

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

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No. A253156

REPORTERS' DAILY TRANSCRIPT

Tuesday, January 5, 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: ~~RONALD HUGHES, Esq.~~

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For Deft. Krenwinkel: PAUL FITZGERALD, Esq.

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Official Reporters

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LOS ANGELES, CALIFORNIA, TUESDAY, JANUARY 5, 1971

9:15 o'clock a.m.

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(The following proceedings were had in open court, all jurors being present; all counsel with the exception of Mr. Hughes are present; the defendants are physically absent from the courtroom:)

THE COURT: All counsel and jurors are present.

You may continue, Mr. Kanarek.

MR. KANAREK: Yes, your Honor.

Good morning, ladies and gentlemen of the jury.

The first thing that I would like to do, if I may, is discuss a jury instruction that the Court is going to give us, which we alluded to yesterday and, not having seen the transcript from yesterday's proceedings yet, but it may well be I was in error in what I told the jury.

If I stated that there were two instructions concerning matters wherein Mr. Manson's in-court conduct was involved, there is actually only one instruction.

There are two bits of evidence, but actually only one instruction is involved, and that instruction is going to be in effect that evidence that a defendant attempted to suppress evidence against himself may be considered by you in connection with the allegation of

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consciousness of guilt.

And of course, that is a bit of evidence like any other evidence. The Court is going to instruct along that line, and we will come to that testimony of Officer Gutierrez concerning a certain movement that Mr. Manson allegedly made with his physical body, with his hand or hands or the upper portion of his body when Linda Kasabian was on the witness stand.

The other aspect of it has to do with -- there was evidence, but I don't believe that there is a jury instruction in connection with that evidence, that is, no particular jury instruction.

The evidence that we were referring to is this matter of the X on the forehead.

Again, those of us that are on the jury are the ones to ultimately decide the fact, what evidence has the dignity of fact and the prosecution will argue that there is, from this mark of the X, that Mr. Gutierrez stated the next day the female defendants had X's on their foreheads, this is some kind of a domination.

2 fls.

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1 Well, if people have a similar philosophy of life,
2 if people are Democrats, Republicans, or whatever, if
3 they do similar things, does that mean that any one
4 particular person is dominating the people who do things
5 similarly?

6 This is, again, for the jury to decide.

7 A person may influence people in connection with
8 one aspect of life and it doesn't mean that the person is
9 influencing these people in connection with murder or
10 conspiracy to commit murder.

11 We all, in life, are responsible for our own
12 actions. The greatest crutch in the world is for us to
13 blame another person or to blame someone else or to blame
14 an organization. This is common to all of us. We rational-
15 ize and we look for some kind of an excuse for our own
16 shortcomings.

17 So, how much domination does it take for some-
18 one to be responsible for some other person's acts where
19 these acts amount to murder?

20 Again, we believe that if there was any such
21 behavior, that we would have had expert testimony here to
22 show that kind of domination.

23 Excuse me just a moment.

24 Speaking about domination, maybe we ought to
25 think about -- and maybe this is wrong in our system of
26 justice, and I, really, I think that we could make a great

1 argument that lawyers have too much of a play in the court-
2 room. It is just the nature of things, but lawyers
3 participate too much and sometimes we lose sight of what
4 really should be going on in the courtroom.

5 Now, we suggest that the prosecution has domin-
6 ated these witnesses.

7 I don't know if the word "robot" or "automaton,"
8 is the correct word or not, but when we have this kind of
9 testimony that we are going to allude to now in this
10 transcript, can we say that the witness was testifying,
11 or can we say, in view of the prosecution's opening state-
12 ment, in view of what we know the prosecution viewpoint to
13 be, can we say that this is the witness testifying?

14 I am now at Page 11,839 in Volume 103, in which
15 Mr. Bugliosi states at Page -- well, beginning -- he begins
16 back -- let's go back to 11,838 to get the context.

