

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

158

No. A253156

REPORTERS' DAILY TRANSCRIPT

Wednesday, December 30, 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.~~

For Deft. Krenwinkel:

MAXWELL KEITH, Esq.  
PAUL FITZGERALD, Esq.

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

COPY

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

2 9:00 A.M.

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

8 THE COURT: All counsel are present.

9 I called you in, gentlemen, to tell you that  
10 this morning we will recess at 11:15, for the noon recess,  
11 rather than 12:00, in order to permit Mr. Manson to go to  
12 Department 100 for arraignment in another matter.

13 MR. KANAREK: Then, your Honor, I have a motion that  
14 your Honor annul that order.

15 I make a motion we adjourn these proceedings  
16 or, in the alternative, that we adjourn and go before  
17 Judge Lucas in Department 100, if the matter is deemed to  
18 be before him, where I think it is, so that we might try to  
19 convince him --

20 It is our allegation that the District Attorney  
21 of Los Angeles County at this time in this case is  
22 deliberately --

23 THE COURT: Do you have a motion to make, Mr. Kanarek?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: All right, make it.

26 MR. KANAREK: I have to --

1 THE COURT: Make the motion.

2 MR. KANAREK: My motion, your Honor, is first that  
3 your Honor voir dire the jury to determine whether or not  
4 the jury has any knowledge of these proceedings concerning  
5 what I read in the paper this morning, which is a joint  
6 indictment of other people.

7 It involves the combining of the so-called  
8 Shorty Shea case and the Hinman case, and my motion is that  
9 we have an evidentiary hearing, that we call witnesses,  
10 that we call the Deputy District Attorneys and the District  
11 Attorney of Los Angeles County and the Chief Deputy, and  
12 that we take evidence, because it is my allegation this is  
13 done maliciously with the intent to get to the minds of  
14 these purportedly sequestered jurors, so that they will get  
15 some knowledge of these purported indictments.

16 And my allegation is it is a deliberate attempt  
17 on the part of the District Attorney of Los Angeles County  
18 to violate the due process clause of the Fourteenth  
19 Amendment, and deprive Mr. Manson of a fair public trial  
20 that he is entitled to.

21 I cite the Court Riedau vs. Louisiana,  
22 Sheppard vs. Maxwell, Cooper vs. Superior Court.

23 The previous cases are United States Supreme  
24 Court cases; Cooper vs. Superior Court is a California  
25 Supreme Court case where the California Supreme Court makes  
26 note of the fact that proceedings which take place at

1 certain times in a trial can be most prejudicial.

2 The adjournment of these proceedings at 11:15,  
3 at an unusual time, no matter how much we would hope other-  
4 wise, all of this, and all that is going to take place in  
5 Department 100, will be known to this jury no matter how  
6 much Bon-Ami we put on the windows, no matter we exhort the  
7 people at the Ambassador Hotel. It is all over the County.  
8 Lawyers can't believe it. Lawyers believe that the Dis-  
9 trict Attorney is doing this with the intent, because of  
10 some reason or other, they have lost their equilibrium in  
11 connection with this case as far as Mr. Manson is concerned.  
12 They have lost their equilibrium to the point that there  
13 is no question, the only way we can get -- after all, what  
14 we are interested in --

15 THE COURT: Get to the point.

16 MR. KANAREK: I am trying to.

17 THE COURT: You are just wasting time.

18 I have your motion in mind. I don't need any  
19 more argument.

20 Deny the motion.

21 Anything else?

22 MR. SHINN: Join in the motion.

23 MR. FITZGERALD: Yes, your Honor.

24 THE COURT: All right.

25 MR. BUGLIOSI: Tomorrow we will be in session?

26 THE COURT: Absolutely.

1 MR. FITZGERALD: A full day?

2 THE COURT: Yes.

3 (Whereupon, the following proceedings were had  
4 in open court. Jurors present. All counsel, except Mr.  
5 Hughes, present. Defendants absent.)

6 THE COURT: All counsel and jurors are present.

7 You may continue, Mr. Kanarek.

8 MR. KANAREK: Thank you, your Honor.

9 Good morning, ladies and gentlemen, Mr. Bugliosi,  
10 and co-counsel, and Mr. Musich and Mr. Kay.

11 Perhaps it would be helpful for us to together  
12 work to construct a diagram here.

13 Let's call this a neutral line.

14 Let's call this a criminal case.

15 Let's call this a civil case.

1 now, if we -- this is just a feeble attempt to  
2 construct, sort of get a picture about what reasonable  
3 doubt means.

4 In other words, if we have a civil case, the  
5 mere preponderance of the evidence, here to here (indicating  
6 on the chart) dictates a result for either the plaintiff or  
7 the defendant.

8 In a criminal case the burden is on the  
9 prosecution to prove their case beyond a reasonable doubt  
10 and to a moral certainty. (indicating on chart.)

11 An obviously greater -- an obviously greater burden, and  
12 for reasons that Dr. Fitzgerald and Dr. Shinn went into,  
13 there is a reason for that because the defendant sits in a  
14 dungeon, especially in a murder case.

15 No matter if Dr. Jenson were Howard Hughes he  
16 could not make bail in a case like that. We all know that  
17 is a non-bailable charge.

18 And the defendant cannot go about the town  
19 with counsel when he is in custody. Besides having all  
20 the other deprivations of being in custody, he cannot go  
21 about the state; he cannot go about anywhere.

22 So the California Legislature, and the people  
23 that founded our way of life, decided that the prosecution  
24 in a criminal case must prove the defendant guilty beyond  
25 a reasonable doubt and to a moral certainty.

26 And, as co-counsel has so artfully shown,

1 not guilty equals not proven.

2 In other words, it is not a point function;  
3 it is not a matter that there is a particular spot that  
4 amounts to a not guilty verdict.

5 If anywhere in this area (indicating on chart) --  
6 after all the discussion and joint discussions that we  
7 as jurors do in the jury room, after we have done all of  
8 that and we are anywhere in this area (indicating on chart)  
9 where the case has not been proven, then we call it  
10 not guilty.

11 And it is important -- it is important because  
12 there is a tendency by the use of the words not guilty, as  
13 opposed to the word guilty, there is a natural human  
14 tendency that we all have to try and sort of prove it not  
15 guilty as opposed to the guilty, but that is not this case.

16 In this case there is no obligation. In other  
17 words, we demean our law; we demean our way of life; we  
18 demean the very essence of criminal justice if we try to  
19 think in terms of the defendant proving himself innocent.

20 That just is not it.

21 So if that applied -- (indicating chart) the  
22 principles that we are talking about here, there is no  
23 doubt whatsoever that the evidence in this case shows  
24 that Mr. Manson is not guilty.

25 Now, Linda Kasabian, if I may I am going to --  
26 Linda Kasabian obviously fits into the scheme of this trial;

1 she is a great, great percentage of the People's case.

2 Now, what restraint was there as far as Linda  
3 Kasabian was concerned to tell the truth? What restraint  
4 was there?

5 When somebody takes that witness stand -- if  
6 I took the witness stand and I deviated from the truth, or  
7 I filed a declaration with this Court and deviated from  
8 the truth, I would be prosecuted for perjury, probably  
9 before the ink was dry on my signature.

10 The District Attorney of Los Angeles County  
11 brings matters before the Grand Jury. The District Attorney  
12 determines what charges are brought.

13 What restraint is there upon Linda Kasabian  
14 to tell the truth? With this District Attorney's Office  
15 of Los Angeles County, human beings that they are, do you  
16 think that Linda Kasabian would ever be prosecuted for  
17 perjury?

18 In order to prosecute Linda Kasabian for  
19 perjury it would be necessary to prosecute the prosecutors  
20 for suborning perjury if in fact she has committed  
21 perjury.

22 It is important to realize, because when some-  
23 one is on the witness stand, unless the oath has any  
24 significance, a person like Linda Kasabian gets on that  
25 witness stand and merely utters what she wishes to utter,  
26 even under the best of circumstances.



1 But here it is important to note -- I will try  
2 to -- I will give the exact citation to the record in  
3 discussing this case, I think if we -- as we discussed  
4 previously, we will try to forget the personalities, just  
5 look at the evidence and the law.

6 Forget me, forget the prosecution, forget the  
7 personalities of the prosecution, forget the personality of  
8 the Judge and try to only judge credibility where credi-  
9 bility is important.

10 Now, credibility is important when it comes to  
11 witnesses, and when it comes to motivations, that is when  
12 credibility is important.

13 And whether I am a nice guy or I am not a nice  
14 guy is not important. It is not significant.

-1  
1 I had the good fortune to have a professor  
2 named Benno Brink, an esteemed gentleman in this community,  
3 who taught legal ethics at the school that I went to.

4 He was a referee in bankruptcy.

5 He told us, he said, "If you ever have a  
6 situation where your image goes up against your conscience,  
7 you should forget about your image."

8 Now, all of us like to be liked. I don't  
9 think there is any one of us that doesn't want to be liked.  
10 But in this kind of a proceeding, you have to let your  
11 conscience be your guide, not what you would like.

12 And remember that what is done in this type of  
13 proceeding, as we have said, it is an adversary proceeding,  
14 it is not like scientists.

15 For instance, in the scientific world, people  
16 put their heads together. That is, a scientist in  
17 Venezuela will know that a man in Boston is working on the  
18 same problem, and they get together, they cooperate.

19 In that field of life there isn't the adversity  
20 that there is in law.

21 So, it is a fact of life in law that there is  
22 this adversity.

23 For instance, right before you, the phalanx of  
24 prosecution people and detectives that kept all of us  
25 from talking to defense witnesses. Literally like the  
26 infantry.

1           These are things to consider when you consider  
2           the credibility of the witness.

3           Linda Kasabian, for instance, was aware of her  
4           position in this courtroom. And I think we can leave it  
5           to those of us that are on the jury to decide whether we  
6           had any opportunity to talk to Linda Kasabian.

7           Now, at Page 4762 of the transcript, and the  
8           following pages, Mr. Bugliosi asked -- as a matter of fact,  
9           the first question Mr. Bugliosi asked Linda Kasabian -- and  
10          if I may just make this point: I think the Court will  
11          instruct us, I think the Court will instruct us, that even  
12          though the question is not evidence, the question is to be  
13          considered in the light of the answer.

14          That is, the question that I ask is not evi-  
15          dence, or the question that any lawyer asks is not evidence,  
16          but before you can give meaning to an answer, of course,  
17          we have to consider the question.

18          And I am sure that the Court will instruct us  
19          that that is so, that the question must be used in deciding  
20          the case, because obviously the answer cannot be considered  
21          unless you know what question was asked.

22          The very first question that Mr. Bugliosi  
23          asked Linda Kasabian, Page 4762, was:

24          "Linda, you realize that you are presently  
25          charged with seven counts of murder and one count of  
26          conspiracy to commit murder?"

1 That is the very first question that Mr. Bugliosi  
2 asked.

3 Then the second question that Mr. Bugliosi  
4 asked of Linda Kasabian, the very second question:

5 "Linda, are you aware of the agreement  
6 between the District Attorney's Office and your  
7 attorneys Gary Fleischman and Ronald Goldman?"

8 Then Mr. Bugliosi asked this question:

9 "Linda, are you aware of the agreement between  
10 the District Attorney's Office and your attorneys Gary  
11 Fleischman and Ronald Goldman that if you testify to every-  
12 thing you know about the Tate-La Bianca murders, the District  
13 Attorney's Office will petition the Court to grant you  
14 immunity from prosecution and dismiss all charges against  
15 you?

16 "Are you aware of that agreement?

17 "A Yes, I am aware."  
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4a-1

1 And I think that we can consider, in discussing  
2 and thinking about the credibility of Linda Kasabian, the  
3 word "if" that is in that question, because this girl,  
4 until -- it wasn't until many, many days into her examina-  
5 tion, it wasn't until well into her cross-examination  
6 that she was granted immunity.

7 Assuming for the sake of argument that every-  
8 thing that had happened in connection with Linda Kasabian  
9 was on the up and up, that there weren't people like  
10 Mr. Gutierrez threatening with the gas chamber.

11 I don't know, I can't say that he did it to  
12 Linda Kasabian, because we have no record. By that time,  
13 Officer Gutierrez had probably been given a good bawling  
14 out for taking a transcript of Dianne Lake. So, there  
15 is no record of what happened between Officer Gutierrez  
16 and others and Linda Kasabian.

17 So, assuming the very best, that she came to  
18 this courtroom, let's say, without having spoken one  
19 word with any prosecutor, if we can possibly put ourselves  
20 in that position of being on that witness stand and knowing  
21 that the people who are asking her these questions have  
22 power to grant her immunity for seven counts of murder  
23 and one count of conspiracy, knowing that, having that  
24 in mind, is it humanly possible, with the best of intentions,  
25 to recollect and candidly send forth answers to questions?

26 I think we can consider that as to whether that

4a-2

1 is humanly possible or not. Seven counts of murder, all  
2 of the attendant surrounding publicity that has gone with  
3 that at that time, as far as Linda Kasabian was concerned,  
4 her desire to be reunited with her child. Was it humanly  
5 possible for Linda Kasabian to tell the truth, and knowing  
6 full well that the same people who are asking her the  
7 questions are the ones who would be prosecuting for perjury.

8 Having that relationship in mind, for instance,  
9 could my mother, no matter how bad I have been, could  
10 my mother prosecute me for perjury? Could my mother do  
11 that?

12 It depends on the relationship of the parties.

13 Mr. Bugliosi and Linda Kasabian were on a  
14 "Linda-Vince" type of relationship.

15 I know from the witness stand that she called  
16 Mr. Bugliosi "Mr. Bugliosi." I don't think you will find  
17 it in this record where she called Mr. Bugliosi "Vince."  
18 But there is no question that in this record Mr. Bugliosi  
19 called her "Linda" throughout this.

20 So, there is that empathy, there is that  
21 relationship, that we have to consider, that intangible,  
22 that which is beyond the written page and beyond the  
23 spoken word.

24 And that is why we have juries to evaluate,  
25 to bring their experiences of life.

4b fls.

4b-1

1 As Mr. Fitzgerald has said, would you trust  
2 Linda Kasabian where your money is concerned?

3 May I ask you: Can we trust Linda Kasabian  
4 if this was a small claims action?

5 We all know that in a small claims court  
6 you don't even have lawyers. People just get up and tell  
7 both sides of the story.

8 Would you allow Linda Kasabian to judge a  
9 small claims action where fifty or a hundred bucks was  
10 involved?

11 It is something to consider.

12 It is interesting to consider that Linda  
13 Kasabian was not given this immunity at the beginning.  
14 She wasn't given the immunity until well into her  
15 testimony.

16 Now, if I may go to page 4780 of the  
17 transcript. And again, I think the point has already  
18 been made to us by Mr. Shinn, and I think by Mr. Fitz-  
19 gerald, about the fact that Mr. Bugliosi, I believe, in  
20 his summation to us, stated what he did state about  
21 Linda Kasabian.

22 He referred to the direct examination.

23 I don't believe, I may be in error, Mr.  
24 Bugliosi hasn't given us the benefit of his citations  
25 from the record, and I have found it most difficult to  
26 try, in the time that we have to prepare after his

4b-2

5 fls.

1 argument, you can only prepare so much prior to his argument,  
2 and I must confess that I have difficulty in finding it in  
3 the record, mechanical difficulty, because of the fact of  
4 the lack of citation to the page numbers.

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1 So if we can keep that in mind, it may be  
2 significant.

3 Page 4780, Linda Kasabian:

4 "Q What was your particular problem why  
5 you left Bob?

6 "A I didn't feel that he was ready to  
7 accept myself and the child as a responsibility."

8 Then Mr. Bugliosi goes on at the bottom of  
9 page 4780 -- after I give you some background I will read  
10 a little about which he says:

11 "Did you have Tanya with you at the  
12 time?

13 "A Yes.

14 "Q You did bring Tanya with you from New  
15 Hampshire?

16 "A Yes.

17 "Q Did you ever go to live at Spahn Movie  
18 Ranch in Chatsworth, California?

19 "A Yes, I did.

20 "Q On what date did you go there?

21 "A It was July the 4th.

22 "Q 1969?

