

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

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

160

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Monday, January 4, 1971

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:	<del>RONALD HUGHES, Esq.</del> MAXWELL KEITH, Esq.
For Deft. Krenwinkel:	PAUL FITZGERALD, Esq.

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

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LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 4, 1971

9:07 o'clock a.m.

- - - - -

(The following proceedings were had in open court in the absence of the jury and the immediate presence of the defendants, all counsel with the exception of Mr. Hughes being present:)

THE COURT: All counsel are present, go ahead, Mr. Kay.

MR. KAY: Your Honor, I have four personal service returns on subpoenas in front of me. One of the witnesses is here now, Mark Arnison. I will ask the Court order him back for January 18th.

THE COURT: Is this Mr. Arnison?

MR. KAY: Yes.

THE COURT: January 18th at 9:00 a.m.?

MR. KAY: Yes, your Honor.

THE COURT: All right. You are ordered to return to this court on January 18th, at 9:00 a.m., Mr. Arnison, without further order, notice or subpoena.

MR. KAY: In the three other subpoenas the witnesses have not shown up yet. I will ask bench warrants be issued for Kitty Lutesinger, Allan Springer and John Puhek, and that they be held until next Monday for those three witnesses, that would be the 11th, I believe.

THE COURT: Very well, a personal warrant will be

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1 issued --

2 MR. BUGLIOSI: Withdraw it on Springer, your Honor.

3 THE COURT: I beg your pardon.

4 MR. BUGLIOSI: Withdraw it on Springer; withdraw it  
5 on Springer.

6 THE COURT: All right, the bench warrant will be  
7 issued for Louis John Puhek and Katherine Lutesinger,  
8 held until January 11th at 9:00 a.m.

9 MR. KAY: Thank you.

10 MR. KANAREK: Yes, your Honor, I have some jury  
11 instructions that I would like to --

12 DEFENDANT MANSON: (From holding room.) You are  
13 not paying attention to what they are doing, Irving.

14 MR. KANAREK: Pardon me.

15 (Momentary consultation between Mr. Kanarek  
16 and Defendant Manson.)

17 MR. KANAREK: Your Honor, I believe that Kitty Lute-  
18 singer, I believe this lady is at Temple and Broadway in  
19 this van that is out on Temple and Broadway, and I would  
20 ask your Honor then to hold that bench warrant so that we  
21 can approach her because I believe --

22 THE COURT: Didn't you hear what I said, Mr. Kanarek?  
23 That is exactly the order I made.

24 MR. KANAREK: I'm sorry, your Honor, I apologize  
25 to the Court.

26 THE COURT: All right, anything further?

fls.

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1 MR. KANAREK: Yes, your Honor.

2 THE COURT: If you have some requested instructions,  
3 you may give them the Clerk and we will have a further  
4 conference on any proposed instructions before the jury is  
5 instructed, after the completion of argument.

6 MR. KANAREK: Yes, your Honor.

7 The point is that I would like some guidance,  
8 if I may, your Honor, in this connection.

9 THE COURT: I will look at them as soon as I can,  
10 but we are not going to hold up the argument now.

11 MR. KANAREK: Very briefly, your Honor, one of them  
12 especially, it is my position that the purported statement  
13 of --

14 THE COURT: I am not going to take the matter up now,  
15 Mr. Kanarek.

16 If you want to give your requested instructions  
17 to the Clerk, I will look at them as soon as I can and give  
18 you an indication as to whether or not they will be given.

19 MR. KANAREK: Very well.

20 Thank you, your Honor.

21 THE COURT: Anything further?

22 You may bring the jury in.

23 (The following proceedings occur in open  
24 court. The jurors are all present. All counsel except  
25 Mr. Hughes are present. Defendants absent.)

26 THE COURT: All counsel and jurors are present.

1           You may continue your argument, Mr. Kanarek.

2           MR. KANAREK: Thank you, your Honor.

3           Good morning, ladies and gentlemen of the jury.

4           Last Friday we were discussing the writing of  
5 the word "pig" on the front of the Tate -- on the front  
6 door of the Tate home, and the Court is going to instruct us  
7 that any declarations, statements, which are offered or  
8 which take place during the pendency of a conspiracy and  
9 on behalf of the conspiracy, can be used against any defen-  
10 dant in determining, that is, they can be discussed and  
11 thought about as to whether or not they occurred, in  
12 determining whether or not there is any criminal liability  
13 of a particular defendant.

14           Now, we look, for instance, at the word "pig."

15           I am sure that Mr. Bugliosi will argue that  
16 this is a declaration which took place during the pendency  
17 of the conspiracy, being during the two days, and this was  
18 something or other that was offered on behalf of furthering  
19 the conspiracy.

20           But when we look at it closely, we realize  
21 that this word "pig," that all the other words that were  
22 supposedly written in blood, that none of those words -- none  
23 of those words -- have been tied, even as a matter of plain  
24 old logic, forgetting some of the weird wordings that we  
25 might say are included in the law, there is nothing whatso-  
26 ever to tie these words to Mr. Manson.

1 Now, the Court is going to instruct us that --  
2 and the Court has already instructed us -- that in connection  
3 with statements that are offered against a particular  
4 defendant or conduct that is offered against a particular  
5 defendant cannot be used for any purpose against another  
6 defendant.

7 So, immediately as to the handwriting  
8 exemplar matter concerning Patricia Krenwinkel, we can  
9 put that completely aside as far as Mr. Manson is concerned,  
10 because the English language, we hope, means what it says,  
11 and so nothing whatsoever as to any of these defendants  
12 except as to something concerning Patricia Krenwinkel, none  
13 of these words have been connected with these defendants.  
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1 Now, you must remember that the Spahn Ranch  
2 was a very fluid place like, I think we have spoken of,  
3 it's a place where people came and went, and I think Mr.  
4 Fitzgerald made the point that in this country today,  
5 for instance, we have people like Henry Wallace.

6 We have people like Mr. Welch of the John  
7 Birch Society.

8 We have various militant organizations. Some  
9 of these organizations, they discuss and they advocate  
10 some things that all of us certainly don't agree or  
11 espouse, and because of the fact that someone may hear,  
12 and do and react, certainly is no reason why Mr. Welch  
13 of the John Birch Society should be prosecuted for murder,  
14 or Mr. Wallace, the present Governor of Alabama, should  
15 be prosecuted for murder, and we pride ourselves -- even,  
16 you take the communist party, people that are of that bent.  
17 On the streets of all of our major cities we have some of  
18 the most virulent and violent type of language. Read  
19 what the Daily Worker and the People's Daily World, what  
20 some of those people advocate.

21 And we have seen what happens, for instance,  
22 in connection with organizations of this type. These  
23 organizations -- who knows? Who knows how much such  
24 organizations there are in a country of -- I think we now  
25 have 200 million people in the United States of America.

26 So, to try and foist upon Mr. Manson, who had



1 been at the Spahn Ranch, the actions, these actions, is  
2 a political move by the District Attorney of Los Angeles  
3 County.

4 The District Attorney of Los Angeles County,  
5 as we have said, is a political office, and this trial is  
6 a political trial, no matter which way we look at it.

7 No matter which way we look at it, this trial  
8 is a political trial, is a trial wherein because of certain  
9 ideas being antagonistic to the ideas that some of us may  
10 have, has resulted in a situation where Mr. Manson has  
11 come before us and supposedly is being tried for murder.

12 Actually Mr. Manson is a very small part --  
13 he is a person who is merely a symbol. He is a person  
14 who is a symbol of the confrontation, one of the confron-  
15 tations that is going on in this country today.

16 Now, the Court is going to speak and tell you  
17 concerning, for instance, the marking, there has been in  
18 evidence, concerning the X on Mr. Manson. This is a form  
19 of free speech.

20 Evidence should be offered in a criminal  
21 trial so that you can make some kind of inference concerning  
22 the charge.

23 Rightly or wrongly, rightly or wrongly, Mr.  
24 Manson does not approve of some of our procedures, and so  
25 what has occurred in terms, for instance, of this X, this  
26 is a symbol of his protest at the way that he feels he is



1 being treated, and, you know, it is one thing -- it is one  
2 thing to give someone a fair trial and treat one objectively  
3 that comes in dressed like all of us are.

4 It's easy -- let's say it is easier perhaps.  
5 We show a greater dignity and respect for our law when we  
6 acquit Mr. Manson when the evidence shows in this case  
7 he is not guilty of anything as far as any charges in this  
8 case are concerned, we show greater respect for our law  
9 when we acquit him because it means that we have the power  
10 to discern. It means we have the power to put aside the  
11 blood and gore and analyze what supposedly took place ana-  
12 lytically, instead of emotionally.

13 Now, there's no question, we feel -- we feel  
14 and those of us that are on the jury, I suppose, each of  
15 us will have a feeling.

16 We feel that Linda Kasabian wrote these  
17 words, "Pig," on this door as we have spoken before. Her  
18 knife was inside that house.

19 We think that there is great probability when  
20 she heard that -- whatever noises she may have heard or  
21 did hear, the man she liked was in danger, she ran into  
22 that house to protect him with her knife.

23 Now, let's go to the evidence and see again,  
24 keeping in mind the principle of corroboration. I've  
25 got it written here, but I will write it on this.

26 Let's go through this evidence. Let's see

1 if there is any corroboration, corroboration that the law  
2 requires before we can find anyone guilty of murder.

3 Here is a picture of Sharon Tate. Now, this  
4 picture does not corroborate anything because it doesn't  
5 connect -- it does not connect Mr. Manson with what has  
6 allegedly happened.

7 We will discuss this and see if there is any  
8 kind of corroboration to any of the People's evidence.

9 Here is the picture of Mr. Sebring. Does  
10 that picture -- does that picture corroborate? Obviously  
11 not. It does not connect Mr. Manson with any wrongdoing.

12 We have a picture here of -- People's Exhibit  
13 3, obviously People's Exhibit 3 does not corroborate  
14 anything concerning the alleged victims, the people who  
15 passed away in connection with this case. We have a  
16 picture of the house which is the Tate residence, People's  
17 Exhibit 4. Does that exhibit in any way corroborate  
18 Linda Kasabian?

4 fls.

4-1 1 What we have to do is look at the picture and  
2 then we have to consider the testimony that went along with  
3 this picture, because this is a trick, a trick that someone  
4 may try to play upon us to try to make us think there is  
5 corroboration by the mere volume, by having lots of exhibits.

6 This picture is predicated -- if we look at it,  
7 I think that we will remember that everything on this picture,  
8 these little items here that are marked, are items wherein  
9 Linda Kasabian is the one who testified concerning these  
10 markings.

11 I may be wrong about "A" but I don't think so.

12 I think that all of these are predicated upon  
13 Linda Kasabian.

14 But even assuming that we know that there was  
15 other testimony concerning this picture, even if Linda  
16 Kasabian did not testify concerning this picture of the  
17 front portion of the Tate mansion, even if she didn't testi-  
18 fy, there still is no corroboration, because the rule of  
19 corroboration requires that the connection be made with the  
20 defendants, and Mr. Manson in no way is connected except  
21 by the fact that a witness or two testified that at one time,  
22 in March, he was at this home.

23 But that does not corroborate any kind of  
24 wrongdoing as far as these events of the two days that we  
25 have spoken of are concerned, and let's not let anybody  
26 trick us into believing that.

1 The fact of the matter is that this picture,  
2 there is nothing about it that is corroborative or tends  
3 to be corroborative of Mr. Manson's alleged wrongdoing.

4 Here is a picture. You know what this  
5 picture represents. A boy that passed away at the Tate  
6 home. But that obviously doesn't corroborate anything  
7 concerning Mr. Manson.

8 We have here a picture of an automobile,  
9 People's 6, and I am sure we will agree that the matters  
10 that are shown there in no way, none of these events have  
11 been connected with Mr. Manson.

12 Now, again, these two pictures that have the  
13 word "pig."

14 Now, there is a lot of emotional appeal in  
15 these pictures. There is no question that there is a play  
16 upon our emotions when we see words like this written in  
17 blood.

18 The prosecution, for instance, did not  
19 eliminate Linda Kasabian.

20 Talk about handwriting exemplars. It would seem  
21 to me that Mr. Bugliosi and the prosecution in this case  
22 has attempted to prove some negatives, but it is quite  
23 interesting that as to none of this language was there any  
24 negative or was there any exclusion of Linda Kasabian  
25 concerning the words that were written, no handwriting  
26 exemplars were taken, and so forth. That is, as far as we

1 know.

2 The same way that elimination can take place  
3 in connection with fingerprints, elimination could take  
4 place in connection with handwriting.

5 People's Exhibit 10. Clearly nothing whatso-  
6 ever to connect Mr. Manson with anything that purports to  
7 be related by People's Exhibit 10, or any testimony concerning  
8 People's 10.

9 The same thing with People's Exhibit 11.  
10 Nothing whatsoever to connect Mr. Manson with anything of  
11 People's Exhibit 11.

4a

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1 People's Exhibit 12 again. Nothing to  
2 connect Mr. Manson with anything that is portrayed in  
3 People's Exhibit 12.

4 People's Exhibit 13. The same thing. Nothing  
5 to connect Mr. Manson whatsoever to People's Exhibit 13.

6 People's Exhibit 14. Nothing whatsoever.

7 As to exhibits like People's Exhibit 14, there  
8 is hardly anything in connection with matters inside the  
9 Tate home that are indicative of what allegedly occurred  
10 there.

11 When we look, for instance, at an exhibit like  
12 People's Exhibit 14, what does it really tell us concerning  
13 these events? There is nothing whatsoever that shows us the  
14 ladder. It shows us matters that were testified to. But  
15 as far as any criminal culpability was concerned, what does  
16 it really tell us?

17 Certainly, by no stretch of the imagination is  
18 it corroborative of any criminal conduct on the part of  
19 Mr. Manson.

20 People's Exhibit 15. The same thing.

21 People's Exhibit 16. This, again, is an  
22 exhibit that depends upon Linda Kasabian, and certainly  
23 this is not corroborative as far as Mr. Manson is concerned.

24 We have a series of pictures. All of these  
25 pictures are pictures of a car and the geography, such as we  
26 realize, and I am sure we agree, that there is nothing here

1 that connects Mr. Manson whatsoever to any criminal  
2 culpability.

3 Exhibits 21 through 23 are also pictures that  
4 involve the inside of the house and do not connect  
5 Mr. Manson with anything as far as these crimes are  
6 concerned.

7 Now, we get to some exhibits that probably  
8 require us to do a little bit of thinking.

9 We have People's Exhibit 26, which shows,  
10 I am sure we will all remember, it shows where Linda  
11 Kasabian testified concerning the events around that screen.

12 Now, Mr. Bugliosi and the prosecution will  
13 undoubtedly argue that this picture and what it stands for  
14 corroborates Linda Kasabian.

15 There is no question but what it doesn't.  
16 Because, again, this picture, everything that we know  
17 concerning this picture, depends upon Linda Kasabian's  
18 testimony.

19 Linda Kasabian is the only one who testified  
20 concerning events that can connect any of the defendants  
21 with this picture, and Linda Kasabian is a witness, the  
22 People's only witness, really, who purports to connect  
23 Mr. Manson with any criminal liability, and this picture  
24 is indicative of the weakness of the prosecution's case  
25 because of the fact that this picture shows very clearly  
26 how Linda was operating, according to her testimony.



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1 I think -- I think that this picture is  
2 eloquent on how in fact he -- it speaks eloquently,  
3 in fact, for the proposition that Linda Kasabian was  
4 inside that house.

5 Again, if we think about the relationship  
6 between Linda Kasabian and Mr. Watson, the fact that Mr.  
7 Watson took Linda Kasabian's, or Linda Kasabian's husband's  
8 -- or Mr. Melton's \$5,000, I think we can fairly well  
9 assume that Linda Kasabian and Mr. Watson had the kind  
10 of a relationship that is indicative by what happens  
11 here in this scene.

12 These are the trunks. I'm sure we all  
13 remember the trunks. Again, there is nothing whatsoever  
14 here to connect Mr. Manson with any criminal liability.

15 Now, here we have a picture of a girl; this  
16 is the girl that has been called Gypsy, and again unless  
17 we discipline our thinking, we may fall into some kind  
18 of a thinking process where we might think that this  
19 picture, a picture such as this is corroborative of  
20 Linda Kasabian. But it isn't.

21 This picture of this girl -- the fact that  
22 this girl lived at this ranch does not in any way  
23 corroborate Linda Kasabian, and the fact that these people  
24 -- the fact that these people lived together and the fact  
25 that these people knew each other, for instance the  
26 fact that Mr. Manson knew Gypsy, does not corroborate

Linda Kasabian.

1                   It has to be something -- the corroboration  
2 must be something independent of Linda Kasabian that  
3 connects Mr. Manson with the trial.

4                   Here is a picture of Tex Watson supposedly.  
5 Now, even this picture -- I believe this picture was  
6 testified to by Linda Kasabian, and I suppose even this  
7 picture -- this picture itself, since the foundation for  
8 this picture was Linda Kasabian, there may have been  
9 other people in the trial, there may have been other  
10 people in the trial who identified this picture which  
11 would be a different matter because they are independent  
12 of Linda Kasabian. I don't recall right now.

13                   But this picture could not be used for anything  
14 to prove anything concerning Mr. Manson as far as criminal  
15 culpability is concerned, because of the fact -- I mean,  
16 if Linda Kasabian was in fact the only person who  
17 testified concerning this picture.

18                   Now, let's say someone else in the trial  
19 did testify concerning this picture; that this was Mr.  
20 Watson.

21                   How many inferences do we have to make  
22 before we allow this to corroborate Linda Kasabian?  
23 Obviously this picture, the bare picture of Mr. Watson,  
24 doesn't connect Mr. Watson with any criminal liability  
25 any more than if Mr. Watson was standing right here in  
26

1 the courtroom, any more than that would make Mr. Watson  
2 criminally liable.

3 So, the fact that this picture is present and  
4 shows Mr. Watson in an obviously hair dress, and so forth,  
5 a turtleneck sweater, and so forth; he appears to be the  
6 type of person that was living at the Spahn Ranch.

7 Of course that does not mean that Mr. Manson  
8 has any kind of -- has done anything wrong because Mr.  
9 Watson is living at the Spahn Ranch.

10 Now, these pictures -- these pictures of  
11 these girls that have lived at the Spahn Ranch.

12 Here is Dianne Bluestein, Dianne Lake.

13 None of these pictures, including the picture  
14 of the automobile, corroborates Linda Kasabian.

15 Now, getting into the pictures -- this is  
16 where we have to -- this is where we again -- when we  
17 go over those jury instructions, we attack this like a  
18 problem in logic, which it is.

19 Take this picture concerning Mr. Parent.  
20 Now, the reason there is nothing corroborative in this  
21 picture is because independent of Linda Kasabian there is  
22 nothing to connect any of the defendants, Mr. Manson or  
23 anyone, with the passing away of Mr. Parent outside of  
24 Linda Kasabian.

25 Sure, we had testimony from police officers.

26 Now, those people are obviously not

1 accomplices. But those people merely testified to blood,  
2 the viewing of the scene, and so forth.