17 "What did Mr. Manson say pigs were?

18 "THE WITNESS: Do I answer?

19 "THE COURT: Yes,

20 "THE WITNESS: Pigs were anything that
21 carried or gave the consent to support a system,
22 the establishment, you see.

23 "Were they white people or black people?

24 "They were the white people.

25 "Tom-Tom's were the black people that
26 married white people.

1 "Did Mr. Manson say that Tom-Tom's were
2 black people who married white people?

3 "Yes.
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2-a 1 "Did he say where these white people,
2 these pigs, lived?

3 "They lived in dead bins or tombstones.

4 "Dead bins?

5 "Yes.

6 "This was the tombstones, the symbols.
7 The houses represent the tombstones, you know,
8 and the dead bins is the place where they laid
9 their bodies in there to die, or whatever they
10 were trying to accomplish, you know.

11 "Did Mr. Manson ever talk about a black-
12 white war?"

13 And then Mr. Flynn comes up with an answer:

14 "Yes. And he related it to helter skelter."

15 That is Mr. Flynn's answer.

16 Well, what we have to decide is: Is Mr. Flynn
17 testifying? Can we rely upon Mr. Flynn's testimony being
18 the testimony of Mr. Flynn? Or is the testimony of Mr. Flynn
19 a mere redo of what Mr. Bugliosi has suggested to him when
20 he says: "And he related it to helter skelter"?

21 That particular answer was stricken by the
22 Court and the jury was admonished to disregard it.
23 So, we are not discussing it now from the standpoint of
24 offering it as evidence, but only to show how it affected
25 Mr. Flynn's state of mind.

26 Then we go over to 11,840 where Mr. Bugliosi

1 says, after the Court said, "Listen to the question, Mr.
2 Flynn, and answer the question," then Mr. Bugliosi says at
3 Page 11,840:

4 "Manson did speak about a black-white
5 war?

6 "Yes.

7 "Did he ever mention Helter Skelter to you?

8 "Yes.

9 "Did he say what Helter Skelter was?

10 "THE WITNESS: Yes.

11 "When did he say what Helter Skelter was?

12 "When he first told me, this was when the
13 Beatles' record came out, you know.

14 "Did you see the Beatles' record?

15 "I heard the Beatles' record.

16 "Was this in a white album?

17 "I heard the Beatles' record, you know.

18 They had so many. I cannot say whether it was
19 in a white album or not."
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1 Now, the question is, listening to that
2 colloquy between the prosecutor and Mr. Flynn, is it
3 Mr. Flynn testifying or is it the prosecution testifying?

4 Why would Mr. Flynn immediately in this
5 context say he related it to Helter Skelter if it hadn't
6 been a situation where Mr. Flynn was programmed, was
7 spoken to, was in fact dictated to by the prosecution in
8 this case?

9 Why would Mr. Flynn -- why would Mr. Flynn
10 make this statement, "When he first told me this was when
11 the Beatles record came out, you know."

12 Is that Mr. Flynn -- those of us who are on
13 the jury here are the ones to decide this -- was that Mr.
14 Flynn speaking when he spoke about the Beatles record and
15 Helter Skelter, or is that the prosecution speaking
16 through Mr. Flynn?

17 It is something that we should consider in
18 determining whether or not, when we get words from the
19 witness are we getting the testimony of the witness or
20 is it a charade.

21 Are we getting what the prosecution wishes
22 the witness to say? We suggest that there is a coincidence
23 here in view of the prosecution's opening statement, in
24 view of the prosecution's argument, it is a coincidence
25 which shows we don't have reliability. We don't have
26 reliability as far as this witness is concerned.

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1 This witness is making argument from the
2 witness stand, and the prosecution, having spoken with
3 this witness -- it is one thing to speak with the witness
4 and discuss with the witness and elicit information from
5 the witness, that is why we must be perceptive in evaluating
6 the testimony.