23 "A '69, right.

24 "Q What were the circumstances surrounding  
25 your going to Spahn Ranch?"

26 Now, there we have the kind of question where we

5-2 1 can get some kind of insight into this girl's credibility,  
2 because she now is going to give an answer, beginning at  
3 4782, wherein she has that question in mind, that particular  
4 question was not answered by her because of a ruling by  
5 the Court.

6 But that question had just been asked of her  
7 when Mr. Bugliosi asked her:

8 "Who is shown in this photograph?

9 "A Gypsy.

10 "Q Do you know her by her real name?

11 "A Kathy.

12 "Q Does the name Katherine Share ring a  
13 bell?

14 "A Yes.

15 "Q You know her as Gypsy and Kathy?

16 "A Also she told me Minine or Minone.

17 "Q Did you see Gypsy or Katherine or  
18 Minone, or whatever you called her, the girl  
19 shown in People's 28 for identification, did  
20 you see her on the date of July 4th, 1969?

21 "A Yes, I did.

22 "Q Where did you see her for the first  
23 time that day?

24 "A She was at Topanga Lane.

25 "Q Was she visiting someone in the truck?

26 "A Yes, she had come to see somebody.

5-3

1 "Q Who was that?

2 "A Charlie Melton.

3 "Q Had you ever seen Gypsy before that  
4 day?

5 "A No.

6 "Q Did Gypsy have anything to do with your  
7 going to Spahn Ranch?

8 "A Yes, she did.

9 "Q How was that?

10 "A She told me about a beautiful" --

11 And there was objection,

12 And further on, at page 4799, Mr. Bugliosi is  
13 asking Linda Kasabian:

14 "What did Mr. Manson say to you and what  
15 did you say to him on this first occasion, July 5th,  
16 1969?

17 "A He asked me why I had come."

18 You remember, she had previously been asked  
19 the circumstances of her coming to Spahn Ranch.

20 Now remember, this is July 5th, 1969. She had  
21 just been asked what were the circumstances.

22 And she now is answering a question:

23 "Mr. Manson," she says, "he asked me why I  
24 had come," and this is what she says:

25 "I told him that my husband had rejected  
26 me, and that Gypsy told me I was welcome here as

5-4

"part of the Family."

Now, the question that we have to consider in connection with that answer, since we know or have reason to believe that she had stolen \$5,000, the important question is what was she trying to convey to us?

Does she mention anything at this point concerning the \$5,000? You can tell from what occurred in this courtroom that that \$5,000 was a very significant and important motivating factor as to Linda Kasabian.

So when she is sitting here on the stand discussing something that she talked about with Mr. Manson, she doesn't tell us anything about the \$5,000.

All right. Let's say that she answered this question candidly, honestly in that she was only -- in that she only answered what she told Mr. Manson.

Let's say -- let's look at this for a minute.

Speaking of Mr. Manson, she said "He asked me why I had come."

Now, she does not mention anything there about the \$5,000. So, no matter which way you look at it, either she lied to Mr. Manson or she lied in this courtroom, or both.

If you take this literally, there is no mention here on July 5th, 1969, about the \$5,000, and that is one of the troubles -- maybe some of us won't agree with me about my analysis -- but some of the troubles with oral

5-5

1 testimony is there is a tendency on the part of all of us  
2 to forget it.

3 God knows we have the benefit of the transcript  
4 here, but still with my notes and having gone over this  
5 and burnt the midnight oil, so to speak, I still cannot  
6 zero in on it as well as I would like to.

7 And so, in the jury room, regrettably, the  
8 same phenomenon exists.

9 We don't have the benefit of the words. And  
10 this particular sentence here, this particular sentence,  
11 maybe it doesn't have the significance that we think it  
12 does. We think it does have significance because -- because  
13 there is no mention either to Mr. Manson or to us about the  
14 \$5,000, and as of July 5th, 1969.

15 She had already made love with Mr. Watson on  
16 July 5th, 1969, according to her testimony.

17 According to her testimony later on, on cross-  
18 examination, no mention of this \$5,000 on direct examination.

19 She had that \$5,000 so much in her mind that  
20 I think all of us will recall before that \$5,000 got into  
21 evidence, where we all heard about it, there was a certain  
22 question, certain colloquy, certain banter by Linda Kasabian.

23 Linda Kasabian -- may I -- maybe we can think  
24 about it this way:

25 Does Linda Kasabian look to you like a girl --  
26 look like a girl that was -- I don't know how to put it.

1 Do you think that Linda Kasabian, for instance,  
2 had the credibility that Dr. Noguchi had or Dr. Katsuyama?  
3 Comparing one with the other.

4 Dr. Noguchi and Dr. Katsuyama, those people --  
5 those people testified in this courtroom. They testified --  
6 they testified objectively; they do their work; they come  
7 here, those particular gentlemen, and they have testified  
8 candidly.

5a fls.

5a-1

1 They are uninterested in this litigation. They  
2 have no stake in this litigation. They are doing their job.  
3 They really are doing their job. They are not trying to  
4 press for results.

5 Can we say that this is the same with Linda  
6 Kasabian and other prosecution witnesses?

7 And I think that we think of the banter, back  
8 and forth with Linda Kasabian, I think we have some insight  
9 into her credibility.

10 But this, right at the beginning, the very  
11 beginning, how can that be answered?

12 Page 4799, Lines 12 through 15, it exonerates  
13 Mr. Manson of any knowledge of this \$5,000.

14 This girl came to the ranch, came to this area,  
15 took \$5,000, and although some of us may dispute it, looked  
16 at it one way or the other, I think we can agree that Tex  
17 Watson got this \$5,000.

18 And so, for what it may be worth, I think right  
19 at the very beginning this shows how this girl was con-  
20 ditioned to answer questions, to make statements that were  
21 dishonest, statements that were to perpetuate the viewpoint  
22 that she wanted to perpetuate.

23 At Page 4780, Line 5 -- let me just develop for  
24 a moment on this colloquy:

25 "Did you have Tanya with you at the time?

26 "A Yes.

1           "Q       Did you bring Tanya with you  
2       from New Hampshire?

3           "A       Yes.

4           "Q       Did you ever go to live at Spahn  
5       Movie Ranch?

6           "A       Yes.

7           "Q       On what day did you go there?

8           "A       It was July 4, 1969."

9           Now she professes to have a great love  
10       for her daughter. She had never seen Gypsy before  
11       in her life. She took her daughter -- no matter what the  
12       surroundings were, was Linda Kasabian thinking of Linda  
13       Kasabian or was Linda Kasabian thinking of Tanya when she  
14       left the area that she lived with Mr. Melton?

15       She professes to have great love for her child;  
16       she has this mother feeling towards the child. Right at  
17       the very beginning she is leaving her husband who presumably  
18       would have some feeling for this child, and is going into an  
19       atmosphere, an area that is completely strange, no matter  
20       what that might have been.

21       I think that even in connection with this  
22       professed love for her child that there is dishonesty.

23       She went wherever she went because Linda wanted  
24       to go where she wanted to go. She did not think of Tanya.

25       Those of us who are on the jury, who are mothers  
26       or fathers, would we upon an instant's notice leave, take



1 our children, our child out of a home atmosphere, whatever  
2 it might have been, in that truck?

3 If the mother wished to leave, she could leave;  
4 and if she wished to have sexual experiences, or new excite-  
5 ment somewhere else, because of her -- whatever it might  
6 have been between herself and Mr. Kasabian, if she were not  
7 a selfish person she would leave that child somewhere where  
8 it would be in good hands, but not just take the child,  
9 take the child out of whatever home atmosphere that was,  
10 no matter how humble it may have been or no matter how  
11 sordid, and just on an instant's notice leave.

12 But I think if we look at circumstances here,  
13 I think what was in back of Linda Kasabian's mind, here,  
14 was, "Here is an opportunity to get the five grand."

15 In other words -- in other words, Linda sees  
16 in Gypsy, and here we have, I think the heart of this --

17 We have been told that Mr. Manson is  
18 manipulating people. If we look, I think, at the mosaic,  
19 if we look at the detail of what went on with Linda  
20 Kasabian, and look upon what Linda Kasabian has done in  
21 her lifetime, Linda Kasabian, I think we will conclude, is  
22 the manipulator.

23 Linda Kasabian is the person who can get a man  
24 like Joe Sage to pay the money that he paid, and then she  
25 doesn't even return to him.

26 Certainly we can assume that her relationship

1 with Mr. Sage was an emotional relationship, and because of  
2 her femininity, this is a fair inference, this is why  
3 Mr. Sage paid this money and she even defrauded him of  
4 that after she had obtained from him what she wanted.

5 I think that something we should consider is.  
6 "two days."

7 The interesting thing here in this is that we  
8 are in a court of law, as Mr. Fitzgerald has said, we are  
9 in a court of law, and the prosecution has alleged a  
10 conspiracy of two days -- two days is what has been  
11 alleged as far as the conspiracy goes.

12 Now, I think that in considering this case,  
13 that this is important, and as we proceed to go through the  
14 evidence here I would like to focus attention upon the  
15 fact of the two days, because no matter what else the  
16 prosecution would have us believe, we certainly have a right  
17 to rely upon what the charges are.

18 Since they have spoken of these two days, let's  
19 keep that in mind as we go through and analyze the evidence,  
20 because Linda Kasabian has stated, I think all of us  
21 will remember, Linda Kasabian has stated that she did not  
22 know of any intent to kill.

23 Now, she at that time was, the prosecution  
24 alleged, was a co-conspirator. She was a defendant in  
25 this very courtroom.

26 Now, if she was a defendant in this very

1 courtroom, and she was a co-conspirator and did not know  
2 about the conspiracy, this is significant!

3 When she went out, she professed up and down  
4 from that witness stand, that she did not know that there  
5 was going to be any murder on what we have called the first  
6 night.

7 This is significant, and something that we  
8 should consider.

9 Linda Kasabian has throughout her testimony  
10 indicated that she had no concept of time. Throughout her  
11 testimony she told us that time did not mean anything to  
12 her; that dates did not mean anything to her.

13 Any time that you tried to determine from her  
14 when something happened, she said that she did not pay  
15 any attention to time.

16 Now, when Linda Kasabian was first spoken to  
17 by the prosecution, presumably her memory would be much  
18 fresher than it is at the time when she comes to court many  
19 months later.

1 In determining reasonable doubt, burden of  
2 proof, and all of that, it is significant that the  
3 prosecution had the power to record every word that Linda  
4 Kasabian uttered.

5 They chose not to. They chose not to record  
6 every word that she uttered when they interviewed her.

7 Now, whatever their reasons may be, it means  
8 that we are deprived of critical information in this  
9 courtroom. We can't tell for sure, we don't know for  
10 sure, even assuming that Linda Kasabian is telling the  
11 truth for a moment, with her concept of time as she says it  
12 is, how do we know? How do we know when anything occurred?  
13 Whether it occurred?

14 If we look at Page 4977 of the transcript:

15 "On the date August 8, 1969, Linda,  
16 were you still living at Spahn Ranch?

17 "A What was the date?

18 "Q August the 8th, 1969.

19 "A I presume."

20 Now, then, the next question:

21 "At any time during the day, do you  
22 recall Mr. Manson saying anything about helter  
23 skelter?

24 "THE WITNESS: May I ask you something?

25 "THE COURT: No. Just answer the question.

26 "Q Do you recall my last question,

1 "Linda?

2 "A No."

3 Now, the Court is going to instruct us, one of  
4 the instructions, or a part of one of the instructions,  
5 is going to contain language to the effect that these  
6 conspiracies are alleged, or this conspiracy is alleged to  
7 have taken place on these two days.

8 MR. BUGLIOSI: Your Honor, that is a misstatement of  
9 law.

10 MR. KANAREK: Well, your Honor, this is going to be  
11 the Court's instruction, and I have the instruction which  
12 your Honor has approved.

13 THE COURT: You don't need to argue about the  
14 instructions, Mr. Kanarek. They will be read by the  
15 Court to the jury, and the jury will take its instructions  
16 solely from those and nothing else.

17 Get to something else.

18 MR. KANAREK: The Court is going to instruct us con-  
19 cerning the fact that the conspiracy is two days. There is  
20 no question about it.

21 THE COURT: That is not an accurate statement,  
22 Mr. Kanarek.

23 MR. KANAREK: Well, then, your Honor, I have it,  
24 and if I may --

25 THE COURT: Get on with your argument, sir.

26 MR. KANAREK: May I have a moment, your Honor?

1 May I have the indictment, Mr. Darrow?

2 The charge that the District Attorney has made  
3 in this case clearly involves conduct of these two nights.

4 Now, of course, I mean, there is no question  
5 that we must take the law -- it is going to be in package  
6 form when we go into the jury room -- Count VIII of the  
7 indictment states that, "On or about the 8th through  
8 the 10th day of August, 1969, at and in the County of  
9 Los Angeles, State of California, the said defendants,  
10 Charles Manson, Charles Watson, Patricia Krenwinkel, Susan  
11 Atkins, Linda Kasabian and Leslie Sangston, did willfully,  
12 unlawfully, feloniously and knowingly did conspire, combine,  
13 confederate and agree together with other persons whose  
14 true identity is unknown to commit the crime of murder,  
15 a violation of Section 187, Penal Code, of California."

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1 And then the indictment recites overt acts

2 The first overt act occurs on August the 8th.

3 They recite four overt acts which I don't want  
4 to belabor us with, but the last one is August the 10th.

5 There is no question about it that this con-  
6 spiracy to commit murder is a conspiracy of two days'  
7 duration that the prosecution is alleging.

8 MR. BUGLIOSI: That is a misstatement again, your  
9 Honor.

10 THE COURT: Mr. Kanarek, that is not an accurate  
11 statement.

12 MR. KANAREK: Then I would ask --

13 THE COURT: You may argue, if you like, that the  
14 conspiracy existed for any particular time, or not at all.  
15 That is not the point. But your statement is inaccurate.

16 MR. KANAREK: May I ask the Court in which way it is  
17 inaccurate? I would like to be as accurate as possible.

18 THE COURT: Let's get on.

19 The jury will be instructed, and you have a copy  
20 of the instructions.

21 MR. KANAREK: I don't know, I just read the English  
22 language. Maybe some of us don't agree, but it seems to  
23 me that from August the 8th to August the 10th.

24 Let's put it this way. Let's say that you were  
25 a defendant -- any one of us could be a defendant -- and we  
26 get a piece of paper from the District Attorney's Office

1 that tells us that between August the 8th and August the  
2 10th we are accused of conspiring or doing something.

3 Fairness, or whatever, common sense, tells us  
4 that these are the charges.

5 Is there anything in this record, is there  
6 anything in this record to show any murders other than  
7 August the 8th through August the 10th, 1969?

8 In any event, the important thing that I think  
9 we should consider is that there is just no showing of any  
10 conspiracy.

11 We have to consider the motivations of the  
12 people who bring these charges.

13 Now, the people who bring these charges, who  
14 brought these charges in this case, they want to get  
15 Charles Manson, for some unGodly reason, which I think is  
16 related to Manson's life style.

17 Even the prosecution doesn't contend that  
18 Mr. Manson was present when any of these events occurred.

19 So what do they do? The District Attorney has  
20 the power, has the naked power, to file any charge that he  
21 wishes.

22 Why doesn't the District Attorney forget about  
23 the conspiracy charge? Why do they put the conspiracy  
24 charge in there? How many times can you hang a man or gas  
25 a man?

26 They put the conspiracy charge in there to



1 confuse us. That is what they put it in there for.

2 They put it in there. Why don't they let the  
3 chips drop where they may and charge Mr. Manson with seven  
4 counts of murder and let us decide that?

5 Because they want to confuse the jury. That is  
6 the reason they put the conspiracy charge in there.

7 They are insulting us as jurors. They are  
8 saying we don't have anything there on the seven counts of  
9 murder, so we will throw in this conspiracy charge, because  
10 conspiracy is the kind of thing that the jury won't under-  
11 stand.

12 They are depending upon us as jurors to become  
13 befuddled. They are depending upon us to become idiotic,  
14 and they are depending upon us to be ignorant when we are  
15 jurors.