3 The fact that a police officer comes down and  
4 views some occurrence does not mean that that is corrobora-  
5 tion. The corroboration must connect the defendant, the  
6 independent corroboration must connect the defendant with  
7 what allegedly took place, and I think we are all agreed  
8 that no such connection has even been remotely made as  
9 far as this picture is concerned.

10 Here is an interesting picture -- here is an  
11 interesting picture. This picture is the picture of the  
12 man that we spoke of in this courtroom as Mr. Grogan.

13 This man was allegedly on the second night,  
14 was allegedly in the car. He was one of the people.

15 Linda Kasabian tells us he was one of the  
16 people that was present and this man, certainly, I mean,  
17 we talk about equal protection of the law or any way we  
18 want to denominate it -- this man, for some reason or other  
19 was not even made a defendant in this case, not even at  
20 the beginning.

5a fls.

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1 It's another circumstance -- he, certainly not  
2 having been made a defendant in the case, certainly would  
3 seem to be a more positive, a more appropriate witness than  
4 Linda Kasabian in many events.

5 But certainly, looking at the pleadings in  
6 this case, this man was not even made a defendant. I mean,  
7 it's a circumstance. You wonder about the motivation.  
8 You wonder about the direction of the District Attorney of  
9 Los Angeles County.

10 Now, we come to the swords.

11 Now, here we get into an area where we have to  
12 -- where we have to approach it and must think in the terms  
13 of the law of corroboration.

14 Clearly there is evidence in the record,  
15 there is evidence that the dune buggy had the sword in it;  
16 that evidence is independent of Linda Kasabian.

17 Now, the question is, then, what we have to do.  
18 We have to look to the weight of that evidence.

19 There is evidence, if you believe it, from  
20 people who were accomplices in this case that Mr. Manson  
21 drove a dune buggy that had a sword in it, and it seems  
22 like -- like this, the developing of this by the prosecution  
23 is indicative of the fact that Mr. Manson should be  
24 found acquitted, Mr. Manson should be found not guilty of  
25 all charges because look at the people that had access to  
26 that dune buggy!

1 Mr. Watson, according to the prosecution, was  
2 a complete idiot except when it comes to dune buggies, -- a  
3 complete and absolute -- he is a puppy dog.

4 But he's got enough brains evidently, he had  
5 the mechanical ability around the place, it would appear from  
6 evidence independent of Linda Kasabian, he is the man with  
7 the brains that keep the things going.

8 And when you consider -- when you consider  
9 mechanical matters such as that, a person is not a blithering  
10 idiot who can take an automobile apart and put it back  
11 together again. You've got to have some kind of IQ and,  
12 in fact, looking at Mr. Watson here I would say that we can  
13 fairly assume that Mr. Watson has had a couple of years of  
14 college.

15 Mr. Bugliosi is laughing at this point. I don't  
16 know why he's laughing because I believe he also believes  
17 that such is the case.

18 I think his present laughter is indicative of  
19 just the opposite of what his laughter purports to tell us.

20 I think we can fairly assume that Mr. Watson,  
21 from the State of Texas, came here, as a lot of young people  
22 have come to California.

23 Because these people look this way does not mean  
24 that they are without education. There is something, some  
25 kind of a social ferment in our country today where people --  
26 people with various degrees of education are adopting life

1 styles and going into some of these communes that I think  
2 some of our behavioral scientists, social scientists,  
3 psychiatrists, don't understand it; I know I don't under-  
4 stand it.

5 I think it is fair to assume that Mr. Watson has  
6 such an education, some kind of background that is certainly  
7 beyond high school.

8 But at any rate here is something, this is  
9 independent, this is independent.

10 But does it in any way connect Mr. Manson with  
11 the crime?



5b  
1           There is nothing here -- it is true that this  
2 sword was on the dune buggy, if you are to believe other  
3 witnesses, but what has that to do with anything that  
4 happened -- what has that to do with anything that happened  
5 at the La Bianca residence?

6           The only way we can have any connection with  
7 the La Bianca residence as far as these items are  
8 concerned is through Linda Kasabian, and Linda Kasabian  
9 says that Mr. Manson put some kind of an object, she says,  
10 in his pants, something like that, before he went there.

11           So again -- again, everything that Linda  
12 Kasabian has testified to concerning these matters that  
13 purport to connect Mr. Manson with anything that is before  
14 us, even remotely, all of that must be corroborated and  
15 there is nothing; there is no equation; there is no connection  
16 as far as these items are concerned, independent of Linda  
17 Kasabian.

18           Now, here is the dune buggy, a picture of the  
19 dune buggy. The dune buggy had nothing to do -- from the  
20 prosecution viewpoint -- with anything as far as the Tate-  
21 La Bianca matter is concerned. I think we are agreed on  
22 that.

23           Now, here we have, supposedly, where Manson  
24 parked the car. This has to do with this area; I'm sure all  
25 of us will remember Linda Kasabian testified to. This  
26 picture is absolutely no corroboration whatsoever. It is

1 no corroboration of any charges against Mr. Manson.

2 People's Exhibit 49 is clearly no corroboration  
3 of Mr. Manson.

4 People's 58, these pictures of geography where  
5 Linda Kasabian purportedly went. None of those are  
6 corroboration.

7 Now, this People's 64 which shows the La Bianca  
8 home and the home of Harold True, this does not corroborate  
9 Linda Kasabian. What it is, it shows the relationship of  
10 the homes, and it shows the utter impossibility of  
11 Mr. Manson doing what Linda Kasabian said he did in four  
12 minutes.

13 She said -- Mr. Bugliosi is probably going to  
14 tell us she doesn't have a very good idea of time -- well,  
15 she may not have a very good idea of time, but she does  
16 speak in connection with the smoking of a cigarette.

17 For Mr. Manson, as we have said, to do what he  
18 is supposed to have done during the time that the cigarette  
19 was being consumed, and at the same time the La Blancas  
20 having guns -- I think it was Mr. Galindo, Danny Galindo,  
21 the Los Angeles Police officer, testified to the gun  
22 selection Mr. La Bianca had in his home.

23 Again, this is something for us to consider in  
24 connection with the case, but it certainly does not corro-  
25 borate Linda Kasabian because by no stretch of the  
26 imagination does this 64 connect Mr. Manson with the crime.

1 Here is the back of the car that we all  
2 remember. You can see how this car was -- it shows the car  
3 and all of its interior contents, Swartz's car,

4 The question is -- the question is -- of  
5 course, this does not corroborate Linda. There is no  
6 question that it does not.

7 Here is a picture of Will Rogers' State Park,  
8 the fact that Dennis Wilson lives somewhere near this  
9 area, that is not corroborative of Linda Kasabian.

10 Here is a picture of a -- I believe this is a  
11 picture of Mr. True.

6-1

1 In any event, I believe that this -- we  
2 agree that that doesn't corroborate Linda Kasabian.

3 People's Exhibit 62. The path where Linda  
4 Kasabian testified that Mr. Manson walked a certain path.

5 Now, this picture, that is, concerning this  
6 picture, there have been other people that testified  
7 also besides Linda Kasabian.

8 However, there is nothing that connects Mr.  
9 Manson whatsoever with any wrongdoing at the True home.

10 By the same token, People's Exhibit 63,  
11 which also shows Mr. True's residence. There is nothing  
12 to connect Mr. Manson with any wrongdoing.

13 Now, we go through -- let's make a list here.  
14 Let's make what we might call a "corroboration chart" by  
15 itself.

16 All right.

17 Now, here we have the sword.

18 Out of an abundance of caution, in other words,  
19 to look at it and try to be as conservative as possible in  
20 our thinking, let's put that down as something that we can  
21 think about.

22 It is our position that that sword, there is  
23 no corroboration whatsoever because there is nothing  
24 independent to connect Mr. Manson with these events.  
25 There is nothing, really, to show that that sword was  
26 at the Tate residence -- pardon me -- at the La Bianca

6-2

1 residence, or anywhere near it.

2 But out of an abundance of caution, let's  
3 use that sort of as a measuring rod, because a sword looks  
4 bad, it has got a horrible look to it, it looks like it  
5 could do a lot of damage.

6 Let's use that as a jumping off place.

7 Now, we are all agreed, the pictures of  
8 Sharon Tate, Abigail Folger, Mr. Frykowski, we are agreed  
9 that those pictures do not corroborate any kind of criminal  
10 culpability on the part of Mr. Manson because there is  
11 nothing independent of Linda Kasabian whatsoever to connect  
12 Mr. Manson with the horrible scenes in those pictures.

13 Now, there is nothing in People's 94, which  
14 is the external -- which is the area near the post that we  
15 all know the great amount of testimony concerning this  
16 picture, and I think this is indicative of -- it shows how  
17 the law of corroboration works, because even though there  
18 are reams and reams and there are pages in that transcript,  
19 page after page after page concerning People's 94, Mr.  
20 Granada's testimony and all of that, that does not  
21 corroborate Linda Kasabian.

22 As a matter of fact, it tends to exonerate  
23 everybody here because of the fact that it shows that Linda  
24 Kasabian is not telling the truth because only Mr. Sebring's  
25 body is out there. Mr. Frykowski's blood is painfully  
26 missing from this picture, and this is where he supposedly

fell and all of that.

But in any event, this picture does not in any way corroborate any kind of testimony that Linda Kasabian made.

Now we come to a point which requires an interesting problem to be solved.

The prosecution went through great tortures to get before us these what we have called leather thongs.

Now, we have the picture of Mr. La Bianca, People's Exhibit 49.

Now, Mr. Bugliosi wants us to make an equation here. He wants us to make an equation concerning the thong or the leather material that is wrapped around Mr. La Bianca and Mr. Manson.

Now, let's see. Let's see if there is any corroboration.

We have here, for instance, People's 95. There is another one, too.

Let's look at People's 95. Let's add this to our list.

I think what we can do again is use the sword in our thinking as the jumping off place, the measuring rod, because, you see, the sword has got kind of an emotion attached to it.

The sword also was at the ranch, but the sword never was -- there was nothing outside of Linda Kasabian -- that half a piece of sword and the pirate sword, there is

1 nothing outside of that to connect it with Tate-La Bianca.

2 So, we use that as one extreme. I think that  
3 may help us in our thinking.

4 Now, let's look at Mr. La Bianca and his hands,  
5 the way they are tied here.

6 Now, the prosecution would have us believe that  
7 this tying of Mr. La Bianca is related to Mr. Manson by this  
8 kind of evidence, for instance, People's Exhibit 95,  
9 the testimony that Mr. Manson used leather thongs.

10 So, the prosecution is going to do that.  
11 So, let's call this "leather thong evidence."

12 And under "leather thong evidence," we have two  
13 categories: We have A, testimony; and B, we have leather  
14 thongs.

15 Now, how many inferences do we have to make to  
16 connect -- you see, this is the theory, this is very much  
17 the heart of the People's case -- how many inferences do we  
18 have to make to say that Mr. Manson, in four minutes, or  
19 in the alternative the smoking of a portion of a cigarette --  
20 look at that knot -- just the knot, the making of that knot  
21 alone -- how long would that take?

22 But apart from that, how many inferences do we  
23 have to make to connect Mr. Manson and the fact that he  
24 wears leather thongs, how many inferences do we have to  
25 make before we attribute this to him? Because unless  
26 Mr. Manson did this, we all ought to get up and walk out of



1 the courtroom right now. Because this is one of the  
2 allegations that is so crystal-clear in the prosecution's  
3 viewpoint of this case, that it either is or it isn't, and  
4 if we think of the circumstantial evidence rule and all of  
5 that, if there are two reasonable inferences, we must take  
6 that which points to innocence and give up that which points  
7 to guilt. Is there even a reasonable inference that points  
8 to guilt as far as Mr. Manson is concerned?  
9

6b

6b-1

1                   What would Mr. Manson, a little man of a  
2 hundred and twenty, a hundred and thirty, a hundred and  
3 forty pounds -- I don't know what he weighs -- five foot  
4 something or other, what? Five foot one, five foot two?  
5 -- what would he have to do to subdue Mr. La Bianca while  
6 Mrs. La Bianca is free, never tied up with telephones and  
7 guns in the home there -- what would Mr. Manson have to do  
8 in order to accomplish this?

9                   This is something that I think we should  
10 consider because this is what Linda Kasabian is telling  
11 us occurred.

12                   This would be apart from any rule of corrobora-  
13 tion, apart from any corroboration requirement at all.

14                   Let's assume there wasn't any accomplice  
15 matter as far as Linda Kasabian was concerned. Could Mr.  
16 Manson do this?

17                   And then we have to consider the leather  
18 thongs. We are talking now about the corroboration  
19 approach here. Something for us to consider, when we are  
20 in the jury room, as to whether such a thing -- as to  
21 whether this is physically possible.

22                   Now, we come to these other pictures. Let's  
23 see if there is any corroboration.

24                   Now, I think if we hit the issues head on and  
25 discuss them, I think that we may do justice in this case  
26 and acquit Mr. Manson of the charges here and go on to

1 other things.

2 Here we have a picture of Mr. La Bianca. It  
3 shows the fork in Mr. La Bianca there, in his abdomen.  
4 This is People's Exhibit 91.

5 Now, is there anything to corroborate, anything  
6 to corroborate Mr. Manson, that corroborate Linda Kasabian's  
7 testimony?

8 First of all, Linda Kasabian never testified  
9 to anything about this. Linda Kasabian testified to  
10 something about Mr. Manson coming back from the house in  
11 connection with the restraint allegedly of Mr. La Bianca  
12 and Mrs. La Bianca.

13 But the prosecution would have us believe that  
14 because of the language in the Beatles songs concerning  
15 knives and forks, and so forth, and piggies, the prosecution  
16 is asking us to say that Mr. Manson is responsible for  
17 the passing away of Mr. La Bianca and Mrs. La Bianca.

18 Now, again, how many people were at the Spahn  
19 Ranch? How many people lived at the Spahn Ranch?

20 We have a situation where the prosecution has  
21 brought here people to testify concerning allegedly what  
22 Mr. Manson has said.

23 We have the prosecution bringing people here--  
24 none of these people, by the way, having anything to do  
25 with anything that happened in the two days, the 8th  
26 through the 10th -- Mr. Bugliosi and the prosecution want us

1 to believe that because of this, this fork, and also the  
2 picture of the knife in Mr. La Bianca's throat, that this  
3 shows that Mr. Manson is criminally responsible here.  
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6 c fls.

6c-1

1 Now, if there is a conspiracy, if there is a  
2 conspiracy here, where is the conspiracy to do these  
3 specific acts?

4 In other words, how many inferences must we  
5 make so that we can allow the prosecution the political  
6 victory they want in this case, and thumb our noses at  
7 everything that all of us respect in our administration of  
8 justice?

9 How many inferences do we have to make in  
10 order to assume, to come to the conclusion that Mr. Manson  
11 had anything to do with this?

12 Is President Nixon liable for what happened at  
13 Mai Lai? Are we responsible for what happened at  
14 Mai Lai because our taxes pay for the soldiers that go  
15 there and allegedly did what Officer Calley is accused of  
16 doing? Are all of us responsible for that?

17 Is the Secretary of Defense responsible for  
18 that?

19 How much responsibility does a person have when  
20 he says things that he may or may not have said?

21 I mean, let's assume for the sake of argument,  
22 assume for the sake of argument, that Mr. Manson makes  
23 statements. All of us do. We all sit around and we talk  
24 about religion, sex, we talk about in our lifetime, we talk  
25 about all kinds of things. Some of us may talk more than  
26 others. Does that mean that there is any criminal

1 culpability on the part of Mr. Manson because somebody does  
2 something?

3 There is no showing of any conspiracy here to  
4 put this fork in Mr. La Bianca's body. There is no  
5 conspiracy whatsoever.

6 The words Helter Skelter -- in fact, there was  
7 even a big -- the prosecution's own evidence shows that there  
8 was a big bottle there or something that said, "Donations  
9 For Helter Skelter," meaning that, God knows how many people  
10 had something to do with Helter Skelter from the standpoint  
11 of fostering it, I suppose. People would come to the ranch  
12 and drop money in this bottle. Like Mr. Melcher gave \$50  
13 to Mr. Manson.

14 Now, does that mean that there is any kind of  
15 a conspiracy to do this?

16 There is the language "War" upon Mr. La Bianca's  
17 abdomen. Does that mean, is there anything to show that  
18 Mr. Manson asked anybody to do this or conspired with  
19 anybody to do this or told anybody to do this?

7-1  
1 Linda Kasabian -- if this was to be -- if this  
2 was to be a conspiracy, in order to start a black and white  
3 war, in order to believe Linda Kasabian I think we should  
4 look at a certain portion of the transcript, and I think  
5 Mr. Bugliosi -- that I think Mr. Bugliosi will try to rely  
6 on.

7 That is at Page 5200. It brings us right to  
8 the point that we are speaking about here.

9 At Page 5200 Mr. Bugliosi interrogated -- that  
10 is Volume 32 -- according to Mr. Bugliosi and Linda Kasabian:

11 "Q What did he say?

12 "A He said we were going to go out  
13 again tonight. Last night was too messy, and  
14 then he was going to show us how to do it.

15 "Q Did anyone say anything when  
16 Mr. Manson said this?

17 "A Not at the moment.

18 "Q Did Tex say anything inside the  
19 bunk house?

20 "A At one point he said that we needed  
21 better weapons; the weapons we took last night  
22 were not effective; they weren't good enough.

23 "It was something to do with we needed  
24 better weapons."

25 Now, I ask you; I ask you, where were the  
26 better weapons on this night? Where was the showing of any



1 better weapons?

2 Where is the showing of Mr. Manson showing them  
3 how to do it?

4 Supposedly Linda Kasabian said that on this  
5 night he was going to show them how to do it.

6 Well, if Mr. Manson was going to show them how  
7 to do it, he would be there to show them how to do it.  
8 But the evidence clearly shows that such is not the case,  
9 even from the prosecution viewpoint.

10 From the prosecution viewpoint Mr. Manson was  
11 going to do it better on the second night than the first  
12 night, according to Linda Kasabian.

13 Well, what was done better the second night  
14 than the first night? What was done better? What was done  
15 better from that standpoint?

16 If this was going to start a black-and-white  
17 war, why did it stop the second night? Why wasn't there a  
18 third night and a fourth night, because clearly as we look  
19 back in the community there was no one -- no one suggested --  
20 and there certainly was no black-white war; there was no  
21 uprising.

22 The triggering that supposedly all this was  
23 supposed to accomplish never took place, so why wasn't there  
24 a third, fourth, and fifth night, if this is what was  
25 supposed to take place?

26 Now, at one point he said it was something to

1 do with "We needed better weapons."

2 "Q Did you see any knives or guns  
3 inside the bunk house?

4 "A Yes, I did.

5 "Q What did you see?

6 "A I saw two long swords, that is all  
7 I recall.

8 "Q Do you recall whether any of the  
9 persons in the bunk house picked up any of these  
10 swords?

11 "A No, I didn't see anybody.

12 "Q Did you eventually all leave the  
13 bunkhouse?

14 "A Yes.

15 "Q Did you leave as a group?"