7 We must distinguish that which the witness
8 perceived, that which the witness is relating, what he saw,
9 what he looked at and what he has been told to say.

10 Although indirectly this is what is called
11 programming, this is the programming, the speaking, the
12 constant reiteration, and pretty soon the witness is
13 repeating what the lawyer, the interrogator, what the
14 spokesman for the prosecution wants the witness to say.

15 And so the jury is the one to decide whether
16 or not what we are saying here is so.

17 Now, we have spoken about Mr. Flynn. On this
18 corroboration chart, now, let's put some question marks
19 because really these are matters that the jury will decide,
20 as to whether or not there is any corroboration.

21 Now, let's go to some more pictures here and
22 see if there is any corroboration in any picture.

23 Here is a picture of Bruce Gregory Davis.

24 Now, this picture of Mr. Davis clearly, I
25 think we all would agree, there is nothing corroborative
26 as far as what we have, come to know corroboration to be,

1 as far as that picture is concerned.

2 Here we have a picture of part of the fence
3 at the Tate residence, this prosecution picture certainly
4 is not corroborative of anything.

5 Another picture that is a prosecution picture
6 which merely shows the geography and doesn't tie into
7 anything, doesn't tie any defendant into anything.

8 Here we have a picture, one of the individuals
9 referred to as Clem; there is Sandy, Gypsy, Squeaky,
10 people who are people that we have come to know in this
11 courtroom as people who are people that lived in Spahn
12 Ranch.

13 Look at Sandy, for instance, look at Gypsy,
14 look at Squeaky. I mean, they are wearing clothes --
15 clothes probably that is the type that most of us wear.
16 They seem to be -- they don't look like something in the
17 zoo at Griffith Park.

18 For whatever that might be worth, but it
19 certainly has nothing to do with corroboration, I mean as
20 far as the items we are speaking of at the present time.

21 Here is a picture of Mr. Nader. Now, we get
22 to an interesting aspect, an interesting aspect of
23 corroboration.

24 This gentleman is the gentleman supposedly
25 that Linda Kasabian went -- she supposedly went with Mr.
26 Manson and Susan Atkins and Clem and somehow or other is

1 alleged to have done certain things and yet is not a
2 defendant. This is the gentleman who was at the beach,
3 supposedly.

4 Now, this is not corroboration, this is not
5 corroboration because there is nothing to connect Mr.
6 Manson with this bit of evidence except Linda Kasabian.

7 The lady who testified here, the lady who
8 was the manager of the apartments, her testimony is not
9 corroborated because it does not -- what she testified to
10 certainly we would all agree has nothing to do with
11 criminal conduct; it doesn't show that anybody did anything
12 wrong. She merely said a Mr. Nader lived there.

3a fls.

3a-1

1 So I think we would agree that this picture is
2 not corroboration.

3 Here is a picture of Barbara Hoyt. We will get
4 to her testimony. But Barbara Hoyt -- now, Barbara Hoyt is
5 not an accomplice in this case, and we will get to her
6 testimony. But certainly the picture of Barbara Hoyt is
7 not corroborative of anything as far as what we have come
8 to know legal corroboration is.

9 We have this other leather thong, and that goes
10 under our category of leather thong evidence. That would
11 be B, leather thong.

12 Now, this -- this is where we would have a,
13 I suppose, discussion as to whether or not this is
14 corroborative, whether or not what we know about this
15 leather thong -- I am now speaking of People's Exhibit 75,
16 would we allow in a case, what is charged in this case is
17 before us for discussion, where we have the capacity to
18 analyze this, take a cross-section of it, look at it under
19 a microscope, whatever the prosecution wanted to do with
20 this, they could have done.

21 This is again for us to decide in the jury room.
22 Is this corroborative?

23 Does it have any meaning whatsoever or is it
24 eloquent, or does it speak more eloquently in what was not
25 done with this thong.