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1 This is why the District Attorney brings that  
2 conspiracy charge there. Because the law of conspiracy  
3 has got a lot of words in it, and it is an attempt to get  
4 Mr. Manson no matter what, because they feel that there is  
5 no charge against him.

6 And I think we can show, we can show if we  
7 look at this evidence, that there is no conspiracy.

8 They have alleged two days here, the 8th  
9 through the 10th.

10 The Court, on occasion after occasion, has  
11 restricted statements, statements of various witnesses  
12 that have been restricted to the declarant only.

13 Time after time Judge Older has said, and we  
14 all have heard it, has said that these statements are to be  
15 admitted only against the person who purportedly uttered  
16 the statements.

17 Which brings us to an interesting point, and  
18 that is that evidence does not equal fact. Evidence is  
19 not fact. It is only when we on the jury decide that  
20 certain facts occurred or have occurred. That is the only  
21 time that evidence becomes facts.

22 And when evidence is admitted against one person  
23 only, by definition -- by definition -- we can't use those  
24 statements to prove a conspiracy.

25 Now, of course, it takes a lot of work, and  
26 it is boring, and there is no flare to it, but a lot of

6b-2 1 things take a lot of work. There was a lot of drudgery  
2 in building the Golden Gate Bridge, and there was a lot  
3 of drudgery in building Hoover Dam, or whatever it might  
4 be called now. And drudgery is necessary sometimes.

5 Real-life trials are not Perry Mason-type  
6 trials.

7 If we look at the evidence in this case, we  
8 find, for instance -- and it takes a lot of work when you  
9 have got 19,000 pages of transcript -- and those of us that  
10 are on the jury here have a lot of work ahead of us in  
11 going through these matters, it is not an easy job -- statement  
12 after statement in this record reveals the Court ordering  
13 that those statements not be used against anyone except the  
14 purported declarant.

15 What does that mean? It means that you can't  
16 use those statements that are admitted only against one  
17 person to prove a conspiracy because, by definition, a  
18 conspiracy requires more than one person. You can't  
19 conspire with yourself.

20 So, therefore, the statements that are purportedly  
21 Mr. Manson's statements, Mr. Manson's statements from Paul  
22 Watkins and Mr. Jakobson, for instance, those statements  
23 cannot be used to prove a conspiracy.

24 As to Susan Atkins, there is not one iota  
25 of evidence that Susan Atkins partook in any of those  
26 statements. There is no showing that Patricia Krenwinkel

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1 partook in any of those statements. There is no showing  
2 that Leslie Van Houten partook in any of those statements.

3 And again, when you boil it down to the two  
4 days involved, there just is no conspiracy.

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1           You take these 19,000 pages of transcript and  
2 analyze it the way we should analyze it because of the  
3 charges that have been brought, and I think that we are  
4 in agreement that we will not find any conspiracy.

5           Now, if anything that I say up here is wrong,  
6 incorrect, the jurors are the ones to decide whether or  
7 not this is so. But I think, going through this trial,  
8 where is there a conspiracy?

9           And if we look at the motivation behind it,  
10 why the District Attorney has done it, I think that we  
11 have fair reason to believe it is done to muddy the waters.  
12 It is a red herring. It is done to confuse you.

13           And I don't think that we should be confused.  
14 I don't think we should allow ourselves to be insulted  
15 when we become jurors. I don't think that we should allow  
16 ourselves to be part of a situation where the sole purpose  
17 is an attempt to be subtle.

18           Now, at the bottom of page 4977, Linda  
19 Kasabian -- now, Mr. Bugliosi, in connection with -- and  
20 the reason, I think, that we should consider the relation-  
21 ship between Mr. Bugliosi and Linda is because of the  
22 leading nature of Mr. Bugliosi's questions.

23           At the bottom of page 4977 he says, he asks:

24           "During the day of August 8, do you  
25 recall Mr. Manson saying anything about Helter  
26 Skelter?"

1 After having just been asked that question  
2 before, she says, she answers: Yes, I do.

3 Then, at page 4991.

4 Linda says:

5 "Well, Charlie was standing there when  
6 she gave me the driver's license."

7 Referring to Brenda McCann.

8 "No, this was before. I couldn't find  
9 a knife. I remembered seeing one in the saloon,  
10 and it wasn't there.

11 "Then, I believe his name was Larry,  
12 he was half white and half black, he wasn't really  
13 a member but, you know, he was sort of halfway  
14 in between.

15 "He wasn't a member of the Family,  
16 you say?

17 "A Yes. He gave me a knife.

18 "Q All right.

19 "A Then Brenda came along and Charlie  
20 was with her, or they were standing together in  
21 a group, and she gave me the driver's license,  
22 and Charlie told me to go with Tex and do  
23 what Tex told me to do."

24 Now, if this was a conspiracy in connection with  
25 Helter Skelter and these conversations occurred on the day  
26 that Mr. Bugliosi would have us believe that they occurred,

1 why hasn't the prosecution brought in Brenda? Why hasn't  
2 the prosecution brought in Larry?

3 Why was it necessary, why was it necessary for  
4 Linda to inject gratuitously that Larry was half white and  
5 half black?

6 In 19,000 pages of transcript these things are  
7 lost unless we think about them in detail like this.

8 It is very inefficient, it is boring, I repeat,  
9 but that particular colloquy, for instance, is gone forever  
10 unless we consider it.

11 Maybe it isn't important. Maybe we shouldn't  
12 consider it. But here we have Linda on the witness stand  
13 giving Mr. Bugliosi's opening statement.

14 That is what she is doing. She has been  
15 programmed. Why does she inject, at that point, that  
16 Larry is half white and half black?

17 Because Mr. Bugliosi, in speaking with her,  
18 spoke about Tom-Toms. Mr. Bugliosi --

19 MR. BUGLIOSI: There is no evidence of this, your  
20 Honor.

21 MR. KANAREK: This is a fair inference, your Honor.

22 THE COURT: We will take our recess at this time,  
23 ladies and gentlemen.

24 Do not converse with anyone or form or express  
25 any opinion regarding the case until it is finally submitted  
26 to you. The court will recess for 15 minutes.

(Recess.)

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1 THE COURT: All counsel and jurors are present.  
2 You may continue, Mr. Kanarek.

3 MR. KANAREK: Thank you.

4 Now, in speaking with Linda Kasabian -- first of  
5 all I would like to just say, we all say that what is  
6 going on in this courtroom is serious business. We say that.  
7 We verbalize it.

8 Now, in other fields of life, architecture,  
9 engineering, business, insurance or whatever it may be,  
10 the drama or the flare has no place, that is, when a guy is  
11 sitting doing his job in a business establishment, we  
12 don't judge him on his public-speaking ability.

13 We should not judge these cases on someone's  
14 public-speaking ability.

15 We are not here to be entertained.

16 I think we are all in agreement that notwith-  
17 standing the intense interest in this case; that half of  
18 the courtroom consists of the press; we are not here to be  
19 entertained. We are here to solve a problem, a very human  
20 and a very real problem, and if at times it gets rocky,  
21 it isn't because we haven't prepared it and tried to ferret  
22 out the high points from what may be called trivia.  
23 It is not that at all.

24 The very nature of the process requires a  
25 certain amount of ditch digging.

26 I am sure when General Eisenhower was doing



1 whatever he did for D-Day, there was a lot of drudgery, a  
2 lot of detail.

3 Why was that invasion successful? Because of  
4 the staff work that was done, the hard drudging kind of  
5 staff work, and that is what we are here for in this case.

6 We have 19,000 pages of transcript. There is a  
7 lot of drudgery involved in it. We don't wish it to be that  
8 way; we wish it could be entertaining, but I am afraid that  
9 it cannot be because of the nature, the very volume of the  
10 material that we have.

11 Now, very, very significant in this case --  
12 because of Linda Kasabian's place in this case and  
13 because of the evidence in this case that was brought to us,  
14 the Court is making a finding as a matter of law that she  
15 is an accomplice.

16 Mr. Bugliosi in his opening statement to us,  
17 and in his voir dire of the jury, spoke much about accom-  
18 plice and all of that.

19 So we have passed the hurdle as to whether or  
20 not Linda Kasabian is an accomplice. She is. No matter  
21 what Mr. Bugliosi stated in his opening statement to us  
22 about how the jury may have to determine this and that  
23 about an accomplice, this is a fact of life, she is an  
24 accomplice. We are going to be instructed to that effect.

25 Now, the Court is going to instruct us that  
26 using Linda Kasabian's testimony, if it is used at all, it

1 should be viewed with distrust.

2 That Court is going to tell us something about  
3 corroboration. In other words, the Court is going to tell  
4 us that Linda Kasabian's testimony must be corroborated by  
5 other evidence. It must be corroborated by evidence that  
6 is independent of Linda Kasabian, and I think that we can  
7 consider the opening of Mr. Bugliosi -- now, <sup>if</sup> Mr. Bugliosi  
8 was making a speech to the Kiwanis or the Rotarians, just  
9 discussing things, human events or, more or less, just  
10 speaking to a group of people just for the interest  
11 involved, that would be one thing.

12 But it was something else when the prosecution  
13 does not discuss the law.

14 When the prosecution merely discusses the  
15 evidence in a vacuum -- Mr. Bugliosi, outside of first  
16 and second-degree murder that he had on the charge here  
17 before us, outside of that Mr. Bugliosi did not ask us to  
18 apply the law to this evidence, to see where we go from  
19 there, because that is what we are when we are jurors, we  
20 are judges.

21 We take the law that the Court gives us, we  
22 apply it to the evidence and we come up with the  
23 result.

24 That is circumstantial evidence, we think.  
25 The weakness of the prosecution's position, the fact that  
26 they don't discuss the law, they discuss the horrendous --

1 the horrendous bloodiness of it all.

2 So if we can, let's think about the law for a  
3 moment, the law of corroboration.

4 Now, Linda Kasabian must be corroborated.  
5 Now, that means not only her oral testimony but every  
6 exhibit, every piece of physical evidence that the prosecu-  
7 tion presented to us is part of what must be corroborated.

8 Now, if I may, for just a moment, for instance,  
9 let's take this wallet.

10 Now, this wallet does not corroborate Linda  
11 Kasabian. The reason it does not corroborate Linda  
12 Kasabian is because this wallet and all that it stands for  
13 or does not stand for is before us because of Linda  
14 Kasabian's testimony.

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1 In other words, the law of corroboration is not  
2 limited, as we said, just to the oral testimony.

3 Before Linda Kasabian can be corroborated, we  
4 need items; we need exhibits other than exhibits that she  
5 testified to. That she testified about.

6 A picture of Sharon Tate, for instance.

7 Let's take the picture of Mr. Frykowski for  
8 a minute.

9 That picture does not corroborate Linda Kasabian  
10 for this reason:

11 That picture is not tied in to any defendant  
12 except by way of Linda Kasabian.

13 The fact, for instance, the fact for instance  
14 that Mr. Frykowski has passed away. That does not  
15 corroborate Linda Kasabian. The only thing that corroborates  
16 Linda Kasabian, or the only kind of things that can  
17 corroborate Linda Kasabian is evidence that:

18 (1) Connects the defendants with the alleged  
19 crimes and;

20 (2) That connection must be independent of  
21 Linda Kasabian.

22 For instance, you take the picture of Mr. Frykowski.  
23 Now, the way that that picture could be used to corroborate  
24 Linda Kasabian would be if someone who was not an accomplice,  
25 Mr. Garretson, who has a strange place in these proceedings,  
26 someone who was not an accomplice, viewing the same scene,

1 viewing Mr. Frykowski and, let's say that he says that it  
2 happened the way Linda Kasabian said it happened. That  
3 would be corroboration.

4 The picture of Abigail Folger. That does not  
5 corroborate Linda Kasabian because the only connection  
6 between these defendants and Abigail Folger, the only  
7 connection is Linda Kasabian.

8 There is no one to say that that picture  
9 represents anything that Linda Kasabian would have us  
10 believe that it represents.

11 So it would seem to me that the prosecution  
12 would bring this up, would discuss these matters. But the  
13 prosecution has seen fit not to.

14 Now again, we have the wallet here. We have  
15 pictures.

16 We have the pictures that we saw yesterday,  
17 and those pictures -- those pictures, gory as they are,  
18 are not really the pictures that -- that that -- apart from  
19 the fact that it inflames our mind, those pictures do not  
20 show us, do not give us the analytical material to judge  
21 this case.

22 Dr. Noguchi's pictures are different.

23 But again, Dr. Noguchi's pictures do not  
24 corroborate Linda Kasabian.

25 In the law, and we are sitting here as jurors,  
26 we are sitting as judges, and there is no question about it,

1 the word "corroborate" and "corroboration", those are  
2 technical words. Those are more than just technical words;  
3 these are -- these principles of law are there to protect  
4 all of us, because history has shown that people who have  
5 much to gain, people who are alleged accomplices, human  
6 nature being what it is, cannot be depended upon.

7 That is why in a civilized society we have these  
8 principles.

9 Now, the reason that Dr. Noguchi -- Dr. Noguchi  
10 does not corroborate Linda Kasabian in any sense is because  
11 Dr. Noguchi's diagrams do not connect the defendants with  
12 the alleged incidents. That is the reason there is no  
13 corroboration.

14 But if we look at Dr. Noguchi's pictures, and  
15 having in mind Mr. Bugliosi's previous exhibit, the exhibit  
16 he had here on intent, and so forth, let's talk about  
17 murder.

18 If we look at those pictures, we see whoever  
19 did whatever happened -- first of all, the premise here  
20 is, there is no question about it, the prosecution does  
21 not contend that Mr. Manson was present at any stage of --

22 Well, let me back off so I can try to make  
23 it as correct as possible.

24 Mr. Bugliosi and the prosecution do not contend  
25 that Mr. Manson was present when anyone was killed.

26 Mr. Bugliosi said that in his opening statement,

1 and that is the reason that the conspiracy charge is there,  
2 to befuddle us.

3 I will try to discuss that.

4 Now, Mr. Bugliosi has put before us the  
5 intent. Mr. Bugliosi says that the aforethought, the  
6 specific intent to commit murder, he says, must be premedi-  
7 tated, must be done with malice aforethought.

8 He is telling us that aforethought is some  
9 antique kind of word; that we don't have to be concerned  
10 about.

11 Well, we might take exception to that because  
12 I don't think that we would be using law that is antique.  
13 We are using live present law.

14 And I think the word "aforethought," there,  
15 is a word which is not dead.

16 I imagine for some reason, maybe it's a small  
17 point, I don't know, but I think we can consider that it  
18 has meaning, otherwise we would not be using it.

19 But when we look at the pictures that Dr. Noguchi  
20 and Dr. Katsuyama gave us, without the blood -- as a  
21 matter of fact when we look at those bloody pictures,  
22 outside of inflaming us, they don't give us any facts.

23 We see blood, I think all of us on occasion  
24 have cut ourselves. It doesn't take much blood to look  
25 pretty bad.



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1           So, a physician, because Dr. Noguchi is a  
2 physician, he specializes in pathology and specializes in  
3 his particular field, he is a physician. Dr. Katsuyama is  
4 a physician. You wipe away the veneer of blood, and then  
5 you get to the detailing, you get to the part where we can  
6 talk intelligently, where we can discuss the problem without  
7 emotion. And I think we must come to the conclusion,  
8 looking at the number of stab wounds here, that whatever  
9 was done here was a personal type of thing with the  
10 person who did it, or whatever persons did it.

11           Let's take, for instance, a particular stab  
12 wound, series of stab wounds. When the Mafia, or when  
13 someone goes out, when someone goes out and orders a  
14 killing, you don't see these types of wounds.

15           Now, Mr. Bugliosi would have us believe that  
16 Mr. Manson, at a time when he is sleeping with a girl, a  
17 new-found love as Mr. Bugliosi puts it, Stephanie Schram --  
18 maybe it is "Scram" -- S-c-h-r-a-m -- I never did get the  
19 exact way she preferred to pronounce it -- he had a new-  
20 found love on those two days. There is no question. He  
21 got a traffic ticket in San Diego.

22           And we are talking about specific intent to  
23 commit murder.

24           During those two days, Mr. Manson was very  
25 much taken up with this girl. And the nature of the  
26 man-woman relationship is such, and in the context of



1 these proceedings and what happened here, who would best  
2 know? Who would best know?