16 Mr. Bugliosi then said, "I will withdraw that."

17 "THE WITNESS: No, I don't think so, I don't  
18 really recall."

19 All right now, the question is, where are these  
20 better weapons?

21 In other words, if some people are going to  
22 be doing what Linda Kasabian says, where is it? What  
23 happened on the second night? What happened on the second  
24 night that made it better than the first night, and where is  
25 this foremanship or this boss approach that Mr. Manson was  
26 going to see that it took place?

7a-1

1 According to Linda Kasabian herself Mr. Manson  
2 and she left this area before Mr. and Mrs. La Bianca had  
3 even passed away, if you take anything from Linda Kasabian,  
4 she said -- she says that when Mr. Manson came out,  
5 certainly the purport of her testimony is that Mr. and Mrs.  
6 La Bianca had not yet passed away.

7 Well, is this going to it that something is  
8 going to happen? Is this making the second night more  
9 effective than the first night?

10 Now, the prosecution -- in connection with  
11 Mr. -- the passing away of Mr. La Bianca, here is his  
12 picture, where it shows the word "War" that is written upon  
13 his abdomen.

14 Again, going back -- going back to our chart,  
15 is there anything to corroborate -- is there anything to  
16 corroborate Linda Kasabian as far as Mr. Manson is  
17 concerned? Is there anything? There is nothing.

18 Here is Mrs. La Bianca, clearly showing --  
19 clearly showing that this picture, People's Exhibit 93 --  
20 clearly showing that her feet are not bound, and there  
21 is no question about it, she was free to go; she was  
22 free to come, to move about even from the prosecution  
23 viewpoint.

24 Mr. Bugliosi and the prosecution, when they  
25 say -- when they say that Mr. -- here, Mr. Manson told  
26 these people -- told these people don't move, and they

7a-2

1 were bemused, or they were somehow or another taken in  
2 by Mr. Manson for this entire period of time; they did not  
3 go to a telephone or they did not arm themselves with  
4 weapons; that Mr. Manson just by his vocalizing, saying  
5 "Don't move," after he tied Mr. La Bianca up, just by Mr.  
6 Manson doing that, that kept them from doing whatever they  
7 could in order to protect themselves.

8 I think we must agree that that is preposterous  
9 and this shows -- this shows that the prosecution does not  
10 have any kind of an approach as to what happened here  
11 because the prosecution realizes that these people not being  
12 bound, that is, Mrs. La Bianca, for instance, not being  
13 bound, she could go to the telephone; the wires were not  
14 cut.

15 The first night was a lot smarter than the  
16 second night. The first night the telephone wires were  
17 cut.

18 The second night there weren't any telephone  
19 wires cut.

20 I mean, it is a situation where we are asked  
21 to take this blood and gore, and equate that to conviction.  
22 That is what it amounts to.

23 And if this is not messy, I mean, this idea  
24 that on the second night it was not going to be messy or  
25 something like that, looking at what Linda Kasabian says  
26 here, the second night was too messy -- the first night --

7a-3

1 these pictures do not show --

2 Take this picture People's Exhibit 92 for  
3 instance. I think reasonable people could not differ  
4 that there is certainly no lack of mess here.

5 Now, again, looking at these wounds, and  
6 using the pictures -- the charts that Dr. Noguchi prepared  
7 for us.

8 I think we can come to the conclusion that  
9 these are personal wounds, personal vendetta.

10 If you believe that picture of Tex Watson,  
11 that he looked like that, whatever it might be, whatever  
12 his reason was for hating and doing what he did, whatever  
13 the reason may have been, if we assume that approach,  
14 whoever made these kinds of wounds did it with a personal  
15 feeling, a personal feeling, and again the prosecution  
16 recognizes this when they use the word "robot" or "automaton."

17 In other words, for some reason they are so  
18 anxious to get Mr. Manson convicted, they are so anxious  
19 to get Mr. Manson convicted because of the political  
20 aspect, because of the headlines in the papers.

21 They are so anxious, they say "These are robots,  
22 these people that did this."

23 But such is not the case. These wounds, and  
24 I think really the detached way that they can be analyzed  
25 is by looking at Dr. Noguchi's pictures.

26 If you look at Dr. Noguchi's pictures you come

1 to the conclusion that whoever it was that made those  
2 wounds on these seven people, that these were wounds  
3 that were inflicted by personal vendetta, a personal  
4 feeling of the person that made those types of wounds.

5 I think maybe we have alluded to it before,  
6 when the Mafia, or whoever it is when they go out, and  
7 when their killings are ordered, these are not the kinds  
8 of wounds that people get.

9 There is a bullet or two put in someone;  
10 they do their job and that is it, when it is done by an  
11 ordered type of killing.

12 But in this case there is no question, these  
13 are the wounds of the -- that are inflicted strictly on  
14 behalf of whoever did it.

15 Now, there is an interesting thing concerning  
16 Mr. La Bianca --

17 THE COURT: We will take our recess at this time,  
18 Mr. Kanarek.

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

22 The court will recess for 15 minutes.

23 (Recess.)

8-1

1 THE COURT: All counsel and jurors are present.

2 You may continue, Mr. Kanarek.

3 MR. KANAREK: Yes. Thank you, your Honor.

4 I am sure all of us realize that these  
5 pictures that we are speaking of are prosecution exhibits.  
6 These are pictures, and all of these exhibits that we are  
7 speaking of at this point, are exhibits that the prosecution  
8 has fostered.

9 We have an interesting, very interesting, thing  
10 to think about here as to criminal liability.

11 If we look at the picture of Mr. La Bianca, we  
12 see -- I always have difficulty deciding which is really  
13 the best way -- I suppose it is that way because the number  
14 is at the top -- there is a wrist watch on Mr. La Bianca's  
15 wrist, which poses a very interesting problem, because the  
16 wallet that we know of -- let's see -- the wrist watch is  
17 usually with the wallet -- Mr. Darrow -- oh, yes, it is  
18 here.

19 This is something interesting to think of.  
20 Now, this wrist watch was identified by Mr. Struthers as her  
21 mother's wrist watch. And this wrist watch is with this  
22 wallet.

23 The prosecution witness, Mrs. Kasabian,  
24 testified about this wallet and this watch. But if we look  
25 at the picture of Mr. La Bianca, we see a wrist watch on  
26 his, I gather, it is his left arm. So, the question is,



1 is that some kind of a -- just looking at these exhibits,  
2 it would appear, it would appear, that the transaction by  
3 means of which, or the events by means of which this wallet  
4 and this watch were taken were separate and apart from Mr.  
5 La Bianca.

6 In other words, a different circumstance,  
7 a different series of events. Because it would seem highly  
8 unlikely that a person would go through the effort of taking  
9 this wrist watch from Mrs. La Bianca and not take the  
10 wrist watch of Mr. La Bianca.

11 Now, there are all kinds of possibilities.  
12 All kinds of possibilities.

13 It would appear, and I think we could -- and  
14 certainly when we are in the jury room, this is the kind of  
15 thing, this is what it is all about, really, is to discuss  
16 the various possibilities of what actually happened --  
17 a jury trial is something like trying to tell what happened  
18 at a baseball game the following day, or a football game.

19 We try to replay and try to have witnesses  
20 come and tell us what happened in the Rose Bowl game. We  
21 have some problems. And in a trial, in many cases, this is  
22 the kind of problem that we have, is trying to decide  
23 certain matters.  
24  
25  
26

8a-1

Now, it would seem like -- and this is something that is quite fascinating to think about -- we are not slavishly devoted to this wallet having been taken that night.

See, remember, there is a tendency on our part to sort of accept, unless we sit back and think about it and do something about it, there is a tendency on our part to think of certain events as being something to talk about.

But maybe working in the background here are events which are things that we should think about that haven't been opened up. And one of them is: How do we know -- how do we know -- when this wallet was taken? How do we know when this watch was taken?

Remember, Linda Kasabian, when we talk about parties with Linda Kasabian, this certainly involves LSD and marijuana. She smoked it thousands of times, she said. There is nothing to preclude the possibility that this wallet was taken on another occasion than this night.

This is one thing about the prosecution evidence in this case. Even Mr. Jakobson's testimony, the things that he testified to, he said many of the times the things that he testified to matters which were stated, occurred while he was smoking marijuana.

Marijuana, I think we can all agree, even though there is a lot talk about it, it is certainly not

1 as innocuous as eating a bowl of Wheaties.

2 But in any event, Linda Kasabian tells us that  
3 this wallet was taken that night.

4 There is no necessity for that to be the fact.

5 In fact, I would think that there is great  
6 probability that this wallet was taken on some other  
7 occasion. Maybe some night close to this time. I don't  
8 know.

9 But the fact of the matter is, it seems strange  
10 that one watch, the watch of Leno La Bianca, is still on  
11 his wrist, and Mrs. La Bianca's watch is not.

12 What does this mean? I don't know. It is  
13 something to consider, something to think about, especially  
14 in view of the fact as to where this wallet was found.

15 Other people may have been involved. Let's  
16 put it this way. There are people that may have been  
17 involved in matters surrounding the La Bianca home and the  
18 Harold True home that we don't know about. And the fact  
19 that this wallet is found in that toilet area just a couple  
20 of days after the Grand Jury indictment speaks loudly of  
21 the proposition that somebody wanted to get rid of it.

22 It is much more reasonable and likely that  
23 that wallet was in there a couple of days or a few hours  
24 and interfered with the plumbing.

25 Mr. Koenig testified that the reason that the  
26 toilet was running over had nothing to do with this wallet,

1 he said. But look at where this wallet was.

2 We all know the toilet facilities, how this  
3 type of toilet operates. We all have these types, or  
4 have similar types toilets, in our homes.

5 This was in a very critical area of that toilet,  
6 and it wouldn't take much to move that arm and cause the  
7 toilet to run over.

8 To think that this wallet was in that toilet  
9 for some four months is preposterous.

10 I think it is much more reasonable to accept  
11 the proposition that a couple of days after the Grand Jury  
12 indictment came out, that somebody wanted to get rid of  
13 this wallet, and if we look at Mr. La Bianca, his wrist,  
14 I think there is something there to think about.

9 fls.

9

9-1 1 Now, we have here I think, in fairness to our  
2 -- in connection with this, meaning with this case, we come  
3 to an exhibit that I think that we have to consider in our  
4 corroboration, in our chart.

5 Now, this is the gun, it is a little bit out of  
6 order, but I think it is important in order to integrate it  
7 with the other exhibits.

8 Now, does this gun -- does this gun stand  
9 corroborated in this trial?

10 Now, going back to our basic principle that we  
11 are speaking of here, that we can not use Linda Kasabian  
12 when we are testing corroboration, we cannot use Linda  
13 Kasabian's testimony.

14 Is this weapon a piece of evidence that it  
15 can be used against Mr. Manson?

16 Now, again, out of an abundance of caution  
17 let's put down, "gun." There has been a wealth of testimony,  
18 a wealth of testimony concerning this gun.

19 There has been a ballistics -- there are  
20 ballistics experts who have come here to testify, and they  
21 purportedly -- they purportedly say that this gun was connected  
22 up to the ranch by means of the shell casings that have  
23 been testified to here.

24 Now, apparently from the fact that this barrel  
25 is a little bit -- is a little bit loose, I mean, I don't  
26 know -- I am certainly not a ballistics expert, whether that

1 has nothing to do with anything or not.

2 But anyway, as we look back at the evidence,  
3 what is there to connect Mr. Manson and this gun?

4 First of all, we have the proposition,  
5 unbelievable as it is, it still stands there, from  
6 Mr. De Carlo's testimony that Mr. Manson did not want guns  
7 at the ranch.

8 Now, this is interesting. This bit of  
9 testimony is interesting in view of the horrendous publicity  
10 that has been had in this case that has come out.

11 Mr. De Carlo, a prosecution witness testifies  
12 that Mr. Manson did not want guns; did not want any  
13 weapons at that ranch and therefore, assuming -- assuming --  
14 assuming that Mr. Manson has made utterances, what we might  
15 call utterances of dissent, utterances that are certainly  
16 protected by the First Amendment, the right to free speech  
17 that we all have, Mr. Manson is not the type of person who  
18 wants guns at the ranch.

19 Mr. De Carlo -- Mr. De Carlo brought guns to  
20 the ranch. This gun evidently has -- Randy Starr has a lot  
21 to do with this gun, this particular gun, if we assume this  
22 is the gun, if we assume that it is the gun.

23 Assuming that it is, this gun at one time was  
24 at the ranch, assuming just for the sake of argument this  
25 is the gun that was used in the passing away of Mr. Frykowski  
26 and Mr. Parent, what is there to connect Mr. Manson with

1 this gun?

2 Mr. Manson shot the gun, according to witnesses.  
3 The prosecution went to all kinds of pains to bring us  
4 evidence; certain witnesses have testified that they saw  
5 Mr. Manson shoot this gun.

6 Well, the access of this gun -- first of all,  
7 the access to this gun was in an area that many, many people  
8 -- many, many people were near, many, many people had access  
9 to it.

10 There is no question -- there is no question  
11 whatsoever but what Mr. Watson was connected with this gun,  
12 that is, evidence apart from Linda Kasabian.

13 So the question is again, in our judging the  
14 gun, and whether or not there is any connection with  
15 Mr. Manson, we have to put apart and set aside the horrible,  
16 the physical object it it.

17 Really, what does the physical object tell us?  
18 We handle the gun, we look at it.

19 Is this physical object more important than a  
20 few words in the transcript which may or may not clear a  
21 person of charges that have been made here?

22 We think that what is said in the transcript  
23 speaks eloquently of the proposition.

24 Now, right now we are speaking as an advocate,  
25 in other words, sure, I'm saying, I'm speaking here as a  
26 lawyer that represents Mr. Manson, and in this connection



1 is there any evidence to corroborate Linda Kasabian?

2 Is this gun corroborative of Linda Kasabian?

3 What connects Mr. Manson to the passing away of the people  
4 and Sharon Tate by way of this gun, independent of Linda  
5 Kasabian, other than the fact that Mr. Manson shot a buntline  
6 9-1/2 inch barrel that looked like this?

9a-1

1 When you boil it all down, if you take all of  
2 the gun testimony other than the fact that he, Mr. Manson,  
3 shot a gun that looked like this, that there are some shell  
4 casings in an area of the ranch that are supposedly connected  
5 with this gun, other than that what does this gun do as  
6 far as the prosecution's viewpoint is concerned in connection  
7 with Mr. Manson?

8 So when we say "gun" and put it in our list  
9 here, out of an abundance of caution, to be conservative  
10 about it, it is a prosecution exhibit.

11 But in this gun there is so much that shows --  
12 that shows more than reasonable doubt in this case; we have  
13 the cavalier attitude of the people that went up there to  
14 duplicate the sound, supposedly. The expert, the gentleman  
15 that came here from the Los Angeles Police Department,  
16 he did not even bring this gun with him when he went up  
17 there to shoot the bullet. He brought a .22 Colt. He did  
18 not bring this kind of gun with him.

19 On one occasion, that is, on one occasion,  
20 the most important occasion. On another occasion he  
21 evidently did. But on the occasion that we are speaking  
22 about, which I think all of us will remember, he brought  
23 another gun which was a .22 that would do the same kind  
24 of thing, he says, that kind of thing.

25 So the question is, for instance -- you could  
26 write a little book about this gun that would be sort of

9a-2

1 interesting.

2 We could write a book for instance as to how  
3 this gun, if you take the prosecution's viewpoint, and  
4 which also has to do with the reasonable doubt burden of  
5 proof, this gun supposedly reposed with the Los Angeles  
6 Police Department at a time when they were looking for it  
7 all over the world.

8 It was supposedly from September, the first  
9 part of September on until some time in December, it was  
10 in the Van Nuys Division of the Los Angeles Police Department.

11 All of this is evidence which is a lot of words,  
12 a lot of pages in the transcript, but when you boil right  
13 down to it, does it connect Mr. Manson?

14 Does it connect Mr. Manson any more than it  
15 connected Randy Starr?

16 Does it connect Mr. Manson any more than it  
17 connects Danny DeCarlo?

18 Danny DeCarlo was there -- Danny DeCarlo is  
19 the person who tells us he loves guns more than people.

20 Danny DeCarlo is the one who was the keeper  
21 of the guns, so to speak.

22 And Mr. Manson is a person that -- is a  
23 person who does not want guns at the ranch.

24 So the question is, when you boil it all down,  
25 what does the gun stand for? What does this gun stand for?

26 So we will put it there, and for something

1 to think about as far as the prosecution's viewpoint is  
2 concerned, but clearly there is nothing to connect Mr.  
3 Manson with this gun except that he fired it at the ranch.

4 Now again, going through some of these  
5 exhibits again, here we have the gate, 10050 Cielo Drive,  
6 a picture.

7 This picture clearly does not corroborate.  
8 It is a picture of the geography. There is nothing there  
9 that connects Mr. Manson to what allegedly happened.

10 Now, here we have a picture which is an  
11 aerial photograph and it shows how many of us -- how many  
12 of us in litigation, either civil or criminal in nature,  
13 have got the funds to send up airplanes and get evidence  
14 that we want for the lawsuit -- for the particular lawsuit  
15 that we are talking about?

16 Now, this picture shows the geography of  
17 the estate, supposedly, and certainly it is not corroborative  
18 of anything as far as Mr. Manson is concerned.

19 This is a picture of Abigail Folger and again,  
20 this is a picture which is a very unpleasant picture,  
21 but it is not corroborative of anything.

22 All it is is a picture that shows -- a very  
23 horrible picture.

24 Now, we have the ownership certificate. That  
25 doesn't in any way -- of the automobile -- that does not in  
26 any way corroborate Linda Kasabian.

1           We have a picture of the house, another picture  
2 of the house, a small picture of the house that does not in  
3 any way corroborate Linda Kasabian.

4           Now, in connection with this, in order that we  
5 take a breather from the exhibit and try to make it as  
6 interesting as possible, again recognizing that we are  
7 not here to entertain the press. Our purpose here is not  
8 so the press can have some Perry Mason type of story.

9           Our reason here is serious business, and I'm  
10 sure that we all -- this is by way of explanation -- I  
11 would like to make it as interesting as possible. I'm  
12 going to try to break it up into this kind of approach,  
13 so that we can do our task and at the same time not be  
14 too concerned about matters that we should not be concerned  
15 about.

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10 fls.

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1 Now, the prosecution is going to try to tell  
2 us that Mr. Flynn told us -- that what Mr. Flynn told us,  
3 that Mr. Manson supposedly said in that kitchen, that that  
4 is corroborative.

5 I mean, let's put that down here, "Juan Flynn's  
6 testimony" we will call it.

7 Now, you see, this is why we think, this is why  
8 we suggest that that transcript is so important, because  
9 this is lost. It was lost to me until I was studying over  
10 the transcript. It is lost when you look at the gun and it  
11 is lost when you look at the exhibits.

12 One of the people that was present, one of  
13 the individuals that Mr. Flynn says was present when some  
14 very important statements, from the prosecution's viewpoint,  
15 is made, was Dianne Lake.