26 We think that that speaks, that that has a lot

1 more weight than the thong, the fact that nothing was done
2 with it, and there is no showing of any connection between
3 this thong and anything connected with Mr. La Bianca.

4 Then we have the picture of the beach house. This
5 is the house where supposedly Linda Kasabian -- Linda
6 Kasabian, where she said this gentleman, Mr. Nader -- where
7 he lived, and I think we have an interesting insight into
8 Linda Kasabian through this part of the case because Linda
9 Kasabian, she says, she took some people to this place and
10 she took them to the wrong apartment.

11 Well, if these people are the killers that
12 Linda Kasabian would have us believe that they were, and
13 she did this just like taking them to the wrong apartment,
14 what she has done is, she has, from her -- for the sake of
15 argument let's look at it from the prosecution viewpoint,
16 what she has done, she has traded one person for another.

17 She has said, "Well, no, it wasn't that
18 apartment." It was this apartment that she actually took
19 them to.

20 Well, then, the people in that apartment are in
21 danger of being wiped out because as far as the state of
22 mind of the people are concerned that she took there, they
23 thought it was someone that should be wiped out.

24 It is a factor to consider when we think about
25 Linda Kasabian.

26 Now, here you get, I think, into an aspect of

1 the case that is most interesting and has to do with this
2 aspect of corroboration, and we will all remember how
3 Linda Kasabian testified that after she left the beach area
4 she went somewhere to a house in Malibu -- in fact, this
5 is Linda Kasabian's own handwriting, you -- those of us on
6 the jury may not have seen this before, but I am sure we all
7 remember.

8 And she spoke with people, supposedly, flesh-and-
9 blood human beings, people who would be able to, if this
10 were true, people who would be able to testify concerning
11 Linda Kasabian's visit.

12 Again, remembering that the burden of proof is
13 on the prosecution to prove the case beyond a reasonable
14 doubt and to a moral certainty, this would be something
15 that would be most fascinating to know about from a fact-
16 finding standpoint.

17 Where are the people in this house? Where?
18 Certainly the people she alluded to, what she did and so
19 forth, it would seem like -- it would seem like these
20 people could be brought to this courtroom in order to
21 corroborate Linda Kasabian, and certainly the prosecution,
22 the District Attorney is well aware of the law of
23 accomplices, and the law of corroboration and all of
24 that.

25 So clearly this testimony concerning this
26 house and this -- they went out and took a picture of this

1 house -- clearly this does not corroborate Linda Kasabian.

2 Here is another picture, another picture of
3 the same general area of Malibu.

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1 And here is a picture showing Linda Kasabian's
2 statements concerning where Tex parked the car, and the
3 path she says that she and the other girls and Mr. Watson
4 took in going over the fence.

5 That clearly is not corroborative because of
6 the fact that there is nothing except Linda Kasabian's
7 statement concerning this picture.

8 Here is a picture. These are pictures in the
9 house.

10 For instance, here is a picture which is a
11 picture of Mr. Sebring, which is a picture that shows
12 a picture inside the house.

13 Now, we are looking at these pictures at this
14 time because of the fact that the law of corroboration is
15 what it is. I mean, these are hard pictures to look at.
16 It is not pleasant. It is equally as unpleasant for me
17 to talk about these pictures as it is for, I am sure, all
18 of us to view these pictures.

19 But the reason that we think that we should go
20 into this is because of the emotional, the inflammatory
21 nature of these pictures.

22 We must not allow ourselves to -- whatever
23 trial strategy or trial tactics may be, we are not here
24 from a tactical standpoint to try and fool anybody.
25 What we are here to do is to try, according with our
26 rules of evidence and our law, to try to come to a just

1 verdict, and we think that the evidence in this case
2 clearly shows that Mr. Manson is not guilty of anything.

3 We can tippytoe around this evidence if we
4 want to. If we want to, we can. But this picture is not--
5 is not -- corroborative of Linda Kasabian in any shape,
6 manner or form.