3 Stephanie Schram was a purported member of the,  
4 quote, Family, unquote.

5 There is not one word elicited from Stephanie  
6 Schram concerning these events. And he was intimate with  
7 her. He had just met her. And although this may violate  
8 some of your principles that some of us may have concerning  
9 transitory man-woman relationships, he had just met her a  
10 few days before and he was sleeping with her more or less  
11 continuously.

12 This is a factor, this is a circumstantial  
13 factor which is most significant at the very time of the  
14 seven counts of murder that is alleged, and the very times  
15 that this alleged conspiracy supposedly came into  
16 existence and supposedly came to fruition.

17 So, Mr. Bugliosi, in connection with  
18 Stephanie Schram, he goes to the extent of speaking about  
19 her being hit over the head, Manson hit her over the head  
20 with a rifle butt at the Barker Ranch some time later. --  
21 why does Mr. Bugliosi put that in?

22 Does he put it into evidence to prejudice our  
23 objective analysis for us so that we can have some kind of  
24 feeling against Mr. Manson because of this kind of  
25 activity?

26 What kind of inference, what kind of  
inference do you have to make? How many inferences do you

1 have to make to use that to accuse Mr. Manson of murder  
2 and conspiracy to commit murder weeks before that? Keeping  
3 in mind at all times that we have the underlying doctrine  
4 of reasonable doubt, which is the doctrine that sort of  
5 permeates everything else that we talk about here.

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8a-1

1           So, we get back to intent. What we are  
2 speaking of now, intent.

3           Looking at those pictures -- I don't want to  
4 disturb Mr. Darrow right now to get them out -- but when we  
5 look at those pictures, study them over, what we suggest  
6 is, perhaps, that you put the horrible looking pictures  
7 aside. Put the horrible looking pictures aside and analyze  
8 one of Dr. Noguchi's and Dr. Katsuyama's diagrams and  
9 see: Does that show specific intent of the person doing  
10 the act?

11           This is something to consider in connection  
12 with this case.

13           I don't want to in any way detract from the  
14 passing away, the fact that these people passed away, but  
15 to extract the kind of testimony, the idle statement by  
16 Linda Kasabian that if she could do anything, she would  
17 do anything to not have had this occur, I mean, is that  
18 meaningful? Is that meaningful?

19           I am not going to dwell upon that. I certainly  
20 hope that we are all in agreement that none of us -- none  
21 of us -- wanted anyone to pass away. And I am not de-  
22 tracting from the right of these people to live and all of  
23 that.

24           But that is not the problem. That is not the  
25 problem. What we are trying now is a case in which we are  
26 trying to determine what responsibility, if any,

1 criminal defendants have.

2 So, when we get to the corroboration, when we  
3 get to the corroboration, remember, there is very little  
4 evidence in this record to corroborate Linda Kasabian.

5 As Mr. Fitzgerald and Mr. Shinn have stated, --  
6 and we wish that Mr. Bugliosi had so stated -- you put  
7 aside everything connected with Linda Kasabian, and then  
8 you see: Is she corroborated?

9 Now, that means this wallet, it means the knife,  
10 it means everything that she testified to, everything  
11 concerning what she testified. You put all of that aside.  
12 You can't use the exhibits that are dependent upon her  
13 alone, and you can't use exhibits that are not dependent  
14 upon her alone unless there is an exhibit that someone who  
15 is not Linda Kasabian ties to these defendants.

16 This is the analysis that we think is correct.  
17 And if we do that, we then try to find out what it is,  
18 what evidence is there.

19 Now, Mr. Bugliosi, now that we have brought up  
20 this subject, undoubtedly will tell you, and he will harp  
21 upon the word "slight." Because Judge Older is going to  
22 instruct you that that evidence which does corroborate may  
23 be slight.

24 Now, what slight is in the context of any trial  
25 is up to the trier of fact. Those of us, the 12 of us that  
26 are jurors, are the ones to decide what is slight and what

1 is not slight as far as corroboration goes.

2 And what is slight and what is not slight has  
3 to be taken in the context of that which is to be  
4 corroborated.

5 Now, when we go through this record and go  
6 through these exhibits, there is very, very little evidence,  
7 if any, to corroborate Linda Kasabian.

8a  
8b

8b-1

1 Now, I think we spoke of this briefly yesterday.  
2 We have exhibits and we have testimony.

3 I should probably put down on the board here  
4 the word "accomplice" and "L.K." for Linda Kasabian.

5 These are things that we should keep in our  
6 minds.

7 An exhibit is inanimate.

8 This is one of the paradoxes of our judicial  
9 system. We take these exhibits into the jury room but we  
10 don't take the testimony into the jury room. Maybe some  
11 day it will be changed. But we are handicapped in the jury  
12 room because we can't remember everything that was said  
13 concerning a particular exhibit.

14 And yet, really, it should be the other way  
15 around.

16 I think we should take the testimony in rather  
17 than the exhibits, because the exhibits, they are sort of  
18 physical items which are there, and there is a tendency,  
19 there is a tendency on the part of all of us, to forget  
20 the words that are associated with these exhibits.  
21 And yet these exhibits have no significance until they are  
22 correlated by way of oral testimony.

23 Now, we all remember, for instance, the  
24 allusion to thongs and leather in this trial.

25 Now, looking at the cross section. Counsel,  
26 I think, Mr. Shinn and Mr. Fitzgerald both, I am not sure,

1 but one of them at least spoke about this.

2 We have scientific knowledge today. That is  
3 probably part of our problem. It is probably that we have  
4 too much scientific progress.

5 In the old days, a hundred years ago, people  
6 spent -- they had more time -- they had to have more time  
7 to till the soil, and they didn't have time for some of  
8 our modern conveniences.

9 Anyway, we have scientific knowledge that has  
10 never been known to man.

11 I look at a cross section here of this leather  
12 thong, and I say to myself, not knowing that this is for  
13 sure, but it seems to me that there must be, I think it  
14 is fair to infer that if we can do what we do with finger-  
15 prints, if we can do what we do with hair, we certainly  
16 can take a cross section -- and maybe this was done --  
17 this is another defect in our system, is to have the  
18 investigation done by that part of law enforcement which  
19 wants to see a certain result, and if something happens  
20 or something takes place which may not help the prosecution's  
21 case, we may never know it -- but in any event, this cross  
22 section, it would seem to me that if this came from the  
23 same hide as that which was found around Leno La Bianca,  
24 that there would be some kind of scientific know how in  
25 this connection.

26 A biopsy, we all know, for instance, in cancer,

1 a person can look perfectly normal, but they run biopsies.  
2 They do whatever they do. They stain the cells, and if  
3 they react a certain way, somebody looks through a micro-  
4 scope and they say that this person -- God forbid -- has  
5 cancer.

6 Now, by the same token, it would seem that we  
7 could run a biopsy upon this leather and, as I say, perhaps  
8 this was done.

9 It doesn't seem unreasonable to us to do that.

8c fls.



8c-

1           Instead, what do we have? We have the prestige --  
2 and all of us -- all of us are indebted to law enforcement.  
3 There isn't one of us that hasn't been protected at some  
4 time or other by what law enforcement people do. They go  
5 out there and they put their lives on the line. There is no  
6 question about that. But we ask the impossible of them  
7 sometimes.

8           Just picture the position of a law enforcement  
9 officer being asked: Is this thong similar to that which  
10 was found, which purportedly tied up Mr. La Bianca?

11           Are we getting evidence? Or are we getting the  
12 prestige, and are we getting feedback to us, the love and  
13 affection that all of us have for law enforcement?

14           Is this fair to us to have that kind of a  
15 question asked of a law enforcement officer, people who are  
16 in the Los Angeles Police Department?

17           Because this is such a subjective determination  
18 as to whether it is similar or not.

19           And what is happening, the prosecution is  
20 relying, once again, upon the impact, upon the picture of  
21 Mr. La Bianca with his hands tied behind him, and they are  
22 relying on this similarity to bootstrap this exhibit into  
23 some kind of evidence against Mr. Manson.

24           And yet, this is not corroboration, because this  
25 piece, which is Exhibit No. 95, even this piece doesn't  
26 at all connect Mr. Manson with any crime. It doesn't

1 connect Mr. Manson with this any more than any one of us  
2 who may have leather on his or her person.

3 And I think that we can look and see what is  
4 the reason that this is put into evidence.

5 Is it really put there to convince our minds,  
6 or is it put there to convince our emotions?

7 And that brings us to the great, you know,  
8 incredible, incredible emphasis upon Mr. Manson in this  
9 case.

10 For some reason or other, for some reason or  
11 other, this case has been made the kind of confrontation  
12 we don't need in this country today.

13 What we are today in our daily lives, we have  
14 so many pressures, we have so much time having a good time  
15 that we forget, we forget our history sometimes.

16 This country was built upon dissent. If we  
17 look at the formative years of this country, the fantastic  
18 dissent that occurred in this country. Fantastic dissent  
19 occurred between Thomas Jefferson and those who didn't  
20 like Thomas Jefferson. And if we read some of the history  
21 of this country, it is incredible the names that were  
22 called back and forth. Some of the people that we now  
23 revere.

24 The alien and sedition laws were declared  
25 unconstitutional. Certain things that started out, that  
26 made the United States great, and dissent was one of them.

1 Now, it is utterly unbelievable this confron-  
2 tation that this case has created just to get Mr. Manson.  
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9-1

1           Because Mr. Manson sits on a thought, an idea,  
2 whatever it may be, that some people don't like.

3           Things that were historically no good -- there  
4 was a time, there was literally a time in the days of  
5 Benjamin Franklin when you could be thrown in jail, thrown  
6 in jail for a goodly period of time for what was called  
7 criminal syndicalism, just because two people wanted to  
8 get together and have a trade union or something like that.

9           That occurred in our early history, things  
10 which once, at one time in history, were unaccepted,  
11 have become accepted.

12           Now, I am not saying -- I am not fostering  
13 commune living. I am not saying -- I don't think that any  
14 of us here necessarily are advocating that people live  
15 together the way Linda Kasabian has lived for quite a few  
16 years.

17           But, to take a man and submit a human being to  
18 what Mr. Manson has been submitted to, beclouds the issue.

19           The prosecution in this case, by injecting this  
20 confrontation, is trying to get us to condemn a life  
21 style, which may be it should be condemned, but it should  
22 not be condemned in a court of law; it should not be  
23 condemned in a court of law where someone is charged with  
24 murder, because, if we look at this conspiracy that they  
25 have talked about, they have talked about a conspiracy,  
26 really, what is the purpose of this conspiracy?

9-2

1 Conspiracy is a war, according to the prosecu-  
2 tion.

3 The purpose of this conspiracy is to create  
4 some kind of a black and white war.

5 Well, that is specious when you look at it for  
6 many reasons. If I was going to create a black and white  
7 war I would leave the Los Angeles Sentinel at the Tate  
8 house. The Los Angeles Sentinel is a paper which is put  
9 out by people in the black community and presumably only  
10 black people read it.

11 I would do something to create an image that  
12 a black person was there.

13 Maybe I would drop a picture of Cassius Clay,  
14 or maybe I would drop a picture of someone else, Martin  
15 Luther King.

16 I would put evidence there that would make it  
17 clear that it is black people that --

18 THE COURT: Mr. Kanarek, as I indicated to counsel,  
19 we will recess at 11:15 this morning rather than 12:00  
20 o'clock.

21 The court will recess until 1:45 this afternoon.

22 Ladies and gentlemen, do not converse with  
23 anyone or form or express any opinion regarding the case  
24 until it finally submitted to you.

25 The court is now in recess until 1:45.

(Noon recess.)

10 fls. 26

k10-1

LOS ANGELES, CALIFORNIA, WEDNESDAY, DECEMBER 30, 1970

1:49 P.M.

---O---

(The following proceedings are had in open court. All jurors present. All counsel except Mr. Hughes present. Defendants absent:)

THE COURT: All counsel and jurors are present.

You may continue, Mr. Kanarek.

MR. KANAREK: Thank you, your Honor.

Ladies and gentlemen, I think that we would all agree that there is a normal human tendency to, once you hear something along a certain line, for instance, Linda Kasabian spoke, what she told us, once it gets into our gray matter, there is a sort of human tendency on our part to accept that as the ground rule, that is, the battle field, so to speak, that is the area that we have to talk about. In other words, we more or less automatically accept that as some kind of a format.

But I think, if we look at our experiences in life, and along with the evidence and circumstances, I think we might come to some other conclusion.

It is interesting, it is interesting, and I mentioned this, in our law, each defendant has his or her own lawyer, and I am not here, my function here is strictly on behalf of Mr. Manson.

What I am going to allude to now is only by

1 way of reference and by way of illustration, just to try to  
2 see if we can arrive at some points.

3 We will notice that Abigail Folger has defense  
4 wounds on her hands.

5 I am not referring to Dr. Noguchi's very  
6 detailed, very detailed, autopsy, and specifically this  
7 chart pertaining to Abigail Folger.

8 Now, if I may -- I am having a little  
9 mechanical problem here because of the size of these  
10 exhibits -- now, if we look at Sharon Tate, however, we  
11 find no defense wounds. No defense wounds on Sharon Tate.

12 Now, we can, I think, make some inferences  
13 from this.

14 There is before you purported statements by  
15 Susan Atkins that she stabbed Sharon Tate.

16 Whoever stabbed Sharon Tate -- forgetting the  
17 people involved -- I think we can infer that Sharon Tate,  
18 she has no defense wounds on her hands, Sharon Tate was  
19 held by someone and stabbed, if we take Dr. Noguchi's  
20 evidence here, and stabbed while she was held.

11-1

1 I think -- again I want to emphasize what  
2 Judge Older has instructed us, that the purported statements  
3 of Susan Atkins are only to be used in connection with your  
4 assessment of Susan Atkins.

5 Each defendant is entitled to an individual  
6 judgment by each juror. There being 12 jurors, four  
7 defendants, eight charges, I mean, simple arithmetic will  
8 tell us how many separate decisions there have to be made.

9 Now, I think that we can consider the context--  
10 forgetting Linda Kasabian completely -- just looking at the  
11 pictures -- for getting any defendant, Mr. Fitzgerald has  
12 said no one is contending here that these people did not  
13 pass away because of external means.

14 So it would appear -- it would appear that Susan  
15 Atkins' statement, you could argue, and I think argue with  
16 some certainty, at best is a braggadocio type of statement.  
17 It is a statement which I don't believe Dr. Noguchi's  
18 evidence substantiates.

19 In whatever way Sharon Tate passed away, she  
20 had no defense wounds upon her. A single person acting  
21 along, by himself or herself, and looking at the wounds  
22 that Sharon Tate received, it is incredible --

23 I am not referring to those bloody pictures,  
24 because those bloody pictures would not show you the  
25 detail that Dr. Noguchi shows you.

26 I think it is clear that Sharon Tate's arms were



1 held by some force when she passed away.

2 And again, my purpose here is not to try Mr.  
3 Watson. My function here is not to damn Mr. Watson.

4 My function here is merely to look at the  
5 evidence. My function here is not to sit in judgment  
6 of anyone, and I don't pretend to sit in judgment of  
7 anyone.

8 However, just looking at the situation as it is  
9 set forth here, it would seem like that -- it would seem  
10 like -- you saw Mr. Watson here in court. You have heard  
11 him described. You have seen pictures -- perhaps you have  
12 not seen the picture of him -- but in any event Mr. Watson  
13 is a male.

14 Presumably he has more strength than a female.

15 The prosecution has charged Mr. Watson in this  
16 indictment along with Linda Kasabian, and rather than this  
17 being -- rather than this being the kind of situation that  
18 Mr. Bugliosi and the prosecution would have us believe that  
19 this is, I think that we can come to a more prosaic, although  
20 less dramatic conclusion.

21 Linda Kasabian liked men, there is no question  
22 about it.

23 Linda Kasabian first made love with Tex Watson,  
24 she says, on July the 4th.

25 Linda Kasabian, I think we can infer, gave  
26 \$5,000 to Mr. Watson. Linda Kasabian's total contact, total

1 contact with the people at the Spahn Ranch was very small  
2 in time, that is, very short in time.