16 That is something to think about. When you  
17 talk about corroboration, why didn't Mr. Bugliosi, why didn't  
18 the prosecution interrogate, ask, Dianne Lake about matters  
19 about the alleged statement that Mr. Manson made in the  
20 kitchen area about the knife and who was doing all this  
21 killing, and that kind of thing?

22 Dianne Lake, at the time that she appeared  
23 here, was not under any kind of threat or anything whatsoever.  
24 Yet Mr. Flynn says that she was present, she is one of the  
25 girls that was present when Mr. Manson supposedly came in  
26 and made a brushing motion on his shoulder, and she left

1 along with other people, left the area.

2 Now, the prosecution is going to ask us to  
3 believe that these events that Mr. Flynn testified to in  
4 fact occurred.

5 He is going to ask us, the prosecution is going  
6 to ask us to believe that Mr. Manson made these statements.

7 Now, when we look at the statements, we come to  
8 a conclusion that the prosecution could have, if they so  
9 desired, they could have brought to this courtroom -- let  
10 me withdraw that and let me put it this way.

11 If the prosecution wished, if the prosecution  
12 wished, there is no reason in the world that they couldn't  
13 have set out from that witness stand the exact incident by  
14 way of Dianne Lake.

15 There is no reason in the world that they  
16 couldn't have done that.

17 Now, is there some reason that they didn't do  
18 it?

19 Is it because -- now, there we get into a couple  
20 of interesting questions -- is it because Dianne Lake  
21 doesn't have the remembering power?

22 Is that what they are trying to tell us, that  
23 Dianne Lake didn't remember this incident which is supposedly  
24 an incident wherein Mr. Manson made these statements?

25 What is the reason that they don't bring  
26 Dianne Lake to us in connection with what happened?

1 Or is it because Mr. Flynn is a Western-type  
2 actor and the thing never happened?

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1 Now, I don't know if any of us recall it, but  
2 I think most of us have seen these Westerns where the guy  
3 that is going to come in and challenge either the good guy  
4 or the bad guy in the saloon, he walks into the saloon,  
5 and at the time that he walks in the saloon is very busy,  
6 and they see this guy who hasn't been around for a long  
7 time, he walks in, and immediately all conversation  
8 stops.

9 He walks into the saloon and there is a certain  
10 guy that he is out to get, or the other guy is out to get  
11 him, and he goes like this. And immediately the saloon  
12 clears. Everybody cowers, because they know what a good  
13 shot this guy is, or the other guy is, and the saloon is  
14 cleared and everybody leaves the saloon, and the only guys  
15 left are this guy who just came in and whoever he is going  
16 to fight it out with.

17 Now, this incident, this brushing incident  
18 by Mr. Flynn, is indicative of Mr. Flynn's Western orientation.  
19 It is indicative of Mr. Flynn's work in the movies. I don't  
20 think there is any question about that.

21 If Mr. Manson made these kinds of motions  
22 around the ranch, the kind of motions that Mr. Flynn would  
23 have us believe, where is the substantiation of that?

24 My God, with all of the witnesses that the  
25 prosecution brought, and in view of the fact that this  
26 is a supposed incriminating statement by Mr. Manson,

1 and this brushing, Mr. Bugliosi went into great length  
2 with Mr. Flynn about the motion, how Mr. Manson, instead  
3 of talking, did everything in pantomime, the reason being  
4 that he wants us to believe this event in connection with  
5 the kitchen -- well, what about Danny DeCarlo? What  
6 about Dianne Lake? What about the other people that have  
7 testified that were at the ranch? Why haven't these people  
8 testified concerning these motions that Mr. Manson  
9 supposedly made?

10 Brooks Poston, Paul Watkins, they lived with  
11 Mr. Manson for years. Mr. Watkins supposedly for a couple  
12 of years. If this was the kind of language, if this is  
13 the way that Mr. Manson conducted conversations and got  
14 people to move about, by means of these motions, where is  
15 the substantiation for it?

16 The substantiation is not made because it  
17 doesn't exist.

18 Now, if you will excuse me just a moment.

19 Now, referring to page 11,866 of the  
20 transcript, Volume 103.

21 By Mr. Bugliosi: "Did you ever have a  
22 conversation with Mr. Manson in the kitchen  
23 at Spahn Ranch?"

24 And the reason that we are reading this is  
25 because this is the evidence.

26 My interpretation and my memory isn't important.

1 No lawyer's interpretation or memory is important. We get  
2 the jury instructions that what the lawyers say is not  
3 evidence.

4 So, let's look at what the evidence is. If  
5 it is a little painful, we have been here for six months,  
6 if it is a little, you know, if it is not as interesting as  
7 maybe the Rose Bowl game or something like that, by way  
8 of explanation, this is why we are doing it, because this is  
9 the evidence, and there is a horrible, horrible -- it is  
10 hard to remember what was said at breakfast this morning if  
11 we had to. So, now we have to judge this case, and the  
10b fls. 12 only way we can do it is with the evidence.

1 "Q Did you ever have a conver-  
2 sation with Mr. Manson in the kitchen at  
3 Spahn Ranch?

4 "A Yes.

5 "When did this conversation take place,  
6 Juan, in relation to the evening when you saw  
7 these seven people drive off?

8 "A couple of days later, you know.

9 "You had heard about the Tate-La Bianca  
10 murders?

11 "Yes. We witnessed it, too, through the  
12 media on the television, you know.

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

17 "After.

18 "And it was a couple of days, one or two  
19 days, you say?

20 "Yes.

21 "After you saw the seven people drive off?

22 "Yes.

23 "Who was in the kitchen with you and  
24 Mr. Manson?

25 "Miss Glutz -- well, when I walked in, you  
26 know, Miss Glutz was in there, and there was

1 "Dianne Bluestein."

2 Which brings to mind something quite inter-  
3 esting, namely, that Mr. Flynn tells us that he was so  
4 scared about venereal disease as far as these girls were  
5 concerned, yet when he went up to the Barker Ranch, he went  
6 up North, he went up with Miss Glutz.

7 We can make up some inference from that,  
8 perhaps.

9 In any event: "Well, when I walked in, you  
10 know, Miss Glutz was in there, and there was Dianne Blue-  
11 stein.

12 "Q That is Snake?

13 "A Snake. And Ouish, you see.

14 "Ruth Morehouse?

15 "Yes.

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

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

21 "What happened next?

22 "Mr. Manson walked in and he went like  
23 this (indicating)."

24 And we all remember what Mr. Flynn did.

25 "Brushed his left shoulder with his right  
26 hand?

1 "Well, yes. Like that.

2 "And the girls walked out, you know.

3 "How long after he brushed his left  
4 shoulder did the girls walk out?

5 "Well, the first one was Miss Glutz,  
6 you know. She walked out, you know --

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

9 "Right when they noticed it, you know.

10 "Immediately?

11 "Immediately, yes.

12 "Okay,

13 "What is the next thing that happened?

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

16 "There was just you and Mr. Manson there?

17 "Yes.

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

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

10c-1

1 Now, is that character assassination, all  
2 this testimony, or is that something that Mr. Manson said?  
3 Is that the result of Mr. Bugliosi and the prosecution  
4 and the people, whoever they are, that have anything to  
5 do with this case, law enforcement officers, is that a  
6 result of them discussing this matter with Mr. Flynn?  
7 Or is it just a substitute for proof?

8 We have been through, and we have previously  
9 discussed what the prosecution did in context with Mr.  
10 Flynn.

11 We know that the prosecution supposedly,  
12 supposedly, had this statement by Mr. Flynn last December.  
13 Supposedly this statement was given to a police officer  
14 up in Shoshone.

15 Now, is this statement offered to prove  
16 anything in connection with this case as far as the details  
17 of what Mr. Manson is alleged to have done? Or is this a  
18 statement that is a result of Mr. Flynn and his feeling  
19 for the dramatic?

20 It is something for us to consider. I mean,  
21 those of us that are on the jury are the ones to decide  
22 it.

23 We think, and it is interesting, when Mr.  
24 Fitzgerald started to cross-examine Mr. Flynn, we will see  
25 that there is no question but what Mr. Flynn has this  
26 Western background.

1 Is that real? Did it happen that Mr. Manson  
2 walked in, real flesh and blood people, goes like this  
3 (indicating), and everybody walks out, and we have this  
4 statement made?

5 Very convenient. Very convenient that this  
6 statement is made when nobody is there but Mr. Flynn.

7 Now, if these people are all part of a big  
8 conspiracy, Dianne Lake had been there at the ranch for  
9 some period of time in 1969, what is the reason, what is  
10 the reason to get everybody out of the room? What is the  
11 reason?

12 It is just something that we have to consider  
13 in deciding this case.

14 We suggest that it is too pat, that when you  
15 consider Mr. Flynn's movie background, that is, that it  
16 just didn't happen.

17 Where is Dianne Bluestein on this?

18 This is the thing. You see, the prosecution  
19 in this case has substituted emotion and passion for proof.

20 This is the area that they would close in on.  
21 This is the area.

22 Each one of us on the defense side are by  
23 ourselves; that is, one lawyer. We have three lawyers on  
24 this side, Mr. Bugliosi, Mr. Musich and Mr. Kay. They  
25 have got clerks in the District Attorney's Office that  
26 take these transcripts. They even get two transcripts; we



1 get one transcript each. They take these clerks and go  
2 over these words like, I don't know, like hawks, I would  
3 assume. And you can rest assured, if Dianne Bluestein  
4 isn't here, they probably diagram the testimony every night,  
5 with everything in mind, my God, with all that has been  
6 done in this case, this is the supposed heart of the case  
7 against Mr. Manson, they didn't miss that in that  
8 transcript, that Dianne Bluestein was there, nobody  
9 missed that on the prosecution end of these things,  
10 and this is what we are saying, this is what we are  
11 suggesting about the evidence in this case, that the  
12 exhibits are important, the exhibits are important, but  
13 the exhibits are not the whole story, the exhibits aren't  
14 even one-tenth of the story, the exhibits are zero without  
15 this testimony, without this testimony the exhibits can  
16 lead us to an emotional conclusion.

17 Now, at page 11,866.

18 Let's see. Apparently at 11,832.

19 These are the kinds of things that we think  
20 11 fls. get lost because our minds are not tape recorders.

1 Very interesting colloquy here by Mr.  
2 Bugliosi with Mr. Flynn, Page 11,832 beginning at Line 1:

3 "Q And do you know the particular  
4 month this was?"

5 Referring back to a conversation in July of 1969  
6 with Mr. Manson on the boardwalk.

7 "Q And do you know the particular  
8 month this was?"

9 "A A couple of months before the raid.

10 "Q Again, June or July?

11 "A June -- what is before June? I  
12 mean, which one comes first, June or July?"

13 Now, there is an insight into Mr. Flynn, for  
14 whatever it may be -- maybe what we are suggesting here is  
15 absolutely all wet, maybe it should be rejected.

16 What we are just suggesting is, there is  
17 Mr. Flynn in this case, "Is it June or July?"

18 Do we honestly believe that Mr. Flynn doesn't  
19 know what month comes first, June or July?

20 Now, he is on that witness stand; he is an  
21 actor. He has made money by virtue of this proceeding --

22 MR. BUGLIOSI: There is no testimony on that, your  
23 Honor.

24 MR. KANAREK: There certainly is, your Honor, there  
25 is clear testimony. Mr. Fitzgerald elicited it.

26 MR. BUGLIOSI: There is no evidence at all that

1 Mr. Flynn got anything out of these proceedings.

2 MR. KANAREK: \$1,100.

3 THE COURT: Get on with the argument, Mr. Kanarek.

4 MR. KANAREK: Yes.

5 Well, if we may discuss that for a moment:

6 Mr. Flynn testified that there was money and  
7 he had something about a power of attorney that he gave  
8 somebody, there's something about he took his share of the  
9 money and did something with it. That is what he tells us,  
10 but there is no question but what that kitty was divided  
11 up, and if money comes to me and I decide to do something  
12 with it, it's my money.

13 There is no question about it, but what  
14 Mr. Flynn obtained money as a result of these conversations  
15 with these literary people in the last part of 1969, the  
16 first part of 1970.

17 But what we have to consider here, what we  
18 have to consider, when a witness takes the witness stand  
19 and makes the statement "June -- I mean which one comes  
20 first, June or July," and then the question by Mr. Bugliosi,  
21 the next statement by Mr. Bugliosi:

22 "Q June comes first and then July.

23 "A July."

24 It's not much. Standing alone it is not  
25 much, but is it indicative of Mr. Flynn's position in this  
26 case?

1 I am going to Page 11,873. Mr. Bugliosi at  
2 the bottom of Page 11,872:

3 "Q What did he say to you, in his  
4 words, Juan?

5 "A He said, 'Go down the creek and  
6 make love to my girls.'

7 "Q What did you say to him in response  
8 to that?

9 "A Well, I said that if I wanted to  
10 contract a nine month case of syphilis or  
11 gonorrhea, he would be the first one I would  
12 come to see."

13 Now, do we believe that? Do we believe that?  
14 That is something to consider in view of the fact that  
15 Mr. Flynn went up to the Barker area with Susan Atkins,  
16 or Lucie Glutz.

17 Now, on Page 11,887, by Mr. Bugliosi:

18 "Q Are you currently employed,  
19 Mr. Flynn?

20 "A Yes, I do work.

21 "Q Are you doing any acting work?

22 "A I haul hay from Bakersfield and  
23 Lancaster and I do landscaping.

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

26 "A Yeah.

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"Q In movies?

"A Yeah.

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

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

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

"A Yes.

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

"MR. BUGLIOSI: No further questions."

Then Mr. Fitzgerald:

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

"A Yes."

This is cross-examination by Mr. Fitzgerald:

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

"A I would not say July.

"Q What would you say?

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

"Q For a two-month period?

"A Yes, something like that, two and a

1 "half months back, you know.

2 "Q Well, what are you saying, are  
3 you saying you were gone for the two and a half  
4 months preceding August 16th, or are you saying  
5 two and a half months before the 16th you were  
6 on location somewhere?

7 "A Before the 16th, you know.

8 "Q How long a period were you on  
9 location?

10 "A I guess a month, maybe more than a  
11 month, something like that,

12 "Q Where were you on loation, in Utah?

13 "A Yes.

14 "Q Filming a Western movie?

15 "A Uh-huh.

16 "Q You were playing a cowboy?

17 "A Yeah.

18 "Q Was it a Western movie?

19 "A Yeah.

20 "Q You were paid for this?

21 "A Yes.

22 "Q Who paid you?

23 "A The director.

24 "Q Who were you working for?

25 "A Well, I don't want to get those  
26 people mixed up in here, you see.

1 "Q You don't remember when you  
2 went there, right?

3 "A Well, I do, I do. I remember  
4 the director's name, you know, he asked me to  
5 work, you know.

6 "Q Well, can you give us the dates  
7 that you were on location in Utah, filming a  
8 film?

9 "A Not right now offhand, but I can  
10 get them for you.

11 "Q Were you employed by Paramount or  
12 Universal or someone like that?"

13 And then he answers:

14 "Oh, no, no, no, no, no, no, no, no."

15 He answers seven nos.

16 "They have the studios down here, you  
17 know, it's -- you see, I don't want to mention  
18 those people's names in here, you know."

19 In other words, how do we know where Juan Flynn  
20 was? Is there anything here -- again, looking at the legal  
21 capacity that the District Attorney's office has in this  
22 case, with all that they have done, is there anything to show  
23 us that Juan Flynn was there; that he was even at the ranch?

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11a-1

1           What have we? What have we here? What have  
2 we to substantiate whether Juan Flynn was at the ranch or  
3 not during some of these critical times?

4           Remembering that Juan Flynn is an actor; that  
5 Juan Flynn is a person who has a certain -- a certain  
6 attitude towards testimony.

7           Now, the Court will instruct us that the  
8 credibility of a witness, part of it indicates his  
9 attitude, his attitude towards the matter, towards the case.

10          Is Juan Flynn -- is he someone that we can  
11 trust in terms of testimony or is Juan Flynn a robot, if  
12 we might use that expression?

13          Is Juan Flynn a robot on behalf of the  
14 prosecution's viewpoint? Is Linda Kasabian a robot on  
15 behalf of the prosecution's viewpoint? Is she an automaton?  
16 Is she someone that is doing the prosecution's bidding?

17          Is Juan Flynn someone that is objective like  
18 Dr. Noguchi or Dr. Katsuyama.

19          Is he someone other than just a neutral person?  
20 Is he in here trying to get a result, trying to cause his  
21 viewpoint to prevail?

22          Now, at page -- now, the next -- this is one  
23 of the interesting things that we are going to allude to  
24 now, is one of the interesting things that came up during  
25 the trial, and I think that is significant, that we maybe  
26 should consider, and that is this matter of foundation --

11a-2

1 foundation!

2 It is one thing for someone to get on the  
3 witness stand, and it is something else to be able to  
4 substantiate what that person said.

5 And here we have a conversation referred to  
6 on the bottom of page 11,905 by Mr. Fitzgerald:

7 "Q Now, after that conversation did you  
8 ever have another conversation with Mr. Manson  
9 about pigs?

10 "A Well, frequently, you know, the word  
11 'pig' was discussed, you see, with Mr. Manson and  
12 other members of the Family.

13 "Q But can you pinpoint the date and the  
14 time and the persons that were present at the time  
15 you had these various conversations with Mr. Manson  
16 that you have testified to on direct examination?

17 "A Well, I can pinpoint some of the names.

18 "I can say, for instance, to start  
19 with, you know, Mr. Manson, Bruce Davis and  
20 Garth Tufts, you know.

21 "Q Now, when you had this conversation  
22 with Mr. Manson in regard to Zombies, you were there,  
23 right?

24 "A Yes.

25 "Q And Mr. Manson was there, right?

26 "A Yes.

11a-3

1 "Q I take it that you don't remember the  
2 date or the time of this conversation either, right?

3 "A Well, this was -- I know it was before  
4 the raid, and this was discussed up at the Barker  
5 Ranch, too, you see.

6 "Q Twice?

7 "A Well, more than twice. I would say,  
8 you know.

9 "Q Well, let's take the first time you  
10 heard the conversation about Zombies with Mr.  
11 Manson.

12 "Can you tell us who was there?

13 "A Well, I can say that Mr. Manson, Bruce  
14 Davis, Tex, Danny DeCarlo and I were sitting at  
15 the table when the conversation happened, you know.

16 "Q That is one conversation you can remember  
17 up at Barker Ranch, sitting at a table?

18 "A Meyers Ranch.

19 "Q Meyers Ranch?

20 "A Yes."

21 Now, this is the kind of foundation that we  
22 are speaking of.

23 Mr. Fitzgerald -- and at this point Mr.  
24 Flynn states that these people were present.

25 Now, if this were so, and with the extended  
26 benefits that Mr. DeCarlo obtained from the prosecution,

11a-4

1 you will have in the jury room an exhibit showing the  
2 criminal charges that Mr. DeCarlo was relieved of as a  
3 result of the prosecution, the District Attorney of Los  
4 Angeles County, extending their capacity that they have on  
5 behalf of Mr. DeCarlo.