7 All that this picture does, it shows the
8 fact that Mr. Sebring passed away.

9 As a matter of fact, the detail here, the
10 showing of the rope and all of that, speaks eloquently
11 of Mr. Manson's innocence because of the fact that there is
12 nothing, there is nothing in this record whatsoever that
13 shows any kind of planning by Mr. Manson of what this
14 picture purports to depict.

15 So, I think that we would agree, I think we
16 would agree that this picture corroborates nothing.

17 What it does, what it does, it corroborates
18 the prosecution's desire to get a conviction for reasons
19 that have nothing to do with guilt.

20 Now, we have this picture also here of Sharon
21 Tate, a picture which is obviously not a good picture to
22 look at, but we are going to look at it in the jury room,
23 and I am sure all of us in the jury room are going to
24 discuss it, and we are going to see whether or not it
25 has anything to do with Mr. Manson's guilt.

26 And again, this picture, this particular

1 exhibit, People's Exhibit 106, is inflammatory only.

2 Now, I don't know what the estimates would be
3 as to how long we would be discussing this case in the jury
4 room, and when you get this evidence, you get it, you have
5 it before you, and those pictures will be there, and I am
6 sure that this case is going to be decided by those of
7 us that are on the jury not based on trial tactics but
8 based upon the evidence that the Court gives us and the law
9 that is here, the law that the Court says is the law that
10 applies.

11 If we can view that picture of Sharon Tate
12 with the same objectivity and neutrality as we view People's
13 Exhibit 116, then we are discussing the case analytically
14 and with objectivity.

15 And this, of course, this picture of the
16 mechanism that opens the gate, is a picture that doesn't
17 corroborate anything concerning Mr. Manson.

4a fls.

4a-1

1 We look at these smaller pictures here. There is
2 the steamer trunk. There is the door jamb, the blood.

3 Another picture of the door.

4 I am now referring to People's 110, 109, 108.

5 A picture of the walkway, People's 11.

6 People's 112, the interior.

7 People's 113, which is the loft.

8 We have People's 114, which shows geography.

9 People's 115, another smaller picture of
10 Sharon Tate.

11 117.

12 118, which is the geography.

13 And 119, which shows internal geography.

14 The next exhibit that we have is People's 122,
15 which shows -- you remember the testimony about People's 122
16 -- which shows the grip. This is where supposedly the grip
17 was found.

18 It is interesting, it is interesting because
19 Linda Kasabian testified concerning Mr. Frykowski and what
20 occurred outside the house, she said.

21 It would seem like, it would seem like that a
22 type of blow -- in other words, if someone was going to
23 be stunned or if someone was going to be attacked, that
24 the person would be attacked and stunned first.

25 That is, the normal tendency would be to hit
26 someone over the head with the butt of the gun in order to

1 make them immobile.

2 We can certainly think that that is a possibility,
3 and when we consider the location, the finding of this
4 portion of the grip inside the house, we think that this is
5 added evidence of the fact that Linda Kasabian was inside
6 of that house.

7 Again, it is a matter for discussion. Certainly
8 it is not an open and shut situation. We certainly are not
9 saying that argument cannot be made on the other side of
10 the fence, but when you consider the location of this grip,
11 it certainly appears, it certainly appears that if this is
12 the gun that was used to hit Mr. Frykowski over the head with,
13 that this occurred inside the house, and it would appear, it
14 would appear, when we look again at the reason that Linda
15 Kasabian gives for not going into the house, when she
16 talks about at that instance she realized that Mr. Manson
17 wasn't God, it would certainly appear suspect.

18 Here we have, in People's 120 and in 121, we
19 have the grip. It is very interesting.

20 Excuse me just a minute while I get the gun.

21 Now, we have this portion of the grip. And
22 recognizing that -- certainly we all agree that there is
23 something missing.