3 Outside of Linda Kasabian's gratuitous and --  
4 we will go through the record -- we can see she says, for  
5 instance, that Mr. Manson had this supposed great control  
6 over her; and a few instances later she says everything she  
7 did she did freely and voluntarily.

8 So sometimes the circumstances and the situation  
9 is much more powerful in telling us what really occurred  
10 than the mere words that are uttered from the witness stand.

11 Now, Linda Kasabian, and I think we can certainly  
12 assume that the prosecution in this case, the prosecution  
13 in this case certainly knew about this knife, and in  
14 connection with the direction of Linda Kasabian, in connec-  
15 tion with the way this was portrayed for us here, the  
16 prosecution was not too eager to let us know about this  
17 knife. It was not injected into the proceedings the way  
18 some of us may think that it should have been.

19 By that I mean -- I think we will all recall  
20 that this knife, which is without blood upon it -- this  
21 knife is without blood upon it!

22 If we take the mere words of Susan Atkins that  
23 she stabbed Sharon Tate, maybe to impress someone in the  
24 jail, whatever her motivation may be, just assuming that  
25 she said those things, is that consistent with having an  
26 absolutely bloodless knife?

1                   Supposedly if you believe Linda Kasabian, Sadie,  
2 Susan Atkins was given this knife in the midst of some kind  
3 of a something or other that involves all kinds of bloodshed.  
4 Why is there not a drop of blood upon this knife?

5                   Because Linda Kasabian was inside that house;  
6 that is why there isn't any blood on this knife.

7                   If we look at the probabilities, Mr. Fitzgerald  
8 or Mr. Shinn, one of them or both of them spoke of probabili-  
9 ties.

10                  Linda Kasabian had known Mr. Manson a month.  
11 Linda Kasabian says that when she got to that particular  
12 point in the doorway she saw that -- she realized at that  
13 instant that Mr. Manson -- that Mr. Manson was not God.  
14 She uttered those words from the witness stand.

15                  Now, in this connection -- in this connection  
16 I think there is a picture here which is most significant,  
17 and that is this picture, 94, People's Exhibit 94, which  
18 is in evidence.

19                  This picture and the testimony of Mr. Granada  
20 proves conclusively that Mr. Frykowski, who had a blood  
21 type, as we recall, a B blood type, completely different  
22 from that of Jay Sebring, Mr. Granada made it clear to us,  
23 there is no question -- here is circumstantial evidence that  
24 cannot be refuted.

25                  This is Jay Sebring's blood. This is not the  
26 kind of blood that is just trampled out upon the sidewalk.

1 Jay Sebring was here. You don't leave blood  
2 the way it is set out on this photograph, by just a transi-  
3 tory dropping of blood from one person who has been in  
4 close contact with another person.

5 There is just no question that Jay Sebring  
6 was there, and the more reasonable interpretation of  
7 anything that Linda Kasabian said is that when she heard  
8 whatever she heard, she said she heard, if she heard,  
9 she went into that house.

12 fls.

12-1

1 I think there is no question about it.

2 Linda Kasabian's love for this knife is  
3 reflected other places in this testimony.

4 I believe it is Danny De Carlo who testified  
5 about Linda Kasabian's affinity for that knife.

6 Linda Kasabian wasn't going to part with that  
7 knife.

8 Just looking at it, forgetting that she is now  
9 a witness for the prosecution, she had that knife, she tells  
10 us, with her a very long, long time.

11 Now, I think that it is a fair statement that  
12 if Linda Kasabian was there at all, Linda Kasabian may not  
13 have partaken in these proceedings the way she says. I  
14 mean, we certainly are all agreed, we are not bound by her,  
15 what she utters from the witness stand, and the presence  
16 of this knife inside the house, coupled with her statement,  
17 she had to have a reason for not going into that house,  
18 and she tells us that the reason -- and this is what taxes  
19 our credulity -- the reason is that at that instant she  
20 realized that Mr. Manson was not God.

21 I don't want to belabor it, but other counsel  
22 have gone into it, after this so-called sudden light, she  
23 did all the things that she did.

24 Now, if Linda Kasabian was inside that house  
25 -- and I think that we can certainly surmise that she was, --  
26 there is no question about it, there is no question about

1 that being another fabrication on her part in connection  
2 with her testimony before us here.

3 What is there other than that?

4 The love of a girl for a boy. No matter what  
5 might be said about Mr. Manson, you have seen Mr. Manson,  
6 and Mr. Manson certainly gets along with girls okay. The  
7 testimony, independent of Linda Kasabian, would indicate  
8 that. But here, if we look at just the plain old human  
9 circumstances, who is Linda Kasabian cleaving to, really?  
10 She is cleaving to Mr. Watson.

11 The magic, the boy-girl relationship, the  
12 affinity of one for the other, I think we can assume, just  
13 from the circumstances -- she had given him \$5,000 --  
14 Mr. Watson was in that house, and let's assume, let's  
15 assume for the sake of argument, that Linda Kasabian heard  
16 something coming from that house. She ran into that house  
17 to protect Mr. Watson.

18 Of all of the people that she went with, that  
19 she went with on that journey that first night, who did  
20 she love the most? Who was she closest to?

21 We can assume Mr. Watson.

22 He was here. He looks to be an American boy  
23 that would be the type, about the right age, for Linda for  
24 some kind of chemistry to exist between Linda Kasabian and  
25 Mr. Watson.  
26

12a-1

1 Now, the Court will instruct you, and counsel  
2 have indicated, if there are two reasonable inferences and  
3 one points to guilt and one points to innocence, that we  
4 should adopt the inference that points to innocence.

5 Because of this, what we have talked about here,  
6 in human affairs you can't pinpoint things with great  
7 accuracy, so, therefore, this principle of law applies.

8 But it applies even greater, because it is  
9 unreasonable, it is unreasonable in the context of all of  
10 Linda Kasabian's testimony, for her, at that instance,  
11 to have realized that Mr. Manson wasn't God.

12 There is another interesting thing.

13 Mr. Bugliosi's questioning involved Tex, and  
14 it showed the relationship between Mr. Bugliosi and Linda,  
15 the fact that they have spoken with each other.

16 Mr. Bugliosi arranged for her to be taken out  
17 of the premises. They had dinner, I think, or something  
18 like that, while out of the premises of Sybil Brand.

19 Page 5029 of the transcript. He is referring  
20 now to the first night. He is saying, beginning at 5028:

21 "As you drove off from the Spahn Ranch" --  
22 at Line 10 -- "As you drove off from the Spahn Ranch,  
23 Linda, did you know what your destination was  
24 going to be?

25 "THE WITNESS: No, I did not know where  
26 we were going."

We have spoken about that in connection with



1 any conspiracy. Here is an alleged conspirator who doesn't  
2 know where she is going.

3 "Q Did you ask Tex or Sadie or Katie  
4 where you were going?

5 "A No.

6 "Q Was your answer no?

7 "A No.

8 "Q Did you know what Tex, Sadie and  
9 Katie were going to do that night?"

10 Pardon me. The Court sustained an objection  
11 to that.

12 Line 5 at Page 5029:

13 "Q Did you ask Tex or Sadie or  
14 Katie what they were going to do?

15 "A No."

16 Then the Court tells Linda Kasabian to delay  
17 her answers.

18 "Q You did not ask them what they  
19 were going to do?

20 "A No, I did not."

21 Then the next is significant.

22 "Q Did they indicate to you in any fashion  
23 what they were going to do?"

24 And remember, this is in the context, again,  
25 that the Court is going to say that Linda Kasabian is an  
26 accomplice as a matter of law in this case.



1 "Q Did they indicate to you in any  
2 fashion what they were going to do?

3 "THE WITNESS: Yes. Tex said we were  
4 going to a house --"

5 Now, Mr. Bugliosi interrupted Linda Kasabian  
6 at that point.

7 "Mr. Bugliosi: Q" -- She was talking again --

8 "Yes. Tex said we were going to a house.

9 "Mr. Bugliosi: Q Well, now, did  
10 they indicate what you were going to do is what  
11 I am concerned with.

12 "A No.

13 "Q The question, Linda" -- this is the  
14 next question by Mr. Bugliosi, and this is at Page 5030 --

15 "The question, Linda, is did Tex, Sadie, or Katie  
16 tell you what they were going to do that night?

17 "A No, they didn't."

12b-1 1

2 Now, there was that answer where she started  
3 to say that Tex told her something, and she changed it.  
4 She changed it in the space of a few seconds. Something  
5 or other clued her in that she was supposed to say some-  
6 thing else.

7 Now, this testimony, like all testimony, can  
8 be read back to you if anybody wishes to have it read back.

9 I am reading this right from the record. It  
10 takes more time, but I think that we get the detail of it  
11 much better than my broad brushing of it, much better than  
12 my editorializing, or any lawyer's editorializing. This is  
13 the raw material. This is why we have been here for six  
14 months.

15 Now, Linda Kasabian tells us -- and we will  
16 get to that -- she tells us -- we have spoken of it already --  
17 that supposedly Mr. Manson told her to do what Tex tells  
18 her to do, or words to that effect. "Do what Tex says."

19 Yet we know, and I mean we will read it later  
20 on, in her own handwriting, in her own handwriting,  
21 papers which we received in the middle of the trial,  
22 she says words that are the opposite of that. She said  
23 she never heard this kind of a statement from Mr. Manson  
24 about Mr. Watson.

25 Now, again, which is more significant, that  
26 which she wrote out or that which she uttered in this  
courtroom?

1           The fact of the matter is that throughout her  
2 testimony she makes it very, very clear that she didn't  
3 know, she had no knowledge whatsoever, about what she was  
4 going to do.

5           She started to say something about Tex, and  
6 Mr. Bugliosi interrupted her at that particular point in  
7 the transcript.

8           Now, Linda Kasabian is a girl who was at that  
9 ranch about a month, and when we talk about domination and  
10 we talk about the ability to manipulate people, looking  
11 back in our experiences in life, have we seen anyone who  
12 has gotten his or her way in life, rode roughshod over  
13 other human beings, including the welfare of her own  
14 child, than Linda Kasabian?

15           Who was manipulating whom?

16           Linda Kasabian, who is a girl who hitchhikes  
17 from here to there, has the capacity to go to another  
18 state, entice a man to pay money so she can come back here  
19 and get a child that she wants -- she wants that child.  
20 For what reason? For what reason? For some feeling that  
21 she has for the child?

22           I suppose she considers this, this feeling that  
23 she has, a feeling which is -- she probably may well  
24 consider, from her viewpoint, that this is best for the  
25 welfare of that child. But it is interesting to see how  
26 Linda Kasabian managed to manipulate the courts of these

1 United States.

2 In Boston she was convicted of a narcotics  
3 offense. She got probation, and walked out of the courtroom.

4 She comes to this court. She manages, where  
5 she is deemed an accomplice as a matter of law, she  
6 manages to get complete immunity for seven counts of murder  
7 and this count of conspiracy.

8 She comes to the courts of California and  
9 perpetrates a fraud upon the Juvenile Court.

13 fls.

13-1

1 Certainly, certainly there is no question she  
2 did not tell anyone at that time concerning these events,  
3 but she wanted to have physical possession of her child.

4 She stepped upon Mr. Hannum, a gentleman who  
5 evidently was a new man, a new ranch hand at the Spahn  
6 Ranch; he bearily got there and she used her femininity to  
7 get Mr. Hannum's car, supposedly to drive somewhere, and  
8 the car ended up in Arizona with a note, supposedly some-  
9 time later, "That you can come and get your" -- essentially  
10 wrecked car, somewhere in New Mexico.

11 "You can come pick up your car."

12 This record is clear that she promises  
13 Mr. Sage some kind of alliance, a man-woman alliance, which  
14 she backtracks on. It was something about her going to  
15 South America or something with Mr. Sage.

16 She then wends her way back by way of  
17 Miami, Florida; she wends her way back to Boston, and she  
18 applies for relief.

19 She told us at the beginning that money meant  
20 nothing to her. Money meant nothing to her, but neverthe-  
21 less, when she had the opportunity, it turns out that money  
22 did mean something to her.

23 And I guess -- I guess -- that \$5,000 that  
24 was given to Mr. Watson was the kind of situation that when  
25 a guy likes a girl or a girl likes a guy, these kinds of  
26 things happen.

1 And Linda Kasabian on the night --assuming that  
2 she was there, assuming that she was there, went out with  
3 the intent to steal.

4 Certainly the record indicates that she went  
5 there for the purposes of creepy-crawling, as she puts it.

6 Now, in connection with Linda Kasabian, there's  
7 another series of circumstances that are most significant,  
8 of the people that are before this court, the people that  
9 are before this court who were arrested on August 16, 1969.

10 Mr. Manson, Miss Krenwinkel, Susan Atkins,  
11 Leslie Van Houten. But Linda Kasabian and Tex Watson were  
12 not arrested, and I think it is a fair inference when Linda  
13 Kasabian took Mr. Hannum's car, wherever she went, if she  
14 went in Mr. Hannum's car, that Mr. Watson was with her.

15 If we look at it, we look at it again in terms  
16 of natural human propensities.

17 Mr. Watson was not arrested on August 16th.  
18 Linda Kasabian was not arrested on August 16th.

19 Linda Kasabian, probably because of the money  
20 she had given Mr. Watson, and whatever their relationship  
21 was, she had some kind of a -- she had some kind of a desire,  
22 whatever it may be, whatever may have been the motivation,  
23 to go somewhere with Mr. Watson.

24 We have -- we have nothing before us. We  
25 have nothing before us to show where Mr. Watson was on  
26 August 16, 1969.

1 Mr. Bugliosi and the prosecution will tell you  
2 that at some later time Mr. Watson was at the Barker Ranch.

3 But on August 16th, two significant people in  
4 this litigation were not arrested at the Spahn Ranch.  
5 Those people are Tex Watson and Linda Kasabian.

6 I really don't know how to describe it, but  
7 the enormity of what this girl has told us in terms of  
8 just being a human being, is incredible.

9 To be able -- to be able to see what she said  
10 she saw and not try to save the life of a fellow creature  
11 shows a callousness that is beyond belief.

12 If we would take Linda Kasabian's word for  
13 what she says, she could have saved the life of Abigail  
14 Folger.

15 What could have prevented the death of Abigail  
16 Folger? According to Linda Kasabian, according to  
17 Linda Kasabian the people that she was there with were her  
18 friends.

19 According to her, if it happened the way she  
20 says it happened, all she had to do, all she had to do is  
21 remonstrate with some other person.

22 She could have saved the life of Mr. Frykowski,  
23 if we believe her statement.

24 If we believe her statements, Abigail Folger  
25 was very much alive when she came through that door, and  
26 from Linda Kasabian's statements, if we believe Linda

1 Kasabian, there is no question that all she had to do, all  
2 she had to do was do a little bit of saying, "Hey there,  
3 what's going on here? Stop!"

4 Instead she tells us she wanted to stop; she  
5 tells us now from the witness stand that she wanted it to  
6 stop.

13a



13a-1

1 No one, even taking her story just for the  
2 moment, assuming her story, could there be a more callous  
3 human being in this whole wide world?

4 Just if we can portray it as just any family  
5 quarrel, or where we see someone we know getting embroiled.

6 Take the situation in a restaurant or a bar.  
7 We have seen it, all of us, many times. Someone has a  
8 few too many drinks in bar; someone we know, maybe someone  
9 we don't know, whoever the aggressor may be.

10 We have seen it all. Someone gets embroiled  
11 with a stranger. You say -- the person who was interested  
12 in the welfare, whatever it may be, even of their own  
13 friend or relative, remonstrates with the person, remonstrates  
14 with him, "Stop it. Don't do it."

15 What earthly reason was there for Linda Kasabian  
16 not to have stopped this? According to her at that instant  
17 she already then realized that Mr. Manson was not God.  
18 Why didn't she act on that?

19 Well, we know that that is not so. At all times  
20 Linda Kasabian is thinking of No.1, and there just is no  
21 question about that.

22 The callousness of this particular person is  
23 beyond belief, and she then tells us that she was not in  
24 the house.