6 And where then -- if this is so critical as  
7 Mr. Bugliosi, the prosecution, would have us believe, there  
8 is this critical aspect about Zombies and all of this.

9 Where is the detail of that? Where is the  
10 detail of that in the testimony, for instance, of Mr. DeCarlo.

11 That is the reason, that is the reason that  
12 we have foundation. That is the reason that we want to  
13 know time and place and who was present. It is not very  
14 dramatic. It is not a Perry Mason type of thing as far  
15 as trials go, but when you get right down to it, when you  
16 get right down to it even the best intended witness, the  
17 best intended witness is not a tape recorder, and then when  
18 you couple that with somebody that wants -- that has an  
19 obvious bias or prejudice, it means that we are deprived  
20 -- that we are deprived of material, which is necessary,  
21 because again the burden is on the prosecution to prove  
22 the defendant guilty beyond a reasonable doubt and to a  
23 moral certainty.

24 So it is interesting that the details concerning  
25 these matters were not mentioned by Mr. DeCarlo, that we  
26 are speaking of here.

11a-5

1 Now, we come to the page -- Volume 104 around  
2 page 11,912. Again, by way of emphasis; I think it is  
3 so important:

4 "Q And you did not think Mr. Manson was  
5 going to kill you, did you, when he put a knife  
6 to your neck?

7 "A You know, it was a game, you know, it  
8 was a pretty strong game, you know, and I just --  
9 I just felt that I should agree, you know, and  
10 just go my way and feed my face, you know.

11 "At the time he made these statements,  
12 when I was having my lunch.

13 "Q But after he put this knife to your  
14 throat, you actually went up to the desert with  
15 him alone, right?

16 "A Well, I didn't go with him, really,  
17 you know. I went with Sadie Glutz." -- who is one  
18 of the members of what the prosecution calls the Family.  
19 She is the girl that will supposedly, by Mr. Juan's grouping,  
20 would have venereal disease, a nine-month case of syphilis  
21 and gonorrhea.

22 Then on page 11,913:

23 "Q When you got up there and saw Mr.  
24 Manson was there, did you leave right away?

25 "A No, I didn't leave right away."

26 This is up in the Barker Ranch area.

1 "Q Weren't you afraid that he would cut  
2 your throat?"

3 And this answer -- maybe it's worth something  
4 to think about.

5 "A I think that he had every right to do  
6 whatever he did, you know, and I took my precautions  
12 fls. 7 in whatever I did, you know."

12-1

1 Now, what does that mean?

2 Here is Mr. Flynn testifying in a trial where  
3 the prosecution has alleged what they have alleged, and  
4 Mr. Flynn is saying that Mr. Manson had a right to do what-  
5 ever he did.

6 What does that mean? What does that mean?  
7 It is something to think about as to exactly whether or not  
8 any such statement that is attributed to Mr. Manson in  
9 fact occurred.

10 Now, remember that Mr. Flynn was arrested on  
11 August the 16th, 1969. Mr. Flynn was in the custody of the  
12 Los Angeles County Sheriff's Department.

13 Remember that Mr. Flynn tells us that he had  
14 seen on television about the Tate-La Bianca events.

15 He goes to the Los Angeles County Jail and,  
16 furthermore, he tells us -- it is in this record -- I think  
17 we all remember it -- he tells us that he attributed his  
18 arrest to Mr. Manson. He felt that he was in jail because  
19 of what Mr. Manson did.

20 Looking at the normal human propensities, if  
21 someone felt the way that --- if he is telling us the  
22 truth, how is it, how is it, that he didn't mention, didn't  
23 mention this to the Sheriff, to some police officer?

24 It defies our belief. If somebody puts you  
25 in jail and they are responsible for your going to jail and  
26 you believe that they have some kind of involvement in seven



murders, the normal thing to do would be to tell somebody about it.

On top of it, we either have credibility or we don't. On top of it, at Page 11,944 -- pardon me, the middle of Page 11,944, about Line 17, Mr. Flynn says:

"Now, you saw -- you saw Mr. Manson with a gun, and you know you saw him with a gun because he shot at you; right?"

"Right."

So, on top of everything else, Mr. Flynn would have us believe that Mr. Manson had tried to kill him with a gun.

And this is before, supposedly, before he goes to jail, and Mr. Manson is responsible for him being in jail, and now no mention is made, no mention is made by Mr. Flynn, as to what supposedly Mr. Manson told him.

Page 11,966, Line 25, questions of Mr. Flynn.

"Now, did you talk to any police officers concerning this case before coming to court?"

"Yes."

"Do you recall the officer's name, or do you see him in court today?"

"A. There was so many of them there, you know. Mr. Gutierrez was there."

"Mr. Gutierrez here?"

"Yes."

1 "You talked to him?

2 "Well, I talked to him, and I talked to  
3 a lot of them, too, you know.  
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"When did you talk to Mr. Gutierrez?"

Then there was some colloquy.

"Do you understand the question?"

"THE WITNESS: When?"

"MR. SHINN: Yes. Approximately.

"THE WITNESS: Last year.

"MR. SHINN: Last year. Was it near Christmastime or before Christmastime?"

"It was before all of that stuff came out in the papers.

"And how did you get in contact with Mr. Gutierrez or did he get in contact with you?"

"Well, they all visited Spahn Ranch, you know."

In other words, remembering this purported statement of Mr. Flynn's on December the 19th that Officer Steuber -- that is the one that is purportedly on the tape recording -- remember that that is after December the 8th, 1969 -- December the 8th is the date of the Grand Jury indictment -- what he is talking about is before it all came out in the papers, before it all came out in the papers.

THE COURT: We will recess at this time, Mr. Kanarek.

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

The court will recess until 1:45.

(Whereupon at 12:00 o'clock noon the court was in recess.)

13 fls.

13-1

1 LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 4, 1970

2 1:45 P.M.

3 ---O---

4 (The following proceedings were had in open  
5 court, Mr. Kay and the Court only being present:)

6 THE COURT: People vs. Manson.

7 MR. KAY: We have Kitty Lutesinger present, your  
8 Honor, and we would like to have her ordered back on  
9 January 18th.

10 THE COURT: Is your name Katherine Lutesinger?

11 MISS LUTESINGER: Yes.

12 THE COURT: You are ordered to return to this  
13 courtroom on January 18th at 9:00 a.m. without further  
14 order, notice or subpoena.

15 Do you understand?

16 MISS LUTESINGER: Right.

17 THE COURT: Very well.

18 (Unrelated matters disposed of.)

19 (The following proceedings were had in open  
20 court outside the hearing of the jury, Mr. Keith only being  
21 present:)

22 MR. KEITH: May I discuss a problem, a personal  
23 problem off the record with your Honor?

24 THE COURT: Is there any reason it should be off the  
25 record?

26 MR. KEITH: No real reason.

1 THE COURT: We will have it on the record then.

2 MR. KEITH: I have a P and S matter in Department 77  
3 at 9:00 a.m. tomorrow morning.

4 I have no objection that the matter be  
5 continued. The only problem is my presence there.

6 I am sure the Deputy Public Defender who has  
7 another defendant would be more than willing to appear for  
8 me. It is just that I would like to be able to call the  
9 Judge and tell him that I am ordered to be here at 9:00 so  
10 that I cannot get into any trouble.

11 THE COURT: That will be the order.

12 MR. KEITH: Good.

13 THE COURT: You won't be required to make an appearance  
14 then?

15 MR. KEITH: That is what I am trying to get out of,  
16 may the Court please.

17 THE COURT: All right.

18 MR. KEITH: The only way I can get out of it is if  
19 you order me to be here, so I won't be in contempt there.

20 THE COURT: Yes. We will continue this matter at the  
21 close of today until 9:00 a.m. tomorrow morning.

22 MR. KEITH: Thank you.

23 THE COURT: You may bring the jury in.

24 The Court will recess for ten minutes.  
25  
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14-1

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

4 THE COURT: All counsel and jurors are present.

5 You may continue, Mr. Kanarek.

6 MR. KANAREK: Thank you, your Honor.

7 We were discussing Mr. Flynn's testimony.  
8 There is a sort of interesting vignette, you might say,  
9 to Mr. Flynn's testimony.

10 At the very beginning of his testimony, Mr.  
11 Bugliosi asked him:

12 "When did you first go to Spahn Ranch?

13 "The beginning of '68."

14 This is at page 11,808 of Volume 103.

15 "Q The first few months of '68?

16 "Yes.

17 "Did you work there as a ranch hand?

18 "Yes. Manure shoveler.

19 "Manure shoveler?

20 "Yes."

21 I don't know whether that is important or not,  
22 but we have a witness, we all heard Mr. Flynn's referral  
23 to human excrement when he didn't have to do it. What I  
24 mean is, it didn't involve -- it wasn't necessary for Mr.  
25 Flynn to refer to human excrement in order to answer a  
26 question truthfully.

1 I think if we are incorrect in that, I am sure  
2 the prosecution, in their discussion with you later on, will  
3 point this out. But we think that this is circumstantial  
4 evidence of Mr. Flynn's attitude towards the courtroom.

5 Mr. Flynn is a witness, and when he refers to  
6 matters of that type throughout his testimony, unnecessarily,  
7 bringing it in voluntarily, it is something to consider,  
8 because the Court is going to instruct you, as we have  
9 said, that a person's attitude towards what is going on  
10 here when he is on the witness stand is of significance in  
11 determining the credibility of that person.

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15 fls.

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1 So it's sort of interesting, Mr. Flynn's  
2 referral that way to, in several places in the proceedings,  
3 and I'm sure we all remember it without belaboring it.

4 Now, I think that we are all in agreement  
5 that there is no substitute for truth in any event in a  
6 trial, but we have in connection with this matter of  
7 corroboration, and this matter of Linda Kasabian, an  
8 accomplice as a matter of law; we have the proposition that  
9 Judge Older is going to give us that we set aside all of  
10 Linda Kasabian's testimony.

11 And this is another interesting -- interesting  
12 problem in thinking, because the Court is going to instruct  
13 us that the rule of corroboration requires that Linda  
14 Kasabian's testimony and all of the exhibits, inferences  
15 and conclusions based on her testimony must be removed in  
16 evaluating whether or not there is any corroboration.

17 Now, what that means -- this is not verbatim  
18 what the instruction is, it is much more artfully worded in  
19 the instruction and it is a little bit extended, but we  
20 think in essence that is it.

21 What that means is if we can possibly do it  
22 we must do it in connection with the rule of law that is  
23 applicable.

24 We take everything that Linda Kasabian said  
25 and put it aside, and then we see, does the other independent  
26 evidence corroborate, and apart from the credibility of



1 Juan Flynn or anything else, when we do that, we reach a  
2 problem in connection with Mr. Flynn's statement attributed  
3 to Mr. Manson about these killings or something like that.

4 Let's assume that we have never heard Linda  
5 Kasabian in this courtroom, because that is the -- that is  
6 the metal process we must go through in determining whether  
7 there's any corroboration, because she is an accomplice as  
8 a matter of law.

9 If all of her testimony were put aside, would  
10 we know, would we know as a matter of pure logic what was  
11 purportedly said in the statement that Mr. Flynn attributes  
12 to Mr. Manson?

13 What killings? "These killings."

14 How do we know? How do we know? There were all  
15 kinds of philosophical discussions going on in this Spahn  
16 Ranch area. We don't know for sure that Mr. Flynn was even  
17 there then.

18 Mr. Manson or any one of us might say, for instance,  
19 all of us might say, depending upon our viewpoint in the  
20 Viet-Nam war, we might say, "I am responsible for the  
21 killings," words to that effect, if you just hear a  
22 conversation.

23 We might have various people saying various  
24 things concerning the responsibility for people who have  
25 passed away in Viet-Nam.

26 We are responsible for killings, and so forth and

1 so on. So this is the kind of problem we have in  
2 evaluating Juan Flynn's testimony. We must -- we must set  
3 aside Linda Kasabian's testimony, everything she said --  
4 everything she said, and then we have to look at it.

5 We have to look at it to determine and  
6 determine whether or not that corroborates. What does it  
7 corroborate?

8 Well, when we are on the jury this is one of the  
9 knotty problems that we have as to whether or not that and  
10 other evidence which the prosecution fosters and suggests  
11 to us when they speak again, whether that is corroborated.

12 So in determining that we cannot use anything  
13 that Linda Kasabian states, we cannot fill in the gap, so  
14 to speak, with Linda Kasabian's testimony because the Court  
15 is going to instruct us in that rule of corroboration that  
16 such is the law.

17 Now, we then come to a problem, we come to a  
18 problem as to whether or not any purported statement of a  
19 defendant is a confession or an admission.

20 Now again, in order for something to be a  
21 confession, it must, standing on its own two feet, convict  
22 the defendant. That is what confession is. We all know  
23 what a confession is.

24 Confession is where someone says -- well,  
25 let's take the prosecution's language from their chart that  
26 they had here. What is murder of the first degree?

1 Murder of the first degree is where it is  
2 premeditated, and there is a killing of ascertained human  
3 beings -- ascertained human beings with malice aforethought.

4 We don't have that in the statement that is  
5 attributed to Mr. Manson. We have, first of all, the word  
6 "killings," and we don't have anything in that statement  
7 that is anywhere near a confession.

8 There is no confession in that statement. I  
9 mean, just looking at the words, there is no question about  
10 it. In order for it to be first-degree murder there must  
11 be premeditation.

12 The prosecution alleges that the statement was  
13 made, this statement was made at some time in the summer of  
14 1969 after the events of August 8th through 10th had  
15 occurred.

16 So clearly there has to be something in that  
17 statement to show premeditation before we can have any  
18 confession to first-degree murder.

19 There have to be ascertained human beings  
20 involved, because remember we must put aside everything  
21 that Linda Kasabian said. We cannot use anything she said  
22 to assist us in determining whether or not there is  
23 corroboration, and there are clearly no ascertained human  
24 beings involved when the statement is made, "All of these  
25 killings."

26 Furthermore, there are degrees -- there may be

1 killings. We might drive our automobile down the street  
2 and, God forbid, through a safety island, through no fault,  
3 let's say -- it was dark or whatever it may be, we go  
4 through a safety island and there may be some people in that  
5 safety island who passed away as a result of our automobile  
6 going through.

7 And we might say, we might say to someone,  
8 "I am responsible for those killings, the killings of the  
9 people in the safety island."  
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16-1

1 Well, would that be a confession to first  
2 degree murder?

3 We are in a court of law. The judge is going  
4 to instruct us on first degree murder and second degree  
5 murder. There are degrees of murder and there is manslaughter.  
6 There are various degrees.

7 So, certainly, this is not a confession to  
8 first degree murder.

9 There is no showing of any malice aforethought.  
10 There is no showing of any premeditation.

11 Certainly it is not a second degree murder.

12 DEFENDANT MANSON: (From the holding tank.)

13 It is not a confession to any murder.

14 Why don't you sit down. You are just making  
15 things worse.

16 MR. BUGLIOSI: Your Honor, would you instruct the  
17 jury to disregard that remark?

18 THE COURT: The jury will disregard Mr. Manson's  
19 remarks.

20 MR. KANAREK: But in any event, there is no question  
21 but what this statement is a statement that isn't even  
22 an admission.

23 The next level of statement that we have,  
24 we have a confession and we have an admission.

25 After we look at the statement, is it an  
26 admission?

16-2

1 An admission is some kind of a statement,  
2 in the legal world, an admission, as it has been said,  
3 is a very cheap commodity.

4 For instance, an example of an admission would  
5 be, let us say that there is a bank robbery and someone is  
6 arrested and accused of the bank robbery, and the person  
7 who is accused of the bank robbery says that he or she  
8 was present at the Security First National Bank when it was  
9 robbed.

10 Now, that would be an admission. It is a  
11 far cry from a confession. It is a statement which, somehow  
12 or other, has some kind of a smell of putting the defendant,  
13 for instance, where something criminal occurred.

14 But that is not an admission that means anything.  
15 We call it an admission, but it is up to us on the jury to  
16 decide whether or not a particular statement is even an  
17 admission, and the Court will instruct you as to what an  
18 admission is.

19 In this case, for instance, there would probably  
20 be an admission by the very fact, if someone quoted Mr.  
21 Manson or any other defendant as being at the Spahn Ranch  
22 at any time.

23 They have alleged a conspiracy, they have  
24 alleged what they have in the first seven counts, the  
25 question is: Of what weight is that statement? Since we  
26 have decided that it is not a confession, of what weight

16-3

is the statement then?

And that is for us to determine. Because the very fact that a statement allegedly is uttered doesn't, by any manner or means, at first blush it may sound like something, but when you go into it and think about it and apply the law to it, I think that we will be in agreement that it doesn't have anything, it doesn't have any substance to it wherein it can be used to corroborate Linda Kasabian.

16a fls.

16a-1

1 This is not someone looking through the window  
2 who sees the people inside the house. When we talk about  
3 corroboration, this is corroboration of substance. This is  
4 where someone sees someone who is not an accomplice,  
5 verifies acts which connect the defendant to what supposedly  
6 occurred in the Tate-La Bianca homes.

7 Now, we have a statement here, and I am  
8 indebted to Mr. Fitzgerald who located this for me in  
9 the transcript at page 11,921 of Volume 104, line 15.  
10 This is questioning of Mr. Flynn.

11 "You did not get any money from the  
12 story; is that correct?

13 "Well, the money was taken by Paul"--  
14 I gather, meaning Paul Watkins -- "and company,  
15 and taken to the desert, and they bought music  
16 equipment and stuff like that."

17 Or it could mean Paul Crockett.

18 But in any event, let's look at that statement.

19 "Well, the money was taken by Paul and  
20 company and taken to the desert, and they bought  
21 music equipment, and stuff like that.

22 "Like I said, it just lasted until I  
23 got drunk, and I got mad at them and left.

24 "So 'Keep the money and music record-  
25 ings,' you know."

26 So there, I think, earlier this morning,



16a-2

1 Mr. Bugliosi indicated that in court here Mr. Flynn did  
2 not get any money. But he says here:

3 "Like I said, it just lasted until I  
4 got drunk, and I got mad at them and left."

5 Referring to the money.

6 So, clearly, it is clear that Mr. Flynn got  
7 money from what he did with these literary people.

8 Mr. Fitzgerald is questioning Mr. Flynn at  
9 page 11,930, in Volume 104.

10 "Q You are here today testifying because  
11 you want to be famous; isn't that right, Mr. Flynn?

12 "Well, could we discuss this after the  
13 trial, outside, you know?"

14 Now, what does that mean? What does that mean?

15 Is Mr. Flynn being candid with us here, or  
16 is he saying things, more or less, what he thinks that he  
17 wants to say in order to pursue the viewpoint that he wants  
18 to pursue.

19 At page 11930, following that, line 6.

20 "Can you answer the question yes or no?  
21 If it is not true, just simply say no, Mr. Flynn.

22 "I didn't come here to pompous myself  
23 on the matter on which these people are being  
24 charged with, you see. I brought my testimony here  
25 because it is the truth that I have come here to  
26 speak of."

16a-3

1 In other words, Mr. Flynn is telling us that  
2 the truth is what he wants us to hear and what he wants us  
3 to believe.