24 Assuming for the sake of argument that this gun is
25 the gun that was used. Now, we then come to the question of
26 where is the rest of the grip?

4b-1

1 If you look at that screw around the grip, this
2 particular portion here, do you feel, as you place this
3 together, do you feel that this, as you try to place it
4 back and forth, do you feel that it is unalterably a portion
5 of this gun?

6 I don't know. There were some 2700 guns, or
7 thus and so, a certain number of guns made of this
8 particular type.

9 Now, what the pressure -- you see, we get in
10 this courtroom, we get items of evidence that are distilled
11 from we don't know exactly where. If you consider whether
12 or not this particular grip is mated with this particular
13 piece in the gun, if you consider and just think about that
14 for a while, and put it together, and integrate that with
15 Linda Kasabian's testimony, which is, we think, significant,
16 as to what she did with this gun, she says -- remember, when
17 she comes to the witness stand and testifies, she already
18 knows the posture of the evidence. We can assume, we
19 can assume -- we don't have the benefit of any tape
20 recording so far as Linda Kasabian's interviews with the
21 Los Angeles Police Department and Mr. Bugliosi are concerned --
22 but we can assume that Linda Kasabian has been spoken to
23 for some considerable period of time, and it would seem
24 likely that she also, it would seem reasonable, that she
25 also has been shown this gun and been asked various
26 matters concerning it.

1 But Linda Kasabian says she doesn't remember,
2 she doesn't remember what happened to the gun.

3 Now, this is a pretty hefty item.

4 She remembers throwing out the knives, and she
5 remembers all kinds of things, but when it comes to the gun,
6 she may or may not have thrown it out.

7 And the reason that Linda Kasabian doesn't
8 remember is because of where she now knows this gun was
9 found.

10 It would take, when we look at the pictures of
11 the Weiss residence and we consider the road, and we
12 consider that Linda Kasabian has already committed herself
13 not to stopping particularly to throw out this gun, that is,
14 if we look at her testimony, there is no place where she
15 testified that she specifically stopped to throw out the
16 gun.

17 And for a girl of her stature to throw out this
18 gun and have it end up where it supposedly ended up at the
19 Weiss residence, these are things that we have to think about.

5-1

1 Because, you see, a case like this, there are
2 pressures.

3 Now, we don't know, we are not alleging, we
4 are not alleging that this gun is a fraud and a phony.
5 What we are saying is that with the fantastic pressures that
6 are upon somebody, somewhere, to get a verdict in this
7 case notwithstanding anything, that it is not inconceivable.

8 It is another factor for those of us on the
9 jury to talk about.

10 There are other Buntline revolvers, other than
11 the one that was allegedly at the Spahn Ranch. When we
12 have unlimited funds anything is possible.

13 We cannot sit here and say that this gun is
14 a fraud and a phony, but it seems to me, it seems to me
15 that with all of the emphasis on this case, that there
16 would be some kind of microscopic studies, something to
17 connect this grip with this gun.

18 We have microscopic studies that are -- I
19 mean, we all know what our science is today.

20 Now, certainly somebody along the line --
21 you see, is there corroboration here? This is the point,
22 you see, this -- this grip is found at the home, at the
23 Tate home, and if we walk over it, we are likely to
24 more or less -- there is a tendency on our part perhaps
25 to take for granted that this grip belongs to this gun.

26 Now, I don't know, I don't know.

I see -- I see here this screw, this item here

5-2

1 on the gun, bent.

2 Now, recognizing that this is a piece of wood,
3 I think our common sense would tell us that something has
4 bent this screw. Now, this is not very romantic; it is not
5 a Perry Mason type of thing, but the physical force that
6 it took to bend this screw is something that is much greater
7 than the bearing pressure of this particular grip, because
8 it would seem like -- it would seem like if you are going
9 to move metal that much, it would seem like the grip would
10 have been obliterated, that is, the wood, the wood would
11 have been more than just split.