25 Now, whoever was in that house with Linda  
26 Kasabian, would be someone who may or may not have been

13a-2

1 the defendants -- they may or may not have been the  
2 defendants in this case, speaking now of the three  
3 female defendants.

4 The prosecution -- the prosecution has told  
5 us that -- the prosecution went to great extremes to try  
6 to convince you that Mr. Garretson could not have heard --  
7 could not have heard what happened in that house.

8 We have gregarious types of people.

9 We have Sharon Tate, who is a lady who obviously  
10 liked people, entertained many people.

11 We have Jay Sebring, a person who obviously  
12 liked people; he was in the hairdressing business. There  
13 is no question he was not an introvert.

14 Mr. Frykowski and Abigail Folger, they evidently  
15 were people who got along well with their fellow human  
16 beings.

17 We have Mr. Parent there, and again what I am  
18 going to say I say with the utmost -- I mean I say it  
19 reluctantly, believe me, I'm sure you do believe me when  
20 I say it, reluctantly, but I think some of these things  
21 we should discuss.

22 Mr. Parent came there supposedly to sell a  
23 clock around midnight.

24 Now, Mr. Parent is also not on trial here.  
25 There is great probability, a great probability that there  
26 were other people on those premises besides Mr. Garretson.

1 As Mr. Fitzgerald has so correctly pointed out  
2 in connection with the amount of cocaine there, we can  
3 assume -- we can assume there was some kind of narcotic  
4 activity going on on these premises, the type of people  
5 that deal in those things, the type of people that deal in  
6 those things are not people who will come forward to tell  
7 it the way it was.

8 There is a great probability that there were  
9 other people on those premises at some time during this  
10 proceeding.

11 Those glasses, for instance, would be -- I  
12 gather the prescription of the glasses was sent world wide,  
13 or something like that.

14 Who knows what happens on those -- forgetting  
15 the particular people involved, there is a tendency to  
16 focus, as somebody has said here, on that part of the  
17 iceberg that is above the water, and through no fault of  
18 any of us, all of the people that were on those premises  
19 have not been named, people who deal in narcotics, no matter  
20 what they sell, would not -- could not for their own  
21 personal welfare, as they view it, could not come forward.

22 I don't wish to say that any particular person  
23 was dealing in narcotics on the Tate premises, but never-  
24 theless there was something going on there.

25 The Coroners -- well, from the Coroner -- blood  
26 was taken, and there was found to be narcotic content in

1 the blood of Abigail Folger and Mr. Frykowski.

2           Whoever was on those premises, whenever, at the  
3 particular time these events occurred, those people, as I  
4 say, for their own personal reasons cannot come forward.

5           And how do we know that Tex Watson did not go  
6 there because of some narcotic man? Mr. Watson -- Mr.  
7 Watson is a gentlemen who is obviously a personable boy.

8           Mr. Bugliosi would have us think that he was  
9 some kind of -- well, he calls him a robot or an automaton.

10           Mr. Watson did not appear to be that. He  
11 is a boy who clearly managed to waive the processes of this  
12 court for some extended period of time.

13           He is not on trial here. I think that we have  
14 to step back a little bit and take a look as to exactly  
15 how stupid Mr. Watson is.

16           Now, Mr. Watson -- you see, the difference  
17 between Mr. Manson and Mr. Watson is that Mr. Watson has  
18 an all American boy appearance, an all American boy  
19 appearance, and I'm sure -- I'm sure -- now, Mr. Manson --  
20 sure, Mr. Manson -- Mr. Manson has intellect. Mr. Manson  
21 has -- has, I think, has qualities which -- qualities  
22 which some people may disagree with, but forgetting just  
23 for a moment Mr. Manson as such.

24           Considering the community, that is, Wilson,  
25 Terry Melcher, the people that Mr. Manson associated with  
26 that might not accept Charles Manson, might well accept  
Tex Watson.

13b-1

1 Mr. Watson, I think we can assume, indeed  
2 visited Dennis Wilson's home: If he had anything to do  
3 with Terry Melcher and the people involved, that Mr. Watson  
4 was perhaps wheeling and dealing or doing and going many,  
5 many places where Mr. Manson would not be acceptable  
6 because of his appearance.

7 It is fair to assume -- remember, assuming again  
8 that Linda Kasabian -- we can only work with what we have --  
9 this is about the time that Linda Kasabian would have run  
10 out of LSD or whatever.

11 Linda Kasabian tells us again of an unbeliev-  
12 able set of circumstances. Here she has this 1965 -- in  
13 1965 she has ingested LSD, and these hallucinatory  
14 materials on a regular basis.

15 Yet, when she comes to the Spahn Ranch she  
16 comes to the Spahn Ranch -- and one of the precious items  
17 along with the \$5,000 that she took was some LSD, or a  
18 package of LSD.

19 Linda Kasabian comes to that ranch and she  
20 tells us -- this is another aspect for us to consider in  
21 connection with her credibility -- she tells us that she  
22 only took LSD once in that period of time.

23 What would be the reason that she would stop  
24 a course of conduct that had gone on for years?

25 What reason would there be for Linda Kasabian  
26 to stop this course of conduct during the time she was at

1 the Spahn Ranch, excepting in this courtroom she wants a  
2 posture of being a good witness.

3 She wants to pay for her immunity by saying the  
4 things that are expected of her.

5 Now, what we are talking about now -- there is  
6 no explicit proof in the record concerning this, but when  
7 Linda Kasabian and Tex Watson were together, how do we  
8 know what they talked about? We don't know.

9 Mr. Bugliosi, Mr. Bugliosi did not in his  
10 examination -- and again, this goes -- this goes again to  
11 the reasonable doubt, burden of proof, presumption of  
12 innocence type of thing that we have spoken of.

13 No one here made our law; our law is what it is.  
14 The burden is upon the prosecution to extract and produce  
15 and prove people guilty of murder and conspiracy to  
16 commit murder.

17 Why was Tex Watson neglected? In this trial  
18 he was neglected by Mr. Bugliosi to the point of -- to the  
19 point that it just stands out.

20 He was neglected because Mr. Bugliosi and the  
21 prosecution recognized the law of circumstantial evidence.

22 They recognized that the prime mover, as far  
23 as they are concerned, whatever their viewpoint may be in  
24 this case, is Mr. Watson, but they have to sort of tippy-  
25 toe when it comes to Mr. Watson because they have adopted  
26 a position about Mr. Manson, that Mr. Manson is the over-all



1 some kind of a -- some kind of a Lord imperial emperor.

2 And when you look at what was going on at the  
3 Spahn Ranch; when you look at it from the prosecution's  
4 own witnesses, it appears that there is a constant flow  
5 of people; there was a constant flow of people in and out  
6 of this ranch area.

7 And Mr. Watson and Linda Kasabian, they met  
8 each other, they liked each other, and they did things  
9 together.

10 But if we would look at Mr. Watson, the  
11 prosecution case crumbles because instead of telling it  
12 the way it is concerning Mr. Watson, they solicit a few  
13 questions from witnesses, from witnesses that Mr. Watson  
14 was some kind of a puppy dog.

14-1

1 I think that some of the most powerful men in  
2 history -- I am trying to think -- I read of a quiet  
3 dictator the other day, I forget now who it is, recently a  
4 man who ruled a country -- maybe it will come to me --  
5 this man hardly speaks.

6 Mr. Salazar, who ran Portugal for many years,  
7 he hardly made a public appearance. I think that he was  
8 dictator of Portugal from 1928 until his death in the very  
9 recent past.

10 A person's personality and strength in what  
11 they wish to do is not dictated by how many words they  
12 utter or what they say. A person can have a very powerful  
13 personality and have a very powerful influence upon his  
14 fellow man without uttering a lot of words.

15 Mr. Bugliosi solicited from a few witnesses  
16 statements concerning Mr. Watson being a puppydog. Well,  
17 let's see how much of a puppydog Mr. Watson really is.

18 Mr. Watson, according to Linda Kasabian,  
19 Mr. Watson is the first man she met at the Spahn Ranch.

20 Now, Mr. Manson is supposed to be the be-all  
21 and end-all of creation among everybody at the Spahn Ranch.  
22 But Mr. Watson is the first one she met at the Spahn  
23 Ranch. Mr. Watson is the one that she gave \$5,000 to.

24 Mr. Watson is the man that she went creepy-  
25 crawling with.

26 Linda Kasabian would have us believe that



14-2

1 Mr. Manson just ruled this establishment with an iron fist  
2 at the same time that he is engaging in sexual activity  
3 with Stephanie Schramm, and presumably with other girls.

4 There are only so many hours in the day. You  
5 can't be in bed with a girl as much of the time as  
6 Stephanie Schramm indicated that Mr. Manson was in bed with  
7 her and go about and do the kinds of things that the  
8 prosecution in this case is indicating that Mr. Manson did.

9 And I think if we could possibly -- if we could  
10 possibly -- go through this transcript -- which we can't  
11 do -- we can't go over it, we can't have it in the jury  
12 room -- we will find that in connection with the two days  
13 in question, that in connection with those two days in  
14 question, there are practically no utterances by Mr. Manson.  
15 Practically nothing by Mr. Manson in connection with these  
16 two days that is of any significance to anything that we  
17 have had in this trial.

18 Now, directing your attention to page 5236 of  
19 the transcript. Mr. Bugliosi is questioning Linda Kasabian.

20 "Q The second night you did not know  
21 what was going to happen; is that correct?

22 "A Yes, I did.

23 "Q Did you want to go along with Mr. Manson  
24 and the others on this second night?

25 "A No."

26 The Court again states:

"Delay your answer."

14-3

1 "No, I did not want to go. My intentions were  
2 to go to the waterfall with Gypsy.

3 Q Why did you go along with Mr. Manson and  
4 the others?"

5 Then another question before she answers.

6 She says:

7 "I lost the question.

8 Q Why did you go along if you did not  
9 want to?

10 A Because Charlie asked me and I was afraid  
11 to say no."

14a fls.

14a-1

1 Now, other than Linda Kasabian -- and that is  
2 why I think if we look at the circumstances rather than mere  
3 utterances -- other than Linda Kasabian's mere statement  
4 that was afraid to say no, what circumstance substantiates,  
5 what was there, what force was there upon her to make that  
6 a true statement that was afraid to say no?

7 Is that a true statement?

8 It gets back to the matters that Mr. Fitzgerald  
9 spoke to you about.

10 She says she is afraid to say no.

11 Is there any kind of a showing by any prosecution  
12 witness of any intimidation of Linda Kasabian? Is there  
13 any evidence that Linda Kasabian was pressured?

14 Now, when she uses the word afraid, a-f-r-a-i-d,  
15 that word doesn't mean that she is going because she  
16 worships Charles Manson. She says she is going because she  
17 is afraid to say no.

18 Now, at this point she has already seen the  
19 light. She saw Mr. Frykowski standing there, she says,  
20 next to the bushes. She now knows that Mr. Manson is not  
21 God, according to her. And she is now afraid to say no.

22 She doesn't tell us why she is afraid to say  
23 no. She doesn't give us any reason. All she does is  
24 utter the words that she was afraid to say no.

25 Then she goes on and states:

26 "As you and Mr. Manson and the others drove

1 off, did he say anything to anyone in the car?"

2 "Well, as you were driving off, or shortly  
3 after?

4 "A. Shortly after he said something.

5 "Q. What did he say?

6 "A. He told us that we were going to  
7 go to two different houses in two groups. That  
8 he would go in one group and leave another group  
9 off."

10 Now, that is the bare words that this lady  
11 utters.

12 She is telling us this, she is telling us this  
13 before there is any kind of an approach to the True  
14 residence.

15 According to her, this is being told to her  
16 before, long before, they get to the area in Los Feliz where  
17 the True residence is.

18 Now, if I may get a particular exhibit. Excuse  
19 me just a minute.

20 There is a very interesting set of facts in  
21 connection with the True residence that proves that  
22 Linda Kasabian -- whether you call it probabilities or  
23 what-not -- is not leveling with us.

24 She tells us that Mr. Manson made no mention of  
25 the True residence prior to the time that they got there.

26 She tells us that when she drove up -- pardon me --

1 when the car drove up -- I forget who was driving it,  
2 Mr. Manson or someone else -- when the car is driven up --  
3 and that is where the words of the transcript are so  
4 significant, the exact words she utters -- she says, "That  
5 is Harold True's house."

6 Now, at that point, at that point -- and later  
7 on in her examination it makes it clear -- at that point  
8 there had been no discussion between her and Mr. Manson,  
9 or anybody else, about Harold True.

10 So, the question immediately revolves around a  
11 point: Who decided to go to Harold True's house? Did  
12 Linda Kasabian decide that or did someone else decided to  
13 go to Harold True's home?

14 Again, Tex Watson and Linda Kasabian, there is  
15 no question about it, were great friends:

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

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 recess for 15 minutes.

22 (Recess.)  
23  
24  
25  
26

15-1

1 THE COURT: All counsel and jurors are present. You  
2 may continue, Mr. Kanarek.

3 MR. KANAREK: Yes, your Honor.

4 Just briefly as to these pictures by the  
5 Coroner, by Dr. Noguchi and Dr. Katsuyama.

6 The wounds as to all of these seven people are  
7 wounds that show a personal kind of involvement as far as  
8 the person is concerned that made those wounds, and I  
9 think, as we suggested previously, there is the planned type  
10 of killing.

11 This is not the way that planned types of  
12 killing occur. I'm sure that we all agree to that.

13 And there is nothing in this record whatsoever  
14 that would indicate any kind of a conspiracy as to these  
15 types of wounds.

16 The prosecution has tried to convince us of  
17 some kind of a conspiracy, and going back to Linda Kasabian,  
18 page 5275 of the transcript, question by Mr. Bugliosi:

19 "Q Up to this point was Manson, or did  
20 Manson tell you or indicate to you that he wanted  
21 to go to any particular place that night?

22 "THE WITNESS: No, he didn't tell me he  
23 wanted to go to a particular place.

24 "Q You seemed to be driving around left  
25 and right per his instructions?

26 "A Yes.

15-2

1 "Q At no time did Tex give you any  
2 instructions?

3 "A No."

4 Then on page 5288 -- pardon me, 5277; page  
5 5277 -- actually 5266:

6 "Q BY MR. BUGLIOSI: You stopped in front  
7 of a particular place, Linda?

8 "A Yes, we did.

9 "Q Were you in front of a home?

10 "A Yes.

11 "Q Was it in a residential area?

12 "A Yes.

13 "Q Had you ever gone to that vicinity before?

14 "A Yes, I had.

15 "Q Had you ever been parked in front of that  
16 home before?

17 "A Yes, in the exact same spot.

18 "Q When had you been parked in front of  
19 that home prior to this occasion?

20 "A A year before, approximately in July  
21 of '68.

22 "Q What was the occasion for your being  
23 in that particular location a year earlier?

24 "You may answer the question.

25 "A My husband and I and friends were on  
26 our way down from Seattle, Washington, to New

15-3

16 fls.

"Mexico, and we stopped off in Los Angeles, and this one particular person knew Harold True, so we went to his house and had a party."



16-1

1 Now, knowing Linda Kasabian and her idea of a  
2 party, I think that we can assume that the party involved  
3 drugs, narcotics, LSD, or whatever it might be.

4 This is certainly not during the month that she  
5 says she didn't take any LSD. This is a year earlier.

6 So, a party, it is a fair assumption, in the  
7 context of these proceedings, involved LSD.

8 And here again are circumstances which are much  
9 more powerful than Linda Kasabian's bare statements.

10 Linda Kasabian had been there before. Linda  
11 Kasabian, we can infer, certainly had partaken of narcotics  
12 there before.

13 Linda Kasabian tells us that she had a certain  
14 number of pieces or pills when she went to Spahn Ranch.  
15 She had a package of LSD.

16 We can certainly infer that Linda Kasabian's  
17 supply perhaps had ended, and she remembered this particular  
18 residence of Harold True as a party place.

19 And we can certainly infer, forgetting her  
20 words, that this is not a random choice of a location.  
21 This isn't a random choice of location that Mr. Bugliosi  
22 and the prosecution would have us believe.