4 Now, directing our attention, then, to  
5 matters involving -- this is a delicate matter, but the  
6 prosecution has injected these types of matters before us--  
7 the matter of sex. And this is something for us to  
8 consider in connection with Mr. Flynn.

9 For reasons best known to the prosecution,  
10 they have brought to us Mr. Flynn taking, I guess, as  
11 he puts it, girls into the bushes.

12 For whatever that might be worth and for  
13 whatever the purpose of that testimony, Mr. Flynn, by  
14 his testimony concerning venereal disease and all of that,  
15 it is an attempt at character assassination. In other  
16 words, to give us some kind of a feeling that the people  
17 out there at the Spahn Ranch are without -- there is no  
18 evidence other than Mr. Flynn's statement to that effect --  
19 but the idea that these people are somewhat subhuman, or  
20 they are people who are not entitled to be considered the  
21 same as the rest of us.

22 What other reason would there be to inject  
23 words like that: Venereal disease, nine-month case of  
24 syphilis, and gonorrhea.

25 Mr. Flynn was interrogated extensively by  
26 police officers. What reason would there be to inject

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that kind of information in this trial other than just to  
inflammе us against the defendants?

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1 Now, it is interesting in connection with Mr.  
2 Flynn, Page 11,970:

3 "Q Now, getting back to Mr. Gutierrez,  
4 you did speak to him at the ranch?

5 "A Yes.

6 "Q You spoke to him personally, is  
7 that correct?

8 "A Well, he asked --

9 "Q You spoke to him first.

10 "A When he asked me to speak to him.

11 "Q Were there any officers with  
12 Mr. Gutierrez at that time?

13 "A Yes.

14 "Q Do you recall who was there with  
15 Mr. Gutierrez? Do you know the names?

16 "A I know one of them.

17 "Q What is his name?

18 "Sartucci.

19 "Q And you had a conversation with those  
20 two officers?

21 "A Yes, there was more than two officers,  
22 you know, there was lots of them.

23 "Q I mean, these two officers talked to  
24 you, is that correct, there were a lot of officers  
25 around but these two officers talked to you.

26 "A All of them, all of them, you know.

1 "Q After this day did you talk to  
2 the police officers again?

3 "A Yes.

4 "Q When was that?

5 "A Well, he went back up to the desert,  
6 you see. I went back up to the desert, you know.

7 "Q That is sometime in September?

8 "A I don't know the month.

9 "Q When you say desert, you mean the  
10 Barker Ranch?

11 "A No, no.

12 "Q Death Valley?

13 "A Yes -- no, no -- well, Death Valley,  
14 yeah, yeah, but I was in Shoshone, you see.

15 "Q Did you talk to officers out there?

16 "A To whom?

17 "Q To the officer out there, did you  
18 talk to the officer out there again?

19 "A Yes.

20 "Q Mr. Gutierrez?

21 "A I don't remember, you know, I don't  
22 remember.

23 "Q When was the next time you talked to  
24 the officers?

25 "A Down here.

26 "Q And when you say down here, it's

1 "Los Angeles.

2 "A In Los Angeles, yes.

3 "Q And this was after you came back from  
4 Inyo County?

5 "A Yes.

6 "Q And approximately what month was this?

7 "A I don't know the month.

8 "Q Was it after Christmas, before  
9 Christmas?

10 "A I just know that I came back, you  
11 know.

12 "Q Was it this year or last year?

13 "A It was this year.

14 "Q Was it the early part of the year?

15 "A Yes.

16 "Q Sometime maybe in January or  
17 February?

18 "A I am not going to say nothing, I  
19 am just going to say that it was --

20 "Q The early part --

21 "A I was just going to say that it  
22 was this year."

23 Now, from this colloquy, and from what we heard  
24 at the trial, we can only pick, and even this is somewhat  
25 lengthy, we can only pick certain -- we have to make a choice  
26 as to what to pick out of this transcript; there are 19,000

1 pages of it.

2 It is clear that Mr. Flynn spoke to people,  
3 law enforcement officers, before he went to Shoshone, before  
4 he went to Shoshone, it is clear, it is clear that he was  
5 speaking to police officers concerning Mr. Manson and the  
6 defendants and the people in this case, and it is clear that  
7 Mr. Flynn made no mention, no mention whatsoever of any  
8 statement by Mr. Manson in connection with this knife and  
9 the words in the kitchen, because it is obvious, it is  
10 obvious from what happened in this courtroom, from the  
11 stipulation that we will read later on, the stipulation  
12 that was entered into between counsel as to the fact that  
13 this knife incident was not -- was not part of what  
14 occurred in connection with Mr. Flynn and the Los Angeles  
15 police officers.

16 It shows -- it shows that this evidence smells.

17 There is something there that we have to -- when  
18 we are discussing it in the jury room, we have to meet it;  
19 there is no question about it.

20 But there is something there that is not what  
21 it should be.

22 Mr. Flynn -- Mr. Flynn heard such statements.  
23 Why didn't he tell the Los Angeles police officers about  
24 this at times in the past?

25 According to right now, these statements are  
26 before us, we have to look at the motivation, and we have

1 to look at everything concerning Mr. Flynn to determine  
2 whether or not we can believe, we can believe that in fact  
3 such a statement was made.

4 Even assuming that that statement had any kind  
5 of value as evidence in this case.

6 Now, directing our attention then to Volume 106,  
7 standing alone -- standing alone I think that we all agree,  
8 that we would all agree that what I am referring to now as  
9 the Plymouth automobile versus the Ford automobile, standing  
10 all alone it probably isn't very significant.

11 But when we look at Mr. Flynn's testimony,  
12 Page 12,086:

13 "Q In answer to a question, 'What kind  
14 of car did they leave in?'

15 "A A Plymouth.

16 "Q A Plymouth?

17 "A A Plymouth.'

18 "Did you give those answers to Mr. Sartucci?"

19 Now I am reading from the bottom of Page 12,085  
20 to the top of 12,086, wherein Mr. Flynn was given a transcript  
21 and asked to read Lines 20 through 23 of a transcript, and  
22 in answer to the question:

23 "What kind of a car did they leave in?

24 "A A Plymouth.

25 "Q A Plymouth?

26 "A A Plymouth.



1 "Q Did you give those answers to  
2 Mr. Sartucci?"

3 The answer:

4 "If they are stated in that piece of paper,  
5 I could have."

6 That is Mr. Flynn's answer to a question in this  
7 courtroom referring to his interview with Mr. Sartucci at  
8 the Los Angeles Police Department.

9 Now, is that the kind of answer from a witness --  
10 is that the kind of answer that we can believe? Is it  
11 important? I don't know if it's important. We think it is.

12 The next question:

13 "Well, my question is --

14 "A If they are stated on the information  
15 that you base your conversation from, I believe  
16 that I did then.

17 "Q In other words, what you are telling  
18 me, if it is written down on this piece of paper,  
19 then you are going to accept it as 100 per cent  
20 gospel truth that you said it; right?

21 "THE WITNESS:" -- Page 12,686:

22 "I didn't say that I was going to accept it,  
23 you see."

24 Half a minute before, a half minute before he  
25 states, in fact just the previous question he answers:

26 "If they are stated on the information that

1 "you base your conversation from, I believe  
2 that I did, then."

3 And the next question he changes over and he  
4 says, "I didn't say that I was going to accept it, you see."

5 The next question:

6 "Q My question is: To those questions,  
7 Mr. Flynn, did you give those answers?

8 "A Well, as I stated, you know, that if  
9 what you base your question --

10 "THE COURT: Answer the question, Mr. Flynn.

11 "THE WITNESS: Okay. I could have, yes.

12 "Q BY MR. KANAREK: Is your answer yes?

13 "A Yes,

14 "Q Or no?

15 Or you don't know?

16 "A Yes, I know. Okay.

17 "Q You remember, as you are sitting  
18 there on the witness stand, testifying under oath  
19 now?

20 "A Yes.

21 "Q You remember that you told  
22 Mr. Sartucci it was a Plymouth, is that correct?

23 "A Yes."

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25  
26  
17a

17a-1

1 Now, there we have -- there we have the fabric  
2 of Mr. Flynn's type of testimony.

3 Remember again, it's like the iceberg king of  
4 thing. All we see here is this kind of thing, once in a  
5 while you can get at.

6 But what about -- what about Mr. Flynn's  
7 statement, for instance, of what happened in the kitchen?  
8 Can we depend upon this witness? Would we ourselves or  
9 someone that was near and dear to us, say someone that was  
10 near and dear to us was being tried in this courtroom  
11 right now, would we want Mr. Flynn and his kind of testimony,  
12 that kind of testimony to be used to determine the guilt or  
13 innocence of someone, either ourselves or someone that we  
14 held very dear?

15 This is what we have to decide, because, Mr.  
16 Flynn is a witness who has said things on this witness  
17 stand, and his conduct in connection with his testimony  
18 is such that I think there certainly is a question about  
19 it, and then that is for those of us on the jury to  
20 decide when we are in the jury room as to whether or not we  
21 can give any weight whatsoever to Mr. Flynn's testimony.

22 And here is something that shows the motiva-  
23 tion of Mr. Flynn, again, which if we don't read the  
24 transcript we just perhaps might be lost.

25 At page 12,123:

26 "Q Now, Mr. Flynn, as a matter of fact,

17a-2

1 "It's a fair statement, Mr. Flynn, that you have  
2 not told us the truth in this courtroom concerning  
3 the knife at your throat?

4 "A You are saying that, sir.

5 "Q I am asking you, Mr. Flynn.

6 "A I told you the truth.

7 "Q Then is there some reason, is there  
8 some reason -- I will withdraw that and ask you  
9 this way:

10 "Did you tell Mr. Sartuche when you  
11 were at the Police Building on August 18th, 1970,  
12 did you tell Mr. Sartuche about the knife at your  
13 throat when Mr. Manson made these statements to  
14 you?"

15 "THE WITNESS" -- after some colloquy by Mr.  
16 Bugliosi the Court and myself --

17 "THE WITNESS: Sir?

18 "MR. KANAREK: May the question be read, your  
19 Honor.

20 "THE COURT: Read the question."

21 "(Whereupon the reporter reads the question  
22 as follows.)"

23 Exactly the same question again:

24 "THE WITNESS: Well, I told them the truth.

25 "Q BY MR. KANAREK: Mr. Flynn, my question  
26 is, as a matter of fact you made no statement to

17a-3

1 "Mr. Sartuche in your interview of August the 18th,  
2 1970, about a knife at your throat at a time when  
3 Mr. Manson supposedly made these statements to you,  
4 did you, because it did not happen, is that right,  
5 Mr. Flynn?

6 "A I did not mention it if it is not in  
7 the record because, you know, I says, you know,  
8 'I'll bring it up here.'"

9 In other words, Mr. Flynn is telling us that  
10 he was saving this; he was saving this to bring it up here  
11 in the courtroom.

12 Now, then, what we have to do then is evaluate  
13 Mr. Flynn's conduct in connection with the entire relation-  
14 ship of Mr. Flynn with law enforcement.

15 In August of 1970 Mr. Flynn had some relation-  
16 ship with law enforcement personnel, before he went up to  
17 the Barker Ranch in 1969 he had conversations with police  
18 officers that we have spoken of.

19 What motivation, what purpose, what reason  
20 would there be for Mr. Flynn -- for Mr. Flynn, in view of  
21 everything that he had gone through, gone to jail, he  
22 said, because of Mr. Manson and all that, what reason  
23 would there have been for him not to mention it to law  
24 enforcement people then, what reason would there be?

25 This is something we have to consider in  
26 connection with what we call "reasonable doubt."

17a-4

1 Is there a reason? If there is some reason  
2 why he would not say it, what could it be, what reason  
3 could there be?

4 Now, Mr. Flynn has taken LSD in connection with  
5 evaluating Mr. Flynn's testimony, page 12,131, in Volume  
6 106.

7 "You have taken quite a bit of LSD,  
8 is that right, Mr. Flynn?

9 "A Well, it is quite an amount for me.

10 "Q You have taken quite a bit?

11 "A It is quite an amount for me.

12 "Q My question is, Mr. Flynn, you have  
13 taken it on many occasions?

14 "A I have taken them, eight times, yes."

15 Now, Mr. Flynn -- this is something to consider  
16 as to the credibility of Mr. Flynn, as to whether or not  
17 -- we know -- we know from this record, Drs. Deering and  
18 Skrdla have told us, it is in this record, we can have it  
19 read back if there is any question about it, there is no  
20 question but what LSD can cause delusional thinking.

21 In other words, LSD can cause us or anyone  
22 who takes it to have, evidently, what the doctors call  
23 flashbacks, so we think that a certain set of facts  
24 exists or existed when in fact these facts did not exist.

25 Now, I don't know, I don't know when Mr. Flynn  
26 took his LSD. I don't know whether it is important or not.

1 Really, whether I think it is important or  
2 not is really not too important anyway, it's what those  
3 of us on the jury think.

4 Is it a factor to be considered as to Mr.  
5 Flynn?

6 Mr. Flynn, as we say, is a very unusual  
7 witness. He says "I only took LSD a certain number of  
8 times."

9 We think there is great probability, great  
10 possibility, whatever way we want to couch it, that Mr.  
11 Flynn took LSD a lot more, a lot more than he is telling  
12 us about, and again the question is, what is Mr. Flynn's  
13 ability to perceive and his ability to remember and what  
14 is his ability to relate in this courtroom, that is what  
15 is important.

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18 fls.

18-1

1 Now, in this connection, we have, as I  
2 say, in this case, the testimony of Dr. Skrdla and Dr.  
3 Deering. This isn't just idle -- this isn't my surmise or  
4 my dreaming it up or my saying that it is so as a lawyer, as  
5 an advocate. This is a fact.

6 They both said that LSD can cause delusional  
7 thinking, can cause people to think things happened when  
8 they didn't happen.

9 Now, in the context of just ordinary memory,  
10 we have enough problems. You have enough problems regarding  
11 something and its sequence of events without imposing upon  
12 that problem, the ordinary credibility problem, the factor  
13 of drugs. And when we take LSD and we take marijuana and  
14 we take psilocybin or whatever, and we put that in the  
15 bushel basket, we come up with a credibility deficit, if  
16 we can put it that way, a deficit on the credibility side  
17 of anyone of us.

18 So, the question is: What effect does that have  
19 upon Mr. Flynn and his credibility?

20 Now, at Page 12,134, Line 19.

21 And again, by the very nature of the legal  
22 process, by the very nature of the legal process, we have  
23 adversity.

24 We would like to allude to that again. There is  
25 no desire on my part, and I am sure co-counsel's part,  
26 Mr. Fitzgerald examined Mr. Flynn in connection with his



1 movies and all of that, and I am sure Mr. Fitzgerald is  
2 not mad at Mr. Flynn personally, and neither is Mr. Shinn,  
3 and I am sure Mr. Keith isn't, and I am not mad at Mr.  
4 Flynn. I mean, I am not mad at Mr. Flynn. It is just the  
5 raw material that we have to work with. So, that raw  
6 material that is brought to us that we have to funnel into  
7 our thinking in connection with this case is just not the  
8 kind of raw material that stands up the way the testimony  
9 of Dr. Noguchi and Dr. Katsuyama, for instance, stands up.

10 So, it is something that we have to consider.

11 Here at Page 12,134, Volume 106, Line 19.

12 "Q Have you had the experience,  
13 Mr. Flynn, of in your mind thinking that  
14 something happened when really it never  
15 happened? Have you ever had that experience?

16 "Yes."

17 The next question:

18 "That happens from time to time with you;  
19 is that correct?

20 "I don't understand you.

21 "You don't understand that last question?

22 "No."

23 Then at Line 8:

24 "Mr. Flynn, have you stated that you were  
25 all mixed up? Have you stated that in the last  
26 couple of years?

1 "Have I ever stated that?

2 "Have you stated in the last couple of  
3 years that you were all mixed up?

4 "I have stated that I was the most  
5 mixed-up man in the world."

18a-1

1 The next line:

2 "You have stated that?

3 "Yes. Yes, I have stated that.

4 "And you have stated, and it is  
5 during this period of time, that you have taken  
6 LSD? Is that a fair statement? Is that true?

7 "Well, I don't understand your question."

8 Now, did he really not understand the question  
9 or is he worried about his posture in this case, what he is  
10 going to say, what he has said, if he admits to having taken  
11 LSD during the period of time when he says that he is the  
12 most mixed up man in the world?

13 Because, our purpose here is supposedly to  
14 elicit information based upon which we supposedly come to  
15 some kind of a rational result.

16 Now, Mr. Flynn has been in Vietnam. There is  
17 no question about it. And Mr. Flynn evidently did well  
18 in Vietnam. He has got an Honorable Discharge. He has  
19 got, I think the testimony reveals, he received two Purple  
20 Hearts.

21 We are not here trying Mr. Flynn for anything.  
22 We are trying to see whether Mr. Flynn can be believed.

23 In the not distant past, a close relative,  
24 a man who had performed well in the service, a close  
25 relative of a superior court judge, behaved very improperly  
26 and did many criminal things through no fault of his own

1 because of what he had observed in war.

2 There is no question about it. Mr. Flynn  
3 may well be a casualty of the Vietnam War, as was the  
4 relative of the superior court judge.

5 But that doesn't mean that we can, just because  
6 of his heroic acts in Vietnam, that doesn't mean that he has  
7 credibility. It doesn't mean that we can believe necessarily  
8 what the man says, no matter what he has done on the  
9 battlefield.

10 And these are some of the tortuous problems  
11 that we have in evaluating witnesses.

12 I don't wish to convey or have anyone think  
13 that my purpose here is to demean Mr. Flynn and whatever  
14 mental problem he has.

15 It is obvious from this record, it is obvious  
16 from this record, that whatever happened in Vietnam has  
17 affected Mr. Flynn and his thinking very very substantially.

18 But nevertheless, it is a credibility matter  
19 that is before us that we have to consider, and there is  
20 no question but what Mr. Flynn's credibility is a matter  
21 that is very, very suspect.

22 I think that we all would agree to that, with  
23 what we saw Mr. Flynn in this courtroom.

24 Now, in Volume 107, page 12,160, line 23:

25 No, that is wrong. I guess it is Volume 106.  
26 Yes, Volume 106. I believe it is page 12,215, and that is

1 in Volume 107.

2 "MR. BUGLIOSI: I will offer the stipulation.

3 "On August 18th, 1970, Mr. Flynn spoke  
4 to Sergeant Sartuche over at the Los Angeles Police  
5 Department, and the conversation comprised 16 pages,  
6 and there is no reference in these 16 pages to the  
7 knife incident.

8 "MR. KANAREK: So stipulated, your Honor.

9 "THE COURT: Very well.

10 "MR. KANAREK: Would your Honor state to  
11 the jury that when there is a stipulation that that  
12 means -- I will leave it to your Honor so that I  
13 will not be accused of misstating it.

14 "THE COURT: Well, the jury may consider any  
15 stipulation between counsel as having proved the  
16 existence of the fact or facts stipulated to."

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18b fls.

