson
3 took license plate No. GYY 435 off the '62 Ford and put it
4 on the '59 Ford without Swartz's consent. He doesn't
5 remember what date that was.

6 Swartz said his car was impounded at a
7 garage on Deering Street in Canoga Park on August 16th,
8 1969, and we learned from the testimony of other people
9 that the garage was Howard Sommers' garage.

10 On that date, August the 16th, his car was
11 taken and impounded. He said that the license plate of
12 the '62 Ford, GYY 435, was on the '59 Ford, but he forgets
13 how it got there.

14 When I asked Swartz how he referred to the group
15 that lived out at the ranch, he replied: Well, if I talked
16 to one of the other men that worked there, I would say
17 Charlie and the girls, or Charlie and the boys, or I would
18 say the Family once and a while.

19 He didn't say the girls, he didn't say the
20 boys, he didn't say Danny DeCarlo and the boys and the
21 girls, he didn't say Tex and the girls or Tex and the
22 boys. He said Charlie and the girls, and Charlie and the
23 boys. Because that Family out at Spahn's Ranch was Charles
24 Manson's Family. That is why.

25 Swartz testified that he was not a member of
26 the Family. He didn't quite look like the type.

1 His recollection of what Tex was that Tex spent
2 most of his time working on dune buggies.

3 Not only do we know from Linda Kasabian's
4 testimony and Rudolph Weber's testimony that the killers
5 were driving Swartz's car on the night of the Tate murders,
6 but even from Swartz's testimony, using August the 16th,
7 1969, as a base of reference, it very strongly appears
8 that the two nights that Swartz referred to, one of which
9 the car was taken without his consent, was the night of the
10 Tate and the La Bianca murders.

11 Paul Tate, Sharon's father, identified photographs
12 of his daughter and also Jay Sebring and Voityck Frykowski
13 and Abigail Folger in life.

14 Wilfred Parent, Steve's father, identified a
15 photograph of his son in life.

16 Mrs. Chapman. As I indicated to you at the
17 start of my argument, I will discuss, now and then, a
18 part of a witness's testimony at one point in my argument
19 and then later on pick up at another point.

20 Mrs. Chapman testified that on the morning of
21 August the 9th, Saturday morning, she arrived at the Tate
22 residence somewhere between 8:00 and 8:30 a.m., and when
23 she arrived at the front gate she noticed several wires
24 draped over the gate.

25 When she walked up the driveway, she passed
26 the garage and turned off the light that was outside the

1 garage.

2 Mrs. Chapman testified that this light right
3 here was on when she arrived at the premises Saturday
4 morning. This light here was on. She pointed it out
5 in People's 6. That is the garage and the driveway.

6 Keep one point in mind. Mrs. Chapman testified
7 before Linda Kasabian took the witness stand, and then
8 after Linda Kasabian took the witness stand Mrs. Chapman
9 was recalled to the witness stand for some further
10 testimony concerning her observations on the morning of
11 August the 9th.

12 14g fls.

14g-1

1 Winifred Chapman pointed out the light being
2 on the second time she took the witness stand. This was
3 after Linda Kasabian had testified. So, before Winifred
4 Chapman pointed out this light as being on, before she
5 took the witness stand and pointed that out, Linda Kasabian
6 had previously testified. She had previously testified that
7 on the night of the Tate murders there was a large outside
8 light on on a building located in the driveway of the Tate
9 residence, and Linda, on People's 16, pointed out this
10 light.

11 This light is the very same light that Winifred
12 Chapman pointed out in People's 6 for identification.

13 Now, there is just no way in the world that
14 Linda Kasabian could have known that a light was on in
15 the driveway at the Tate residence if she wasn't with these
16 defendants, ladies and gentlemen, on the night of the Tate
17 murders.

18 Linda's testimony about that light being on was
19 before Winifred Chapman's testimony about that light.

20 Mrs. Chapman testified that she entered the
21 residence with a key, entering the house through the
22 back door which leads to the kitchen, and picked up the
23 telephone and discovered it was dead.

24 She walked through the dining room into the
25 hall to awaken someone to tell them the phone was dead
26 when, in her words, she saw what was too much.

1 Obviously, she was referring to the dead bodies.
2 For her benefit, we did not press her to testify to her
3 observation in detail.

4 Mrs. Chapman identified People's 26 as a photograph
5 of the dining room. It is a photograph of other things, too,
6 but a photograph of the dining room, showing a bouquet of
7 flowers on one of the tables inside the dining room.
8 And she said that there was, in fact, a table. And this
9 is the dining room at the Tate residence, and there was, in
10 fact, a bouquet of flowers located on that dining room
11 table around the time of the murders.

12 You recall that Linda Kasabian testified, ladies
13 and gentlemen, that when Tex was cutting the screen and
14 she observed Tex cutting the screen, she looked in the
15 window and she said she saw a bouquet of flowers on top
16 of a table. And Linda also identified People's 26 as
17 a photograph depicting what she saw on the night of the
18 Tate murders.

19 Mrs. Chapman testified, of course, that she
20 ran out the front door of the residence, and she said
21 the front door was open.