23 This is a choice of the one house in Los  
24 Angeles that she had been in a year before.

25 You remember, she had been back East, she had  
26 separated from her husband, and coincidentally, somehow,

1 here we are at Harold True's house.

2 Now, after that questioning, it goes on:

3 "Q You went into his house?

4 "A Harold True's house.

5 "Q Is this the house in front of which  
6 Manson told you to stop the car?

7 "A Yes, it is."

8 In other words, she is telling us that Mr.  
9 Manson, with no knowledge whatsoever that she had ever been  
10 to Harold True's place before, directed her to Harold  
11 True's home.

12 Again, looking at our circumstantial evidence,  
13 the rule about circumstantial evidence, is it reasonable  
14 to infer that instead of Mr. Manson directing somebody  
15 somewhere, Linda Kasabian was suggesting and doing the  
16 directing to get to a place that she had been a year before.

17 Not being too knowledgeable in the Los Angeles  
18 area, having been gone a year before, she is somehow  
19 out of her supply of whatever she wanted, and she went to  
20 a place where she had had a party a year before.

21 Is that unreasonable?

22 Are these things that we are talking about now,  
23 are they just pulled out of the sky, out of whole cloth,  
24 or is there any reason to what we are saying?

25 So, who in that car, who in that car, knew  
26 where Harold True's home was?

Linda Kasabian knew where Harold True's home

was.

16a fls<sup>3</sup>.

16a-1

1 Now, it is very significant -- if I may, I would  
2 like to pass this -- if I may just a moment, for the  
3 record, if I can just say what it is -- People's Exhibit 62.

4 (The exhibit is passed to the jury.)

5 That is a most significant exhibit because of  
6 the relationship of Harold True's home to the La Bianca  
7 home.

8 It is very strange that the prosecution has  
9 not given us the details of this relationship directly.

10 If you go through the exhibits, we can get it  
11 indirectly.

12 Now, the prosecution has chosen not to go into  
13 this for a very valid reason.

14 Mr. Manson would have to be more than God.  
15 He would have to be God and the speediest runner that  
16 ever lived in order to do what he is supposed to have done  
17 in what Linda Kasabian says was four minutes at one place  
18 in these proceedings.

19 Assuming, just for the sake of discussion,  
20 that her ability to remember time is off. She chooses to  
21 say four minutes, though, at that point in the record.  
22 What Mr. Manson is accused of doing is unbelievable.

23 He is accused of going up the steps -- pardon  
24 me -- up the driveway of this home of Harold True. And  
25 if you integrate that picture with People's Exhibit 64 --  
26 again, we have the driveway, but this is an aerial view

1 taken probably before somebody decided that they wanted to  
2 do certain things to Mr. Manson because he was Mr. Manson --  
3 this picture shows the driveway and shows the relationship  
4 of Harold True's house to the La Bianca home.

5 If I may pass this to you.

6 (The exhibit is passed to the jury.)

7 The distance between Harold True's home and  
8 the La Bianca home is incredible. Just to walk there it  
9 might take four minutes.

10 But for Mr. Manson to go into the La Bianca  
11 home? Mr. La Bianca is a sophisticated person, a man who  
12 is the president of a chain of markets. Go into that home  
13 and tie up Mr. La Bianca the way the prosecution would  
14 have us believe -- excuse me just a minute -- (Mr. Shinn  
15 and Mr. Kanarek confer)

16 I must pass this picture and ask you to look at  
17 it just for the knot, keeping in mind the time that it would  
18 take just to tie Mr. La Bianca's hands.

19 Keeping in mind the distance involved from  
20 the True house to the La Bianca house, and keeping in mind  
21 that there is a fence. This aerial photograph shows a  
22 fence which would have to be overcome.

23 That person would have to go into the house.  
24 A person would have, then, as far as Mr. and Mrs. La Bianca  
25 were concerned, would have to subdue them.

26 Now, Mr. Bugliosi tells us that Mr. La Bianca

1 and Mrs. La Bianca were somehow bemused by Mr. Manson.  
2 Mr. Manson told them: I am tying you up. If you don't  
3 say anything, if you don't do anything, you are not going  
4 to be hurt.

5 This is what Mr. Bugliosi has told us in the  
6 prosecution's opening argument that this is what Mr. Manson  
7 did.

8 The pictures show clearly that Mrs. La Bianca  
9 was not tied up the way Mr. La Bianca was tied up. There  
10 is no indication whatsoever that the telephone wires were  
11 cut. There is nothing here in this record, or by any  
12 stretch of the imagination, anything that would indicate  
13 that Mr. La Bianca, and especially Mrs. La Bianca, that  
14 she was in any way made immobile.

15 So, it is utterly unreasonable, there aren't  
16 even two reasonable possibilities in connection with the  
17 La Bianca matter, if we keep in mind that the prosecution's  
18 own evidence shows that Mr. and Mrs. La Bianca purchased a  
19 newspaper at Hillhurst and Franklin concerning the Tate  
20 matters which had happened the night before.

21 Can you picture two people like Mr. and  
22 Mrs. La Bianca just sitting and waiting there after  
23 Mr. La Bianca was tied up this way?  
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17-1

1           Mr. Manson they are portraying to us as some  
2 kind of an arch fiend, some kind of a super type of  
3 criminal. This requires in four minutes or ten minutes  
4 or 15 minutes requires a capacity that is beyond any human  
5 being.

6           It requires someone to enter a home; it  
7 requires someone to enter a completely strange home, a  
8 home that one has not been in before, and do what Linda  
9 Kasabian would have us believe Mr. Manson did, and then come  
10 out to the car and have a discussion about "what we are going  
11 to do next."

12           Now, again -- again, when we look at this, is  
13 that reasonable? By any stretch of the imagination is it  
14 reasonable?

15           Here is another picture which shows the  
16 relationship of the True residence to the La Bianca home,  
17 and incorporated in all of this is no knowledge on the part  
18 of Linda Kasabian or anyone else that Mr. True did not  
19 live there at that time.

20           So it isn't much of a master criminal that is  
21 going to commit murder in a house next door to a place  
22 where he is known.

23           This is not only unbelievable, but it shows a  
24 complete lack of -- a complete lack of the prosecution's  
25 case.

26           Linda Kasabian did not say, even the prosecution



1 doesn't tell us that Linda Kasabian knew that Mr. True did  
2 not live there then. Linda Kasabian, her state of mind  
3 if we were to believe her testimony, was that when Mr.  
4 Manson walked up that driveway, Mr. True lived there.

5 What kind of a person is Linda Kasabian? If  
6 she is going out on a night of murder, and her state of  
7 mind is that Mr. Manson is going to do these things, and  
8 she thinks --

9 At that time she did not know Mr. True did not  
10 live there -- one of the pictures that is being passed  
11 around now shows she says that Mr. Manson went up Harold  
12 True's driveway.

13 Her state of mind would have to be that Mr.  
14 Manson was going into Harold True's house. That is the  
15 driveway he went up.

16 And if you look at this geography, here, to get  
17 to the La Bianca residence, you don't do it by going up  
18 Mr. True's residence.

19 So she did not know -- she did not know as  
20 she sat in that car, assuming just for a few moments that --  
21 just for the sake of argument, assuming what she says is  
22 so, here she is, sitting in an automobile, allowing somebody  
23 purportedly to be in jeopardy of being killed, and she sits  
24 in that automobile and smokes cigarettes.

25 Does that tax our believability?

26 Here, I believe, is another picture which shows--



1 if I may pass it around -- which shows supposedly where the  
2 car was parked.

3 Now, if we look for just a moment at the  
4 testimony of Linda Kasabian, page 5280 -- actually the  
5 question is at the bottom of the page, 5279:

6 "Q When Mr. Manson was giving you directions  
7 after the white sports car incident, did you know  
8 that you were going to end up in front of Harold  
9 True's place?

10 "THE WITNESS: No.

11 "Q BY MR. BUGLIOSI: How long would you  
12 estimate after you left Spahn Ranch the second night  
13 did you finally end up in front of Harold True's  
14 place?

15 "A I know it was very late at night. There  
16 was very little traffic.

17 "I will say around 2:00 o'clock in the  
18 morning.

19 "Q Now, when Manson directed you to stop  
20 in front of Harold True's place, did you recognize  
21 the spot?

22 "THE WITNESS: Yes, I did, right away.

23 "Q BY MR. BUGLIOSI: Did you say anything  
24 to Manson with respect to this?

25 "A Yes.

26 "Q What did you say to him?

1 "A 'Charlie, you are not going into that  
2 house, are you?'

3 "Q Did he say anything to you when you  
4 said that to him?

5 "A Yes, he did. He said, 'No, I'm going  
6 next door.'

7 "Q What was the next thing that happened?

8 "A He got out of the car.

9 "Q What was the next thing that happened?

10 "A He got out of the car.

11 "Q All alone?

12 "A Yes.

13 "Q Did all of you remain in the car?

14 "A Yes, we did.

15 "Q What is the next thing that happened?

16 "A I saw him put something in his pants,  
17 an object, I don't know what it was.

18 "Q Could it have been a gun or a knife?

19 "A It could have been,"

20 Actually the Court sustained the objection to  
21 that, after she had uttered the words. I objected on the  
22 ground it was calling for a conclusion and the Court  
23 sustained the objection.

24 "Q BY MR. BUGLIOSI: He put an object  
25 in his pants?"

26 Again the Court struck the answer. The jury was

1 admonished to disregard it.

2 "Q BY MR. BUGLIOSI: You say he put an  
3 object in his pants?

4 "A Yes, he did.

5 "Q What is the next thing that he did.

6 "A He disappeared up the walkway, the  
7 driveway, leading towards Harold's house, and I  
17a fls. 8 could not follow him any longer. He just disappeared."  
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17a-1

1 Now, here we have, supposedly -- there is  
2 nothing in this record or otherwise to show that Linda  
3 Kasabian knew that Harold True knew Mr. Manson.

4 But in any event, here is Linda Kasabian  
5 allowing somebody that she supposedly -- earlier she tells  
6 us that she knew that murder was going to be committed  
7 that night.

8 She sits in the automobile and she takes the  
9 word for no reason, not even from her viewpoint, she  
10 takes the word of Mr. Manson who is this supposed wrong-  
11 doer, she takes the word that he is going next door.

12 She sees him go up the driveway and disappear  
13 in Harold True's house, not the La Bianca home, but  
14 Harold True's house. Now, if we take into consideration,  
15 try to put ourselves there at night, look at all the  
16 pictures, look at the foliage, look at the trees in that  
17 area.

18 Is that believable? Is that believable? Is  
19 that reasonable? Is that reasonable?

20 She now tells us that she knew that Mr. Manson  
21 was no longer God. That had happened 24 hours or so  
22 earlier, she had come to that conclusion, and she sits  
23 there in the automobile and allows this to happen.

24 It never happened; it never happened.

25 Linda Kasabian and whoever she went with,  
26 Tex Watson or whoever it was that she went with, went to

1 that area that night because Harold True was there, she  
2 thought. She went there for some purpose peculiar and  
3 some purpose particular to Linda Kasabian.

4 She directed whoever went to that house that  
5 night, because she had a personal desire.

6 If we look at the reasonable circumstances,  
7 Linda Kasabian's knowledge of this city, Linda Kasabian is  
8 the one that directed that car that night to that spot.

9 And Mr. and Mrs. La Bianca, when they passed  
10 away, they were not tied up first and someone left and  
11 came back in.

12 Mr. and Mrs. La Bianca, by whatever means they  
13 were killed, they were killed by whatever happened inside  
14 that house by whatever -- whoever went in there, they went  
15 in there and did whatever they did, or she or they or  
16 whoever it might be, and they did not leave. They did not  
17 leave.

18 And once again, once again I think if we look  
19 at this wallet, we come to a very, very interesting point  
20 in this case.

21 Ladies and gentlemen, part of the interrogation  
22 Mr. Bugliosi made -- I am saying this on the record,  
23 the court reporter is taking it down -- part of the  
24 interrogation Mr. Bugliosi made of Linda Kasabian con-  
25 cerning that restroom, involved the men's restroom.

26 And, if I may go into that at this point --

1 MR. BUGLIOSI: There is no evidence of that, your  
2 Honor. She said she went into the women's restroom.

3 MR. KANAREK: Well, with all due respect --

4 THE COURT: The jury heard the evidence. Let's  
5 proceed.

6 MR. KANAREK: You see this picture, here, is a picture  
7 of Sharon Tate. As far as the passing away of these people  
8 is concerned, that is very well documented.

9 The Coroner, Dr. Noguchi, and Dr. Katsuyama have  
10 documented with great precision for us the passing -- of  
11 that aspect of the case.

12 The prosecution has had it documented with  
13 great precision.

14 Now, the record in this case will reveal that  
15 as to People's Exhibit 70 -- let me pass this around, that  
16 is the tank which Linda Kasabian spoke about, where the  
17 wallet -- if I may, just for the record, I will hand you  
18 People's 66 and People's 67 which are photographs of  
19 real property.

20 (Mr. Kanarek hands the exhibits to the jury,  
21 after which there is a pause.)

22 THE COURT: Do you have some further argument,  
23 Mr. Kanarek?

24 MR. KANAREK: Yes, your Honor, I did not want to  
25 interrupt the jury --

26 THE COURT: You may continue your argument.

1 MR. KANAREK: -- in viewing the pictures, your  
2 Honor.

3 Now, in connection with these pictures, we  
4 will notice that this restroom where Linda said she  
5 placed the wallet, doesn't give you the details of the  
6 restroom.

7 Now, here we have the picture of Sharon Tate,  
8 that aspect of the case is given in great detail.

18-1

1           The only thing in evidence as far as this  
2 restroom is concerned is just a tank, a toilet tank.

3           There isn't given to us, even though  
4 Mr. Bugliosi interrogated concerning this, other pictures  
5 that he used in the interrogation.

6           We can infer, and I do infer, that it was the  
7 men's restroom that Mr. Bugliosi interrogated partially  
8 Linda Kasabian with. We can infer. We can make the  
9 inference that just showing<sup>us</sup> the tank in this picture means  
10 that, once again, there is a suggestion on the part of the  
11 prosecution to Linda Kasabian, and again, we have some  
12 fantastic, I mean, an unbelievable type of coincidence,  
13 two days after the Grand Jury indictment in this case, two  
14 days after the Grand Jury indictment in this case, the man  
15 who purportedly found this wallet, found this wallet in the  
16 ladies' room.

17           In other words, we are asked to believe that  
18 this wallet stayed in this tank for the months, from about  
19 August the 9th, 1969 -- August, September, October,  
20 November, -- four months. Four months in this ladies'  
21 restroom.

22           We don't have that kind of documentation  
23 concerning the restroom by either Linda Kasabian or anyone  
24 connected with the station.

25           The person who could tell us something concerning  
26 this would be the police officer who supposedly got this



1 wallet, to show some kind of a chain, to show the circum-  
2 stances concerning this wallet.

3 After the publicity hit the Los Angeles area,  
4 just two days later, after the indictment of December, 1969,  
5 this wallet shows up in a restroom in Sylmar.

6 And we are asked to believe that Mr. Manson  
7 wanted to start a race war this way. We are asked to  
8 believe that by means of this wallet hidden in this toilet  
9 tank, this was to start a race war, because some black  
10 person would find this and use it.

11 We have the unbelievable aspect, as far as this  
12 wallet is concerned, of no connection, no showing what that  
13 man told the police officer when the police officers first  
14 came to the scene.

15 We have plenty of evidence about what happened  
16 when police officers came to the scene at the Tate  
17 residence and the Polanski residence, but the police  
18 officer and/or his report that he took concerning this  
19 wallet is glaringly missing.

20 There are no fingerprints in connection with  
21 anything as far as the inside of this wallet is concerned.  
22 There is no offer of eliminated or uneliminated finger-  
23 prints in connection with this wallet as far as anything  
24 that we have been given in this courtroom.

25 How this wallet got into that particular place,  
26 if it did get into that place, is interesting to think

1 about.

2           Whoever had this wallet, did that person hear  
3 about the Grand Jury indictment? Did that person go to  
4 that station and put this wallet in that station after  
5 hearing of the Grand Jury indictment?