18b-1

1 So that bit of evidence, there is no question  
2 about it, that is raised to the dignity of a fact.

3 That is the evidence. There is no question about  
4 it any more. Everyone is agreed that there was no such  
5 reference made in the interview with Mr. Sartucci.

6 It is kind of a situation that is almost -- it  
7 is unheard of. It is unheard of. Here we have what, I am  
8 sure the prosecution is going to claim, is the statement  
9 that is very important, in what Mr. Gutierrez calls the  
10 Crime of the Century, and there is no mention in 16 pages  
11 of colloquy with Mr. Flynn concerning this.

12 Now, then, again, we have at Page 12,221,  
13 questioning of Mr. Flynn:

14 "Now, do you remember speaking with a man  
15 named Mr. Davis, Ivar Davis?

16 "Yes."

17 This is in Volume 107.

18 "And do you remember speaking with another man  
19 there that was with Mr. Davis?

20 "Yes.

21 "Now, directing --

22 "What man was that?

23 "My question is, Mr. Flynn -- would you  
24 just answer the question.

25 "Well, I can remember a lot of occasions  
26 I talked to men, you know, with Mr. Davis.

1 "You talked to Mr. Davis on many  
2 occasions, right?

3 "Yes.

4 "And you talked to Mr. Ivar Davis on many  
5 occasions; is that right, Mr. Flynn?

6 "Yes.

7 "You spoke to Mr. Davis when he was in  
8 the presence of other people?

9 "Yes.

10 "Now, have you discussed with Mr. Davis  
11 matters pertaining to -- let me withdraw that.

12 "In your discussions with Mr. Davis, did  
13 you ever mention the knife incident that you  
14 have told us about concerning Mr. Manson?

15 "I don't remember.

16 "You don't remember, or is it no, Mr.  
17 Flynn?

18 "I don't remember.

19 "You are telling us that a knife was at  
20 your throat, Mr. Flynn?

21 "Uh-huh.

22 "And you don't remember as to whether or not  
23 you told Mr. Davis about it who was discussing  
24 with you?

25 "Well, the subject of the conversations  
26 and the way they were led, you see, that might  
not come up, you see, you see.

1 "Don't that make sense to you?

2 "My question, Mr. Flynn, is: Did you  
3 mention this knife incident?

4 "I don't remember."

5 Now, if we look -- let's go a little further --

6 "You don't remember whether you did or not?

7 "I don't remember."

8 Now, the interesting portion as far as  
9 credibility there goes to consider in connection with  
10 Mr. Flynn is, he says at one instance, he says the  
11 conversation was the kind of thing that it never came up,  
12 which is preposterous in any event, because what could be  
13 more significant in connection with literature pertaining  
14 to this case than the statements of Mr. Manson, or alleged-  
15 to-be statements of any defendant?

16 So that, in itself, makes it seem very, very  
17 unlikely.

8c



18c-1

1 But if you compare Mr. Flynn's contention that  
2 this matter came up for conversation, was never discussed,  
3 with his positive assertion "I don't remember," because  
4 when you say "I don't remember," that is a fact -- your  
5 state of mind, one can commit perjury when one says "I  
6 don't remember," or one can be less than candid; if we,  
7 in fact, have something in our mind and we know that  
8 something was spoken of or said, and we say "I don't  
9 remember," when, in fact, we do remember, of course, that  
10 is not telling the truth -- just by using the words  
11 "I don't remember," that doesn't bootstrap you into a  
12 situation wherein you can avoid the responsibility of not  
13 telling the truth -- so, if we look at the mosaic of this,  
14 if we look at the detail of this, it is clear that Mr. Flynn  
15 is playing games with us.

16 It is clear that Mr. Flynn, whatever his  
17 reason and whatever his motivation and whatever his purpose  
18 is, is not a witness that we can depend upon the way we  
19 can depend upon Dr. Noguchi and Dr. Katsuyama.

20 And if there is any question about anything  
21 that we are reading here, I am sure that Judge Older will  
22 be glad to accommodate us and allow us to hear it over  
23 again, any portion.

24 Now, again, many people will say: Well, this  
25 is bad public relations for a lawyer to mention what I am  
26 going to mention now. But I don't think that in a courtroom

1 where we have the seriousness of matters going on that we  
2 have in this case, I don't think that we are going to  
3 decide this case based on emotion or passion or prejudice.  
4 Otherwise, what is the use of the six-months we have been  
5 here together if we don't do this according to the approach  
6 that I am sure we will give it?

7 It is interesting.

8 Now, Mr. Flynn's answer is interesting.

9 "Now, Mr. Flynn --

10 "A Uh-huh.

11 "Q Is it a fair statement that in your  
12 discussion, referring to black people, you referred  
13 to black people as niggers?

14 "That is what my father taught me.

15 "Pardon?

16 "Yes. I refer to them like that.  
17 My father taught me like that, so I do.

18 "And you -- this is the word that  
19 you use for black people; right?

20 "Black people too.

21 "Q Right?

22 "A Black people, you know.

23 "My question right now is do you use  
24 that word?

25 "Yes."

26 We have in this trial, the prosecution has

1 brought in this racial matter. The prosecution has  
2 brought before us what we have all heard here.

3 Mr. Flynn, whatever his relationship may be  
4 at this point, the use of this word in connection with black  
5 people, maybe it is of no significance, that is for you to  
6 decide, that is for you on the jury to decide, but does  
7 Mr. Flynn have some knowledge, does Mr. Flynn have some  
8 point of view in connection with matters that have occurred  
9 concerning the Tate-La Bianca case? Does he have some kind  
10 of relationship with somebody that we do not know about?

11 I don't know. I don't know, but it seems to  
12 me, it seems to me that there is something in connection  
13 with Mr. Flynn's testimony, something about it, that there  
14 is something you can't put your finger on it, whether it  
15 is because he is an actor, whether it is because of his  
16 experiences in Vietnam, whatever it is, it goes to the  
17 evaluation, to his credibility, and in determining this  
18 case I think that we can't just sidestep it because the  
19 word doesn't sound good or because certain subject matter  
20 doesn't sound good, I think that we have to just meet it  
21 headon.

22 And maybe it is of no significance. Maybe  
23 those of us on the jury will decide that it is of no  
24 significance. But we think that, somehow or other, gives  
25 an insight into Mr. Flynn's perspective.

26 THE COURT: I think this would be a good time to

1 take our recess, Mr. Kanarek.

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

5 The court will recess for 15 minutes.

6 (Recess.)

9 fls.

19-1

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

3 MR. KAY: Your Honor, I have another witness, Mr.  
4 John Puhek.

5 THE COURT: Take the gum out of your mouth, sir.

6 MR. PUHEK: I swallowed it.

7 MR. KAY: He said he swallowed it.

8 THE COURT: Go ahead, Mr. Kay.

9 MR. KAY: Thank you, your Honor. We would like to  
10 have Mr. Puhek ordered back on the 18th of January.

11 THE COURT: Very well, you are ordered to return to  
12 this courtroom on January 18th at 9:00 a.m. without further  
13 order, notice or subpoena.

14 Do you understand, sir?

15 MR. PUHEK: Yes.

16 THE COURT: Very well.

17 MR. KAY: Your Honor, that subpoena that we had issued  
18 for Alan Springer, we would ask the Court at this time to  
19 issue a bench warrant and hold it until next Monday at this  
20 time.

21 We asked the Court that in the morning, and then  
22 Mr. Bugliosi asked to withdraw it, and now we ask it be  
23 issued again.

24 THE COURT: January 11th?

25 MR. KAY: Yes, January 11th.

26 THE COURT: A bench warrant will be issued and held

1 for Al Springer until January 11th at 9:00 a.m.

2 THE COURT: Thank you very much.

3 (The members of the jury enter the courtroom  
4 and the following proceedings were had with all jurors  
5 present, all counsel with the exception of Mr. Hughes  
6 being present, outside the physical presence of the defen-  
7 dants.)

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

10 MR. KANAREK: Yes, your Honor, thank you, your  
11 Honor.

12 Ladies and gentlemen of the jury, in trying to  
13 think about this case, trying to get some kind of  
14 perspective, I think most of us that are on this jury have  
15 not had the benefit of being in any other trial except  
16 this trial, and certainly we know, for instance, that our  
17 courts -- that our courts, criminal courts, have other  
18 departments besides Judge Older's department.

19 We know that other trials occur. We know that  
20 there are some fact situations that we have heard about  
21 that must be really more complicated than this case.

22 We might say why? Remember that the only evi-  
23 dence put on here is evidence put on by the prosecution,  
24 and we say to ourselves, we say to ourselves, what is  
25 there about this case that makes this case merit this  
26 six months with all the expenditure of time, money, energy.

1 Certainly it is a fair assumption that many  
2 cases in Los Angeles County do not have this kind of approach.

3 Is there something about this case that makes  
4 it unique? Are the facts here so different? What is it?

5 We think that what it is is a symptom, is a  
6 symptom of trying to use Mr. Manson as a scapegoat.

7 Mr. Manson is being used, is being used as a  
8 symbol of some kind of a feeling that many people, many of  
9 us have towards the Nomadic, wandering young person who is  
10 afoot in this country today.

11 We go down the street, we see young people, boys  
12 and girls, hitchhiking together. We see girls hitchhiking  
13 alone, having generally the attire and the appearance that  
14 pictures show that some of the people at the Spahn Ranch --  
15 the same kind of clothing as worn by the people in the  
16 Spahn Ranch.

17 And if we have a sickness, if we have some kind  
18 of an illness, whatever it may be, that all of us are a part  
19 of, this sickness is not going to be cured; it is not going  
20 to be cured by using Mr. Manson as a scapegoat.

21 If there was ever a case where the evidence  
22 cries out for a not guilty verdict, this is the case.

23 If there ever is a case where the evidence  
24 demands a not guilty verdict, this is the case.

25 It is enough, you know, even if the underdog is  
26 in the wrong, it is young a natural human, you might say,

1 instinct to be on the underdog's side.

2 But you don't have to be on the underdog's side  
3 in this case. There just is the evidence. I hope that we  
4 will be able to show this partly by this principle of  
5 corroboration that the law requires.

6 But the evidence cries for a not guilty verdict.

7 But if, at the same time, at the same time we  
8 find Mr. Manson not guilty, we at the same time can exonerate  
9 and prove to the world that our system of justice does work,  
10 because this case -- because of the interest, the world-wide  
11 interest in this case, Mr. Gutierrez saying it is the crime  
12 of the century, and all of that, the world is focused upon  
13 us.

14 The world is looking at us and if at the same  
15 time, as we say, if at the same time we can give our own  
16 way of life a boost, and at the same time follow our law  
17 and do what the law dictates should be done in this case,  
18 we have accomplished something.

19 Because, whatever the image of Mr. Manson is  
20 throughout the world, we know those people have not been  
21 in this courtroom; it is only those of us that are in this  
22 courtroom that really know the evidence, and because  
23 Mr. Manson and maybe -- and -- well, I represent Mr. Manson  
24 so I will speak on behalf of Mr. Manson.

25 If Mr. Manson exercises his right of free speech  
26 as he sees it, for instance -- now we don't -- I don't, I



1 don't as a lawyer, I don't as a lawyer agree.

2 You can see from what Mr. Manson said this afternoon,  
3 he does not agree with -- with everything that goes on in  
4 our society.

5 I as a lawyer don't agree with what happened in  
6 the Chicago trial; I don't agree with what happened in  
7 Seattle; I don't believe in lawyers disrupting.

8 I don't stand for that; I don't agree, and I  
9 ask in connection with whatever I have done at this trial,  
10 I don't think that anyone will -- I may disagree with Judge  
11 Older and disagree with counsel, but we have not done any-  
12 thing that is improper in the sense of trying to disrupt  
13 these proceedings with the kind of shenanigans that went on  
14 in Chicago, and the kind of shenanigans that went on in  
15 Seattle.

20-1

1 Because I love our way of life, and I think  
2 that all of us in this courtroom love our way of life.

3 Now, the fact that a defendant may not agree  
4 with some of the procedures or what has happened, does not  
5 mean that that defendant should be denied a fair trial.

6 As a matter of fact, that shows the strength  
7 of our system.

8 Behind the Iron Curtain, behind the Iron  
9 Curtain, lawyers and defendants are treated in a much  
10 different manner.

11 Behind the Iron Curtain, a lawyer is treated  
12 very much, very much, as a lackey.

13 There is no independence of the Bar behind the  
14 Iron Curtain. There is no independence of thought behind  
15 the Iron Curtain.

16 The lawyers must agree with the prosecution.  
17 If the lawyers don't agree with the prosecution, then the  
18 lawyers disappear along with the defendants.

19 Now, the prosecution in this case, the  
20 prosecution in this case, is trying to turn this into a  
21 -- has turned it into a political trial.

22 There is no reason in the world, there is no  
23 reason in the world why the testimony from Mr. Jakobson  
24 and Mr. Watkins, that kind of testimony, why that kind of  
25 testimony should be used in this case. There is no  
26 reason in the world for it except to cater to our basest

20-2

1 prejudices.

2 The only reason, the only reason that that  
3 is brought up, is to create in is an emotional reaction.

4 Now, we can, in deciding this case, we  
5 can cater to the mass media if we want to.

6 As we all know, there is a publicity order  
7 in this case. And try to obey that publicity order.  
8 Try to obey Judge Older's order on that publicity. You  
9 are hounded to violate the court order concerning publicity  
10 in this case.

11 The only way, the only way that any trial  
12 should be decided is upon the evidence and upon the law,  
13 and not upon the publicity.

14 There is no substitute for proof.

15 And the question is: Are we going to allow  
16 our First Amendment freedoms to go down the drain? Because  
17 our image, for a long time to come, regrettably, because of  
18 the publicity in this case, our image is going to depend  
19 upon what we do in this case.

20 Now, Mr. Manson must not be, and the evidence  
21 that we have before us must be separated from whatever Mr.  
22 Manson's personal -- whatever his personality is. The  
23 fact that he is a person who may have an unhappiness with  
24 this court, he may have an unhappiness with some procedures,  
25 doesn't mean that Mr. Manson is guilty of what the  
26 prosecution is charging here.

1a fls.

20a-1

1 We must not allow ourselves, we must allow  
2 ourselves to judge Mr. Manson based upon whatever he has  
3 done in this courtroom here, and that our reason tells us  
4 and our logic tells us that this type of unusual conduct  
5 in the courtroom has nothing to do with guilt.

6 You take a member of the Mafia who is being  
7 defended. He sits there nice and quiet like, nice and  
8 quiet, and doesn't say a word. He does everything he  
9 is supposed to, makes a very good appearance in the  
10 courtroom.

11 We cannot allow ourselves to use the unhappy  
12 incidents that have occurred in this courtroom in connec-  
13 tion with deciding the case, with the exception of whatever  
14 the Court orders.

15 Now, the Court is going to give us some  
16 instructions, some instructions, concerning a couple of  
17 incidents.

18 What the Court orders -- the Judge is the one  
19 who gives us the instructions -- those incidents can be  
20 used by you. And we have spoken about one of them  
21 already, this matter of the X on the forehead.

22 Now, the prosecution will have us believe  
23 that this shows the great domination of Mr. Manson as far  
24 as these girls are concerned.

25 Well, these girls seem to me to be a pretty  
26 independent lot. Apart from Linda Kasabian's testimony,

20a-2

1 forgetting Linda Kasabian's testimony, just think of what  
2 has been spoken of in this courtroom, apart from Linda  
3 Kasabian, concerning these girls.

4 They are entitled to a fair and independent  
5 judgment. But so is Mr. Manson. He is entitled to a  
6 fair and independent judgment. And the fact that they  
7 put X's on their foreheads -- and that is going to be in  
8 front of you, and that is going to be something that has  
9 occurred in this courtroom that the Court has decided  
10 that you can use. Judge Older doesn't, by making such an  
11 instruction, in any way imply that it means anything.  
12 It is for you to decide if it means anything. But perhaps  
13 these girls have a feeling of dissent or a feeling of  
14 unhappiness with the procedures in this courtroom.

15 Now, that does not make an equation that leads  
16 us to murder.

17 And so, in deciding this case, I am sure  
18 that we will not lose our perspective.

19 THE COURT: Will counsel approach the bench a  
20 moment?

21 MR. KANAREK: Yes, your Honor.

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

25 THE COURT: Mr. Kanarek, I am worried about your  
26 reference to the instructions about the X's.

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MR. KANAREK: Yes, your Honor.

THE COURT: It is news to me.

MR. KANAREK: Yes, your Honor, there is an instruction that I have read.

MR. BUGLIOSI: No.

20a fls.

It was a slitting of the throat.

20b-1

1 THE COURT: There is no such instruction, Mr.  
2 Kanarek.

3 If you want to argue it, go ahead and argue  
4 it, but don't tell the jury that I am going to give them  
5 such an instruction because I have no intention of giving  
6 them such an instruction.

7 MR. KANAREK: Well, there is an instruction.

8 THE COURT: If you want to tell them that you were  
9 mistaken about that, go ahead. That is the reason that I  
10 called you up here, to give you a chance to back out of  
11 it gracefully if you want to.

12 MR. FITZGERALD: Maybe we ought to move to strike  
13 Officer Gutierrez's testimony with respect to the X's placed  
14 on the defendants' foreheads immediately after Charles  
15 Manson placed it on his head.

16 MR. KANAREK: That's right. That is in the record.

17 MR. FITZGERALD: If your Honor isn't going to give  
18 an instruction on it, maybe it is immaterial and irrelevant.

19 THE COURT: Nobody has asked for such an instruction.

20 MR. KANAREK: But it is in evidence.

21 MR. KAY: But the Court isn't going to give an  
22 instruction on it. That is the thing.

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

1 MR. KANAREK: Officer Gutierrez testified concerning  
2 a certain alleged movement that Mr. Manson allegedly made.

3 He then testified, and it is in evidence, it  
4 is in evidence before us, that the next day there appeared  
5 these X's. That is, at a certain time after there was an  
6 X by Mr. Manson, the girls also appeared in court with an  
7 X, which all of us undoubtedly saw.

8 Now, the question revolves itself around whether  
9 or not there is a jury instruction covering that.

10 There is going to be a jury instruction to you  
11 concerning this alleged movement by Mr. Manson of his hand  
12 when Linda Kasabian was on the witness stand, and we feel  
13 that Mr. Bugliosi is going to argue concerning the X on the  
14 forehead.

15 Mr. Bugliosi is going to argue domination.  
16 That means that there is some kind of a -- that this shows,  
17 I don't know, some kind of a robot effect, what he has  
18 called, a robot or automaton effect.

19 In any event, those of us that are on the  
20 jury are the ones to decide whether or not this has any  
21 significance in connection with the matters that are before  
22 the Court as far as the trial is concerned.

23 I am sure that Mr. Bugliosi will argue that.  
24 So, Mr. Bugliosi, of course, has the last -- the prosecution  
25 has the last argument. We can't foretell exactly what  
26 the prosecution is going to say. But we feel that based



1 upon what Mr. Bugliosi and the prosecution has done up to  
2 now, we feel that this is what they will say.  
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21 fls.

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1 Now, as to whether or not this jury instruc-  
2 tion, as to whether or not the jury instruction that you  
3 are going to get covers that domination, so-called, or not,  
4 that will be up to you to decide.