22 She entered through the back door, she ran
23 out the front door, and the front door was already open.

24 Officer DeRosa. He was the first police
25 officer to arrive at the scene, arriving at about 9:05
26 a.m. on August the 9th, in response to a possible homicide

1 radio call.

2 He was working for the West Los Angeles
3 Division of the LAPD at that time.

4 He was met by Mrs. Chapman and Jim Ayeson.

5 He testified to observing Mr. Parent dead
6 behind the driver's seat of the Rambler as depicted in
7 this People's Exhibit which I have already shown you a
8 photograph of.

9 He said that the engine to the Rambler was
10 off. The lights to the car were off. All the doors were
11 closed and all the windows were closed except for the
12 driver's window which was open.

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1 He testified to examining the premises with
2 Officer Whisenhunt and Officer Burbridge who arrived later,
3 and to discovering the dead bodies of the five victims.

4 He identified a considerable number of photographs
5 of the murder scene, including photographs of Sharon Tate,
6 Abigail Folger, Voityck Frykowski and Jay Sebring, and
7 also, as I have indicated, Steven Parent.

8 These are the five victims, ladies and gentlemen,
9 as they appeared in life.

10 That is Sharon Tate, Jay Sebring, Voityck
11 Frykowski, shown here with Abigail Folger; and here is
12 Steven Parent.

13 This is the way the beautiful Sharon Tate
14 looked in life, ladies and gentlemen.

15 This is the ghastly, horrifying way she looked
16 after Susan Atkins and Tex Watson and Patricia Krenwinkel
17 savagely murdered her.

18 Likewise, with the other victims, Voityck
19 Frykowski and Abigail Folger. Here is Abigail Folger lying
20 dead on the front lawn of the Tate residence.

21 You will notice she does have long dark hair
22 like Linda Kasabian testified, and she is wearing a white
23 gown.

24 You recall that Linda testified that Patricia
25 Krenwinkel was chasing a woman with an upraised knife,
26 and that the woman had on a white gown and had long dark

1 hair.

2 That is Abigail Folger. This is Voityck
3 Frykowski in death on the front lawn of the residence.

4 DEFENDANT MANSON: In color, too.

5 MR. BUGLIOSI: Here is a picture.

6 DEFENDANT MANSON: He wouldn't want to influence
7 your mind.

8 MR. BUGLIOSI: Here is a picture of Jay Sebring
9 alive, and in death.

10 I have already shown you a photograph of Steven
11 Parent in life, and then dead behind the driver's seat of
12 the vehicle.

13 As you can see, all five victims were brutally
14 and savagely murdered, cut down, butchered to death by
15 Tex, Katie and Sadie, to satisfy their master's, Charles
16 Manson's, mission of murder.

17 MR. KANAREK: Your Honor, if I may, Mr. Bugliosi
18 is allowed to make his description, but your Honor is
19 going to make a certain ruling concerning Linda Kasabian,
20 and I don't think that it is fair, basic fairness, for
21 him to make these horrendous statements without including
22 Linda Kasabian, in view of the instruction that your Honor
23 is going to give.

24 MR. BUGLIOSI: He is arguing in front of the jury,
25 your Honor, and I object.

26 MR. KANAREK: This is not argument.

THE COURT: State your objection.

1 MR. KANAREK: The objection is, as your Honor well
2 knows, she is being declared an accomplice as a matter of
3 law.

4 THE COURT: The objection is overruled.

5 DEFENDANT MANSON: Everything is overruled, Irving.

6 MR. BUGLIOSI: You can be an accomplice, ladies and
7 gentlemen, without picking up a knife and plunging it
8 into another human being, and the evidence shows that Tex,
9 Katie and Sadie did that, not Linda Kasabian.

10 That is the evidence that came from the witness
11 stand under oath.

12 Officer DeRosa also saw the word "pig" printed
13 in blood on the outside of the front door of the Tate
14 residence.

15 These are two photographs, a close-up of the
16 front door of the Tate residence.

17 There are many other photographs that he
18 identified which are all self-explanatory and which I
19 won't go into with you at this time, photos of blood at
20 the residence, the glass, the two trunks. You have already
21 seen the photographs. However, all of these exhibits, as
22 I said, you will see back in the jury room.

23 DeRosa testified that there was a porch light
24 on near the front door of the Tate residence when he
25 arrived at the scene.

26 At the front door of the Tate residence there is

1 a light.

2 This photograph was taken in the morning,
3 Saturday morning, August the 9th.

4 You recall that Linda Kasabian also testified
5 that when she was in front of the Tate residence and Tex
6 was stabbing Voityck Frykowski, she observed that there
7 was, in fact, a light on near the front door of the Tate
8 residence. And this is consistent with her testimony.

9 DeRosa also testified to observing a light
10 on on the outside of the rear door of the residence, and
11 one leading to the pool.

12 Of course, Linda did not go back there. She
13 was in front of the Tate residence. She did not go back
14 here. But this photograph shows the light being on near
15 the back door of the Tate residence, the one leading to
16 the pool area.

17 THE COURT: It is 4:30, Mr. Bugliosi.

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

21 The court will adjourn until 9:00 a.m. tomorrow
22 morning.

23 (Whereupon at 4:29 o'clock p.m. the court was
24 in recess.)
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