6           Is that just a coincidence? Two days later,  
7 two days after the date of the Grand Jury, this man  
8 supposedly finds this wallet in this particular tank, in  
9 this particular place in Sylmar.

10           I think, and I think we all remember the  
11 police officer, how Mr. Bugliosi interrogated that police  
12 officer as to what the police officer said concerning  
13 Sylmar.

14  
15 18a

18a-1

1 We are told that Pacoima is a very black area,  
2 and in a very loose way we are told that some black people  
3 live in Pacoima. Very, very leading types of questions  
4 asked by Mr. Bugliosi of the police officer.

5 No showing of any kind of demographic studies.  
6 We have in the County of Los Angeles, there is a population  
7 study that goes on in this community. We pay for it each  
8 and every day. There is a human relations bureau that  
9 keeps track of where the black people live in this  
10 community. And it is no problem at all to bring somebody  
11 like that over here and show us the population density of  
12 black people.

13 But the prosecution is relying once more on  
14 the prestige of the Los Angeles Police Department.

15 And is that a way to start a race war?

16 Or did Linda Kasabian ever see this wallet  
17 prior to the time that she came back to Los Angeles and  
18 spoke with Mr. Bugliosi?

19 If we look at the words that are written in  
20 the La Bianca residence, "Helter Skelter," "Rise," all  
21 of the words that were allegedly written there in blood,  
22 is there anything, is there anything, about those words  
23 that would pinpoint the black intent as far as a race  
24 war is concerned?

25 Is there anything about those words that would  
26 make us think that black people did it?

18a-2

1 Now, we have a very significant -- I am sure  
2 that all of us will remember Linda Kasabian testifying --  
3 I don't think I have to read the precise words -- it is  
4 in the transcript. I don't have it located at this  
5 instant, although I have it in my notes -- but Linda Kasabian  
6 testified that Charlie Manson said, on the second night,  
7 that he was going to show them how to do it.

8 He was going to show them how to do it.

9 Well, if this was a showing how to do it,  
10 as to two aspects, as to the passing away of the La Blancas  
11 and as to the pinpointing of this and making it look like  
12 black people did it, what is there there to make anybody  
13 think that it is black people?

14 If we look back to August of 1969 and the  
15 word "pig," there is the Griffith Park area right  
16 immediately adjacent to this Los Feliz address. We all  
17 know of the police problems that there have been in that  
18 Griffith Park area, the police problems in the Griffith  
19 Park area involving people that go there and do whatever  
20 they do, and where they have their differences with the  
21 police and have called the police pigs in that Griffith  
22 Park area, those people are not -- I suppose there are  
23 some black people in there maybe, but they are certainly  
24 not a black type of population such that you would say  
25 it was a black-white war that anyone could conceivably make  
26 the inference from.

1 Remember, according to the prosecution's own  
2 evidence, Helter Skelter, taking the prosecution's viewpoint  
3 just for a half a minute, everybody that went through that  
4 Spahn Ranch, I suppose, saw the words Helter Skelter that  
5 were printed down in that particular -- wherever Helter  
6 Skelter was written -- and young people who go to the  
7 Griffith Park area, or wherever they go, and whoever they  
8 talk to, might have some reason for being in the Griffith  
9 Park area, I don't know.

10 Admittedly what I am saying has a bit of  
11 conjecture to it.

12 But the fact remains that if Mr. Manson has  
13 this specific intent for Helter Skelter to cause all of  
14 us -- no one here, I don't think any of us here are black --  
15 to cause us to think that black people came in and killed  
16 white people, this is an awfully puny, an awfully puny  
17 expression. There is nothing there.

18 18b fls.

18-1  
1 There are so many ways that this could be pin-  
2 pointed as being black.

3 Like Mr. Fitzgerald says, you go out Venice  
4 Boulevard all the way to Santa Monica, where Linda Kasabian  
5 went later on, she says. You could put this wallet in the  
6 black part of town.

7 You don't put it in Sylmar.

8 If any of us know the San Fernando Valley area,  
9 Sylmar, Newhall, Granada Hills, Mission Hills, Sylmar is  
10 immediately adjacent. That isn't a black area.

11 You have to go practically all the way to  
12 West Virginia or Tennessee or something to get to a black  
13 area from there. It is a completely white area, Sylmar is.

14 In fact, Mr. Bugliosi had to bring up Pacoima  
15 in order to even get a police officer who has a certain  
16 orientation to talk about black people.

17 So, what we have again, what we have again, is  
18 a confrontation, a confrontation, and in that confrontation  
19 we have vestiges of some kind of an appeal to racial bias,  
20 racial prejudice.

21 Whatever Mr. Manson's philosophy may be,  
22 whatever his personal philosophy may be, that philosophy is  
23 not on trial here.

24 What Mr. Manson is on trial for is murder.

25 And if we take the prosecution evidence  
26 concerning Mr. Manson and look at it, we must come to the

1 conclusion that the prosecution is intent upon just trying  
2 to overwhelm us with dirt.

3 They are trying to overwhelm us, they are trying  
4 to appeal to our basest, our most unhappy type of emotion.

5 And this is something that is calculated by  
6 the prosecution just in order to get a conviction, in  
7 order to get a conviction.

8 At this time, what I would like to do, I would  
9 like to first -- I am not going to pass this around and take  
10 up the time in doing that -- but here we have defendants'  
11 Exhibit BD, which is in evidence, which shows that there  
12 is a certain frequency, whatever that frequency may be, in  
13 connection with the maintenance of that tank in the gas  
14 station, that tank in what supposedly is the ladies'  
15 restroom.

16 We all remember the evidence where the man  
17 testified that there was this procedure in connection with  
18 maintaining that gas station.

19 Now, maybe Mr. Bugliosi is going to tell you  
20 that that gas station -- that the man didn't do what was  
21 written down in the book, that he didn't maintain it every  
22 couple of hours.

23 But in four months they maintained it. They  
24 had to pick up the top of that tank in order to maintain  
25 the toilet.

26 Now, what I want to do, if I may, is discuss --

1 Mr. Bugliosi, when he spoke with you concerning  
2 conspiracy, as we discussed previously, he didn't discuss  
3 the law, and the principle of law that we are going to  
4 use in this case is the corpus delicti instruction.

5 Literally, corpus delicti means body, corpus,  
6 of the wrong.

7 In other words, robbery has a corpus delicti,  
8 burglary has a corpus delicti. It isn't just murder that  
9 has a corpus delicti. Every crime has a corpus delicti.

10 The law rightfully provides that before you  
11 can convict anyone, you first have to prove there is a  
12 crime.

13 Now, the prosecution in this case has broad-  
14 brushed this situation involving Mr. Manson's statement.

15 Now, there is also a principle of law that we  
16 are going to use, that before any statements, alleged  
17 statements, of a defendant, no matter which way you  
18 denominate it, the prosecution wants to denominate certain  
19 statements as confessions or admissions -- whichever way  
20 you want to denominate it, before those can be used in  
21 connection with a defendant, we first must find that a  
22 crime occurred.



19-1

1 So in this case, before we can find that there--  
2 that anybody is guilty of conspiracy, we have to first sit  
3 down and decide, is there a conspiracy.

4 Now, for the sake of description let's call that  
5 circle a conspiracy (Mr. Kanarek draws a circle on the chart  
6 and indicates thereon).

7 Various people sitting around a table, so to  
8 speak, just diagrammatically, forming a conspiracy. Now,  
9 it is true a conspiracy does not have to be formed; we  
10 do not have to form a conspiracy by sitting around a table  
11 and explicitly deciding that we are going out and rob a  
12 bank.

13 We can form a conspiracy without doing that.

14 But we must in fact have the specific intent  
15 to carry out the object of the conspiracy as well as having  
16 the specific intent to conspire.

17 That specific intent may be shown by circum-  
18 stantial evidence, but it must exist.

19 In other words, we cannot just bootstrap our-  
20 selves, as the prosecution would have us do, into having  
21 a conspiracy just because there is a wealth of conversation  
22 purportedly repeated in this courtroom, because Mr.  
23 Jakobson or Mr. Watkins or Mr. Flynn or anybody that  
24 testified in this trial testifies that Mr. Manson uttered  
25 certain words, that does not mean that there is a  
26 conspiracy.

19-2

1 We have Susan Atkins; we have Patricia Kren-  
2 winkel; we have Charles Tex Watson; we have Charles Manson;  
3 we have Linda Kasabian; we have Leslie Van Houten.

4 We also have a man who for some reason the  
5 prosecution has not brought to this courtroom as a witness,  
6 the prosecution says he was with Linda Kasabian, Steve  
7 Grogan, Clem. We have heard this gentleman spoken of.

8 For some reason prosecution has not, even  
9 thought what Linda Kasabian says she said she said, Mr.  
10 Grogan has not been brought here as a witness.

11 Now, before we can have a conspiracy there has  
12 to be the specific intent on the part of these people  
13 to conspire.

14 They have to have intent to do what -- to carry  
15 out the purposes of the conspiracy. It is just plain  
16 horse sense.

17 Now, the prosecution, they want a conviction,  
18 so they put on people and as we go through this transcript  
19 we find witness after witness, witness after witness,  
20 where the Court has ordered us to consider the statements  
21 only as to Mr. Manson.

22 They did not bring anybody in here to show  
23 that Susan Atkins made any statements, Patricia Krenwinkel,  
24 Leslie Van Houten.

25 I am speaking now of the so-called Helter Skelter,  
26 black and white war and all of that. They did not have

19-3

1 anyone.

2 There is not one witness where they mention  
3 anything concerning this alleged conspiracy.

4 Now, if somebody is going to conspire; if  
5 somebody is going to conspire, they certainly are going  
6 to have a motive, a purpose for this.

7 Mr. Bugliosi talks about robots; he talks about  
8 automations.

9 On Mr. Bugliosi's statement you should come  
10 back immediately, in a half minute, with a not guilty as  
11 to Susan Atkins, Patricia Krenwinkel and Leslie Van Houten.  
12 They are robots; they don't know what they are doing, he  
13 says.

14 He cannot have it both ways. He cannot have  
15 it both ways. For some reason, for some reason, because  
16 of Mr. Manson's -- because of Mr. Manson's complete and  
17 absolute -- I better not say it.

18 THE COURT: Mr. Kanarek, we are going to adjourn just  
19 a few minutes early tonight, and I will ask counsel to  
20 come into chambers after the jury is excused.

21 Ladies and gentlemen, do not converse with  
22 anyone or form or express an opinion regarding this case  
23 until it is finally submitted to you.

24 The Court will adjourn until 9:00 a.m. tomorrow  
25 morning.

26 (Whereupon the members of the jury quit the

1 courtroom, and the following proceedings were had in the  
2 chambers of the Court, outside the presence and hearing  
3 of the jury and the defendants, all counsel with the  
4 exception of Mr. Hughes being present:)

5 THE COURT: All counsel are present.

6 We have a three-day weekend coming up after  
7 tomorrow, and I wanted to get some indication as to how  
8 we stand as far as the balance of the arguments are  
9 concerned.

10 Do you have any estimate, Mr. Kanarek, as to  
11 how long it may be?

12 MR. KANAREK: I don't think I will finish tomorrow,  
13 your Honor.

14 THE COURT: Well, do you have any estimate as to how  
15 long you will be?

16 MR. KANAREK: To be candid, I want to be candid with  
17 the Court, I would say several days, your Honor.

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19a fls

19a-1

MR. KAY: Hah! That is real definite.

THE COURT: Well, I want to be candid with you, Mr. Kanarek, and I say this because I think it might be helpful to you.

You appear to me to be very disorganized in your argument, and repetitive.

Also, your manner of delivery is such that it puts almost anyone to sleep.

Now, I am not going to tell you how to make an argument. I am not going to tell you what to say or how to say it, but I would suggest to you that you may not be doing your client the most amount of good by prolonging it unduly.

A good argument is not necessarily a long one.

MR. KANAREK: Well --

THE COURT: I would suggest also that if your co-counsel have anything to say in this regard, that you listen very carefully. I don't know whether they do or not. Maybe they will disagree with me.

I would give it some careful thought.

MR. KANAREK: It may appear that way to the Court, but it is completely thought out, your Honor.

THE COURT: All good things have to come to an end too, Mr. Kanarek, and that includes arguments.

MR. KANAREK: Yes.

THE COURT: I have not placed any restrictions on

19a-2

1 anybody as to argument, but when it goes beyond a certain  
2 period and I think that it is being prolonged unduly, then  
3 I will have to do something about it.

4 MR. KANAREK: Well, I don't have the facilities of  
5 the District Attorney's office, and a lot of clerks to  
6 stand there and hand me exhibits the way Mr. Bugliosi does.

7 We were not even allowed to have an investigator  
8 inside the rail, so naturally, obviously I will have to do  
9 the mechanical aspect of the case.

10 They won't even allow -- the people cannot  
11 even get inside the courtroom, people to assist the  
12 defense. We cannot even get them in the courtroom, so  
13 I have to do the mechanical aspect of it.

14 And if necessary, I will tell it to the jury.

15 This is completely organized, and I have it  
16 completely and absolutely outlined. I know exactly --  
17 and I have a purpose for what I am doing, and the Court  
18 has --

19 THE COURT: I don't want to be unfair to anybody. I  
20 don't want to restrict anybody unfairly, but I am just  
21 giving you the benefit of my thoughts as to what I have  
22 seen today.

23 MR. KANAREK: Well, that may be -- the Court is  
24 entitled to its viewpoint, but of course I have these  
25 mechanical problems because your Honor has foreclosed us  
26 from having our people inside the rail.

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1           Your Honor won't allow us even to have -- not-  
2 withstanding the prosecution having their police officers  
3 and everybody inside the courtroom and the rail, we were  
4 not even allowed to have another person inside the rail.

5           THE COURT: What does this have to do with your  
6 argument?

7           MR. KANAREK: It has to do with the mechanical aspect  
8 of getting the exhibits.

9           THE COURT: Do you want someone else to come inside  
10 the rail during your argument, is that what you are saying?

11           MR. KANAREK: It's a little late now, your Honor,  
12 your Honor has previously made the ruling.

13           THE COURT: This is while the argument is going on.  
14 Why is it late?

15           MR. KANAREK: Because I would have to instruct someone  
16 between now and tomorrow morning, it's a little late, your  
17 Honor. I would be glad to try to do it but -- to try to  
18 do the mechanics of it, the mechanics of it are terribly  
19 difficult due to the restrictions the Court has imposed.

20           THE COURT: Mr. Kanarek, I don't care whether you  
21 have someone in to help you or not. I am not suggesting  
22 you do so.

23           MR. KANAREK: This is new, your Honor, previously --

24           THE COURT: This is nothing new. We won't get into  
25 any prolonged discussion about it now. I gave you the  
26 benefit of a few remarks. You can take them for what they



1 are worth. You can disregard them in their entirety if  
2 you like.

3 But I am going to tell you this is not going to  
4 go on forever.

5 MR. KANAREK: I listen to everything the Court tells  
6 me.

7 THE COURT: I would suggest you give some serious  
8 consideration to getting this thing organized because there  
9 may very well come a time that I will have to tell you you  
10 have had sufficient time to argue.

11 MR. KANAREK: It is organized, your Honor. The  
12 mechanical aspect of it, I repeat, in connection with the  
13 exhibits, is such that I have to do it all myself because  
14 of the Court's orders.

15 THE COURT: All right, well, that is all I have.

16 MR. KEITH: While we are here and on the record may  
17 I submit to the Court and other counsel a written request  
18 for additional instruction.

19 THE COURT: Yes.

20 MR. KAY: Is this the same one you submitted the other  
21 day?

22 MR. KEITH: No, it isn't.

23 MR. KAY: Is this in addition to or in place of?

24 MR. KEITH: This is in addition to. I already handed  
25 them to Mr. Shinn and Mr. Fitzgerald and I will hand a copy  
26 to Mr. Kanarek.



1 THE COURT: All right, we will discuss all of the  
2 recently submitted instructions before I give any of them.

3 MR. KEITH: Thank you.

4 THE COURT: If there is nothing else we will adjourn  
5 until tomorrow morning.

6 (Whereupon an adjournment was taken until  
7 the following day, Thursday, December 31,  
8 1970.)  
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