5 So, there will be a jury instruction in  
6 connection with this alleged movement by Mr. Manson,  
7 when Linda Kasabian was on the witness stand.

8 Volume 108 at page 12,340.

9 I think if we look at this testimony we come  
10 to the conclusion that the prosecution is testifying in  
11 this case.

12 Beginning at line 10:

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

15 "A Over a year.

16 "Q Was that at Spahn Ranch and then up  
17 at the desert?"

18 Now, who -- when that answer, "Yes" comes in  
19 by Mr. Flynn, is that Mr. Flynn talking or is that the  
20 prosecution talking or is that the lawyer for the  
21 prosecution testifying?

22 This is the next question:

23 " At Meyers Ranch?

24 "A Yes.

25 "Q Barker Ranch?

26 "A Yes.

1 "Q How would you describe Tex Watson?

2 "THE WITNESS: Tall, slim, quiet, like that."

3 Now, I think that we have a right to consider  
4 this testimony and compare it with other prosecution  
5 witnesses.

6 Picture ourselves, say that we were on the  
7 witness stand, we were not in this trial as a witness,  
8 why would we pick out the word "quiet" to describe Tex  
9 Watson, if we were not robots and had not been programmed  
10 by the prosecution?

11 Why would a witness who is independent pick  
12 out and say that Mr. Watson is quiet?

13 That is something for us to consider. Maybe  
14 it is meaningless. Maybe it doesn't mean a thing.

15 But when witness after witness gets up there  
16 and testifies to how quiet Tex Watson was, I think that  
17 we can suspect that this has been suggested to them  
18 because it is a characteristic -- it is a -- I'm sure  
19 the prosecution will have something to say about this,  
20 but what are the probabilities, what is the statistical  
21 chance that anyone of a group of people discussing a  
22 particular person independently would come up and say that  
23 this person is quiet?

24 Now, maybe he is. Maybe Tex Watson is that  
25 quiet, I don't know, but I think it's a factor -- again,  
26 standing alone it is a factor that is meaningless.

1 But when witness after witness says that,  
2 we think that it is something that should be considered  
3 because it means -- it means that the prosecution has  
4 spoken to those people and programmed these people to  
5 come to this courtroom and get across some kind of a --  
6 some kind of a retarded IQ of minus 99 about Tex Watson.

7 I mean, this is the danger. This is the  
8 danger. This is the danger that this kind of interrogation  
9 leads us to unless -- unless we stand back a little bit  
10 and take a look at it and see if we can trust it.

11 "THE WITNESS: Tall, slim, quiet, like that."

12 After he is asked "How would you describe  
13 Tex Watson?"

14 Then by Mr. Bugliosi:

15 "Q He did not talk much?

16 "A No, he did not talk much.

17 "Q Around August, September and October of  
18 1969"-- this is Mr. Bugliosi going on to the top  
19 of page 12,341:

20 "Q Around August, September and October of  
21 1969 did you notice any difference in his behavior?

22 "A Yes.

23 "Q What difference did you notice?

24 "A Well, he was peppier, you know, he was  
25 snappy, he was sharp, you know, he was -- he just  
26 moved fast, you know.

1 "You know, he moved fast, you know, he  
2 ran up in front of the Spahn Ranch, you know,  
3 pop his chest out, put his shorts on, you know, and  
4 he was real peppy, you know.

5 "Q He was acting different in August than  
6 he had previously?

7 "A He acted more vivid.

8 "Q More vivid?"

9 And again it is interesting that Mr. Flynn,  
10 who doesn't know the difference whether June or July  
11 comes first -- remember Mr. Flynn was asked and he said  
12 "What comes first, June or July?"

13 He uses the word, vivid. It is not a big  
14 point, but I think the word vivid indicates a very good, a  
15 very extensive and a very in depth knowledge of the English  
16 language.

21a fls. 16

21a-1

1 "Vivid" is a kind of word that would not be  
2 used by someone who was just learning the language.

3 "Q More vivid?

4 "A Yeah.

5 "Q More lively?" -- by Mr. Bugliosi --

6 "A More lively, yes, more hurry.

7 "Q More hurry?

8 "A More hurry.

9 "Q You noticed this change in August of  
10 1969?

11 "A Yes. (Witness makes guttural sound.)  
12 And I noticed his eyes, you know.

13 "Q He seemed to be more nervous around  
14 that period of time?"

15 After some colloquy:

16 "THE WITNESS: More nervous, did you say?

17 "Q BY MR. BUGLIOSI: Yes.

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

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

26 "Q Prior to August, you say -- well, you

1 "say, he was kind of a quiet individual, is that  
2 correct?

3 "A Yes.

4 "Q Was he a little more slow moving than  
5 prior to August?

6 "A Prior to August --

7 "Well, I noticed this when he was peppy,  
8 you know. I know the eyes, you know, and -- but  
9 before he was just Tex, you know.

10 "Q Would you describe him as kind of an  
11 easygoing fellow?

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

15 And next we come to the theme of Tex Watson's  
16 activity:

17 "Q What did you observe him do most of  
18 the time at Spahn Ranch?"

19 And of course the question after an objection:

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

22 "A Well -- well, what I saw him doing?

23 "Q Yes.

24 "A Fixing dune buggies and doing mechanical  
25 work, you know.

26 "Q Did you ever hear Mr. Manson tell Mr.

1 "Watson to fix the dune buggies?

2 "A Yes, he wanted Mr. Watson to fix one  
3 dune buggy that he wanted made for himself.

4 "Q For Mr. Manson?

5 "A For Mr. Manson, you see, he said if  
6 anybody else wanted a dune buggy, they could go get  
7 a dune buggy.

8 "Q You heard Mr. Manson tell Mr. Watson  
9 to fix the dune buggy, then?

10 "A Well, he wanted Mr. Watson to fix the  
11 dune buggy.

12 "Q For him?

13 "A Yes, for him, and if anybody else, you  
14 see, they were going to do an experimental motor,  
15 and then they were going to use this for Mr. Manson,  
16 you see, and if anybody else wants a dune buggy,  
17 they can go get another dune buggy for themselves,  
18 you know.

19 "Q Did Mr. Manson tell Mr. Watson to fix  
20 a dune buggy for him?

21 "A Well, when they started getting the dune  
22 buggies one night we put this one in the saloon.

23 "Q Well, do you remember when Mr. Manson  
24 told Mr. Watson to fix the dune buggy? When was  
25 that?

26 "A I cannot recall the date. He told Mr.



1       Watson, and Mr. Bruce Davis, to fix the dune buggy,  
2       you know, them too.

3                "Q       What did you observe Mr. Watson do after  
4       Mr. Manson told him to fix the dune buggy?

5                "A       Well, I didn't stick around, you know,  
6       I didn't like dune buggies.

7                "Q       Did you ever hear Tex Watson tell Mr.  
8       Manson to do anything?

9                "A       No."

10               Now, when we looked at that little bit of  
11       evidence, does it have any significance or is it meaningless,  
12       or can we say that from this for instance, that the prosecu-  
13       tion is doing the testifying?

14               Which way is it? Is Mr. Watson -- in other  
15       words, what we have to do in this case, in connection with  
16       Mr. Watson again, we have to decide whether or not Mr.  
17       Watson is in fact the Zombie, the robot, the automaton  
18       that the prosecution would have us believe that he is.

21-b-1

Maybe he was, maybe he was.

Can we determine it -- can we determine it from what the prosecution has put on here?

Can we by hearing these witnesses repeat the prosecution's viewpoint, have the witnesses repeat the prosecution's theme that Mr. Bugliosi enunciated to some extent in his final summation?

Can we have the certainty that Mr. Watson is a robot?

Now, we have had the behavioral scientists come to the courtroom.

We have had Dr. Skrdla and we have had Dr. Deering. Now, if the prosecution contends that these people were robots, that Mr. Manson had this hold over them, where is the expert testimony to prove it?

Certainly if Dr. Deering and Dr. Skrdla, or equivalent, whoever it might be, whatever the psychiatrist or the psychologist, whatever behavioral scientist -- whoever -- whatever type he may be, were brought to this courtroom, and took the witness stand, and if there was some kind of asking of this person, after the foundation was laid, even a person that is schooled in hypnosis, whatever it might be, if that person came to this courtroom and there was some kind of testimony about the conduct of the individuals at the Spahn Ranch and such witness testified, then we would have something to talk about.

1 But what the prosecution is relying on in  
2 connection with Mr. Watson is -- again, they are appealing  
3 to our prejudices because of the fact that seven people  
4 passed away and because of the fact that the prosecution  
5 wants, for some unGodly reason, wants a result in this case  
6 irrespective of the evidence, whatever.

7 They want to convince us that Mr. Watson is this  
8 kind of person with just -- just those witnesses parroting  
9 what the prosecution has programmed them to, in the  
10 prosecution talking to a witness.

11 Now, the prosecution is going to tell us it is  
12 okay for lawyers to discuss matters with witnesses, and we  
13 certainly subscribe to that, that lawyers should talk to  
14 witnesses.

15 But then, what the evidence/<sup>is</sup>depends upon the  
16 lawyer who is asking the question, and if the prosecution  
17 chooses to ask questions that give meaningless answers, if  
18 the prosecution chooses to ask questions whereby they are  
19 leading and suggestive questions, whereby they are questions  
20 that the answer is obvious, we might just/<sup>as</sup>well turn it over  
21 and let the prosecution take the witness stand and tell us  
22 the way it really was.

23 Because, this thing -- in our ordinary life, I  
24 don't know, whatever we may do, let's say that we are in  
25 personnel work, or whatever type of work that we are in,  
26 let's say we were discussing a certain person; is it

1 conceivable -- would we, apart from this trial, be willing  
2 to accept, based on the evidence presented to us here, would  
3 we be willing to accept Mr. Watson as being a zombie?

4 In other words, forget any kind of psychiatric  
5 approach, any kind of approach based on any science whatsoever,  
6 and just will we be willing to say that Mr. Watson would do  
7 the bidding of Mr. Manson?

8 Is it reasonable? Is it reasonable?

9 This is something that we are going to have to  
10 decide, because Mr. Bugliosi, and the prosecution, have  
11 stated that Mr. Watson was a zombie.

12 Now, I think we can make an equation here. I  
13 think we can make an equation with Linda Kasabian.

14 Now, there is no reason to expect that Linda  
15 Kasabian was less or more of a zombie than the other people.  
16 There is no reason.

17 Linda Kasabian, and we will point that out in the  
18 transcript, I'm sure all of us remember it, she said on  
19 cross-examination, she said that she was -- what she was  
20 doing she was doing freely and voluntarily on her own.

21 We will be able to quote chapter and verse on  
22 that in the transcript. That is why we ask that we consider  
23 the transcript.

24 Now, if Linda Kasabian was operating freely and  
25 voluntarily, she said this on a number of occasions, she  
26 would say that she gave lip service to this about some kind

1 of attitude she had toward Mr. Manson but then, if on  
2 innumerable occasions she said she was operating freely and  
3 voluntarily --

4 Now, what does that mean?

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1 Again, if the English language means what it says,  
2 she was operating freely and voluntarily. That is what the  
3 prosecution has denominated as their star witness.

4 Now, we have more depth, we have more insight  
5 supposedly as to Linda Kasabian's conduct than we have as to  
6 Tex Watson's, and if she was operating freely and volun-  
7 tarily, she says, certainly Mr. Watson was operating freely  
8 and voluntarily which means that there just is no -- there  
9 just is no zombie-like attitude on the part of Mr. Watson in  
10 this case.

11 We think that it is a preposterous contention.

12 Mr. Watson and Linda Kasabian are certainly  
13 equated. They operated together. She met him when she  
14 first came to the Spahn Ranch.

15 There is nothing here except this kind of  
16 colloquy between Mr. Bugliosi and witnesses to show that  
17 Tex Watson was a puppy dog.

18 Now, at Page 12,393 we have discussion by  
19 Mr. Flynn concerning the word program:

20 "Q B Y MR. BUGLIOSI: When did you first  
21 hear the word 'program,' Juan?

22 "A THE WITNESS: When I first got up  
23 to the ranch.

24 "Q Spahn Ranch?

25 "A Yes.

26 "Q Who did you hear the word 'program'

1 "from?

2 "A. From Mr. Manson and members of the  
3 Family?

4 "Q Did Mr. Manson ever tell you what  
5 the word 'program' meant?

6 "THE WITNESS: Well, programmed --

7 "MR. BUGLIOSI: You can answer that yes or  
8 no.

9 "Did he ever tell you what the word 'programmed'  
10 meant, Juan?

11 "A. Yes.

12 "Q When did he tell you this?

13 "A. He told me that a lot of times, you  
14 know, since he first got up there.

15 "Q Do you remember who was present  
16 during these conversations when he discussed  
17 the word 'program' with you?

18 "A. Oh, there was members of the Family  
19 there.

20 "Q Do you remember the specific individuals  
21 present?

22 "A. Most of them, you know. Most of the  
23 members of the Family were, you know, at one time  
24 or other, you know, when he spoke of these words,  
25 of 'program.'

26 "Q What did he say 'program' meant?

1 "THE WITNESS: Well, it was, you know,  
2 what he was taught by society or the system,  
3 the upcoming, the upbringing of the children,  
4 you see, of the society or a system, you see,  
5 you know, like schools and churches and, you  
6 know, all these things that led to inhibitions,  
7 you know, and stuff like that.

8 "Q What about parents?

9 "A. Parents, too, you know.

10 "Q He mentioned parents?

11 "A. Yes. Parents have the power to  
12 program their children at a very/early age to go to  
13 school, you see, and this program consisted of,  
14 you know, the program to have the children  
15 giving their consent or accept a society or a  
16 system that was approved by their parents, you  
17 see."

18 Now, this is the kind of thing that we hear on  
19 discussion programs, on television, on radio, and read in  
20 national publications for the last few years or so.

21 Our children, somehow or other, regardless of  
22 all the materialism and all the number of refrigerators we  
23 have, there are some children who are willing -- who want to  
24 leave all this materialism for whatever the reason may be  
25 and go out and become nomadic and live in communes.

26 Now, what kind of inferences, what kind of



1 inferences do you have to make to use this kind of evidence  
2 to convict someone of murder?  
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22-1

How many inferences do you have to make?

The theory of evidence is that evidence is put in because it is relevant and it has materiality. That is the most rudimentary and basic reason for evidence coming before us.

This is not a debating society that we have in this courtroom. It is supposed to prove something.

Now, the prosecution has to put some kind of relevance on this, and the relevance defies the imagination.

"Q Did Mr. Manson ever mention the word unprogrammed to you?

"THE WITNESS: Yes.

"What did he tell you unprogrammed meant?"

The question was slightly changed after going to the bench.

"Q Mr. Flynn, do you remember when Mr. Manson discussed unprogramming with you?"

This is at page 12,399.

"He discussed that. He brought up the subject a lot of times, you know.

"Well, did he discuss unprogramming around the same time that he spoke of programming?"

There is a real question for you.

"Did he discuss unprogramming around the same time that he spoke of programming?

"Well, I would usually bring a point

22-2

1 "out, you know, and he would bring a point out,  
2 you know, and talk about it like."

3 Then he is interrupted in whatever he is saying  
4 there.

5 The next question:

6 "Without going into the conversation  
7 now, Juan, we are trying to determine when, approxi-  
8 mately, when Manson spoke to you about unprogramming?

9 "Well, in the conversations that he  
10 brought up programming.

11 "All right.

12 "So, the unprogramming talk came up  
13 in the same conversation when he was talking about  
14 programming?

15 "Yes, yes.

16 "And he mentioned unprogramming many  
17 times; is that correct?

18 "Yes.

19 "During the period that you were at  
20 Spahn Ranch?

21 "Yes.

22 "And again, Juan, you don't remember  
23 exactly who was present during these conversations?

24 "Yes.

25 "What did Mr. Manson say about  
26 unprogramming?

22-3

1 "THE WITNESS: He said that, you know, to  
2 unprogram yourself you have to get rid of all  
3 the ego, you know.

4 "Q Ego?

5 "A Ego, you know. All the wants, you  
6 know. That you had to give up your mother and  
7 father, you know, and get rid of all the inhibitions,  
8 you know, and just blank yourself out."

9 Now, in connection with that, from what little  
10 we may know concerning whatever we have had to do with  
11 PTA programs or public health programs, or whatever, the  
12 word "ego" is part of sort of our vocabulary. All of us,  
13 from time to time, have heard this word used, bandied about,  
14 people talking about their analysts or their psychiatrist,  
22a fls. 15 and how ego is so important, and whatever.

12a-1

1 Now, this is the kind of language that is being  
2 used to try to say that Mr. Manson is responsible for what  
3 happened at the Tate and La Bianca residences, the  
4 implication or the idea being that because of the  
5 discussions of programming-unprogramming, ego, or whatever it  
6 may be with these people, whatever it may be, that this is  
7 some kind of domination.

8 Well, if this is domination, every school  
9 teacher in this country, any group where this kind of conver-  
10 sation existed, would have some kind of culpability or  
11 responsibility for what people in the class may or may not  
12 have done.

13 The question is: Is this kind of conversation,  
14 is this kind of conversation the kind of conversation that  
15 makes someone criminally culpable?

16 That is what we have to decide in this courtroom.

17 The fact of the matter is, there is nothing here  
18 that even ties it down to the two days, let alone the  
19 specific incidents involved here.

20 There is nothing that says that these particular  
21 events took place at any time that these kinds of conver-  
22 sations were going on.

23 Nothing whatsoever.

24 Mr. Flynn doesn't even remember the time.  
25 But even if he did, -- let's assume they took place on the  
26 day that Sharon Tate passed away -- would that prove any kind

1 of criminal culpability on the part of Mr. Manson?

2 If it does, then, we are all in trouble.

3 If it does, then any one of us, if this kind of  
4 evidence can be used against us and we are charged with  
5 murder, then it would be dangerous to talk, it would be  
6 dangerous to speak your mind.

7 And if we look at it in perspective at a time  
8 when Mr. Manson is tied up with Stephanie Schram the way he  
9 was tied up with her, this is, for instance, something to  
10 consider.

11 We don't even know when these conversations  
12 occurred.

13 "Did Mr. Manson say how to accomplish this  
14 unprogramming?"

15 Well, I am sorry I stated that. The Court  
16 sustained an objection to that question.

17 So, again, we have a situation wherein the  
18 evidence against Mr. Manson is evidence that has to do with  
19 the kind of discussion, the kind of discussion that goes on  
20 in our world day in and day out.

21 I mean, we have all partaken of this kind of  
22 conversation, whether it is in a club or whether it is  
23 having lunch. We all have had this kind of talk.

24 THE COURT: We will adjourn at this time, Mr. Kanarek.

25 Ladies and gentlemen, do not converse with any-  
26 one or form or express any opinion concerning the case

1 until it is finally submitted to you.

2 The Court will adjourn until 9:00 a.m.  
3 tomorrow morning.

4 (Whereupon, at 4:29 p.m., the Court was in  
5 recess until Tuesday, January 5, 1970, at 9:00 a.m.)  
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