12 There would have been a bearing force which
13 would have crushed this wood.

14 We can think about that.

15 But somehow or other, somehow or other,
16 this little screw portion has been deviated at a remarkable
17 amount.

18 Now, if someone were hit over the head with
19 this weapon, and this grip just fell apart, that would be
20 one thing. Something has happened, something has happened
21 to this metal portion, this screw, which was a force,
22 which was a force a lot larger than this, the end of this--
23 the butt of this gun hitting a skull, a human skull.

24 Also, why is this screw bent in the direction
25 that it is bent? It would seem like as if something were
26 hit in that direction that the screw would move in the

1 opposite direction if it was going to move.

2 Again, this all is a matter of burden of
3 proof, reasonable doubt.

4 Is there something here -- is there something
5 here -- is it just a lawyer talking or -- without any
6 basis in fact -- or is there something of substance there?
7 Well, that is what we have to decide of this case, these
8 kinds of questions.

9 It is very very unusual -- it is very very
10 unusual, and as you look at this, as you look at this
11 weapon it is hard to figure out.

12 Certainly the elements are not going to move
13 it that way. You cannot say that being out in the brush
14 could have moved it -- the screw here is moveable, it
15 goes up and down, so it could not have been too rusted.

16 When you try to fit this into this gun, that
17 is, the rest of this gun, and try to make it mate, you
18 have some difficulty as you twist this screw around to
19 try to do it.

20 Now, if you take this screw off and put this
21 piece right here, you've got to remember that at some time
22 this particular little item was on the gun at the time
23 that this piece of the grip was on the gun.

24 The only thing that we can suggest is that
25 in deciding this case, maybe that is one of the things you
26 talk about as to whether or not this gun is in fact a gun.

1 that has anything to do with the case, because before we
2 can talk about corroboration we must first -- we must
3 first lay the foundation, so to speak, that this gun has
4 got anything to do with it.

5 Because if this gun is not the gun involved,
6 this precise gun is not the gun involved, then of course
7 we cannot use it for anything, and there are some questions
8 as to the use of this gun and pieces.

9 It would seem like -- it would seem like,
10 as you look at this, that everything would fall apart.

11 In other words -- in other words, when you
12 look at these pieces here, it would seem like all the
13 pieces would be there at the same place underneath that
14 chair or close to the chair, certainly.

15 Why aren't the other pieces there?

16 Obviously these two exhibits do not fill up
17 the whole space. Why aren't the other pieces somewhere
18 in the vicinity of that chair?

19 Certainly the Tate residence was gone over
20 with a fine tooth comb. You don't see these other pieces
21 near that chair.

5a fls.

5a-1

1 We have -- this is People's -- here is the
2 watch; you heard the testimony about his car. And that
3 certainly does not corroborate anything as far as any
4 criminal liability is concerned.

5 Another picture of the geography. I forget what
6 this picture is, but this is People's 136, I cannot
7 represent what it is. I don't recall this particular picture.

8 Here is People's 123, this certainly does not
9 corroborate anything as far as criminal liability goes.

10 This is a picture of the house -- oh, yes, this
11 is the end of a communication wire that was testified to.
12 That certainly is not corroborative of any criminal
13 liability.

14 It is kind of detailed, this is what -- we have
15 a wealth of detail on trivia in this case. I mean, cer-
16 tainly -- God knows I'm not tape recorder, I have gone over
17 the evidence and so forth, some of these things don't stick
18 in your mind, but it is trivia.

19 There are great -- there are -- things are
20 given to us in greath depth that don't have any real
21 significance. They don't really tell us anything.

22 Now, sure, a couple of pictures of the wire
23 being cut, sure, that's important, but to go into a great
24 detail concerning that and not connect up -- connect up the
25 grip of the gun.

26 After all, there is an allegation here of seven
counts of murder and a count of conspiracy; it would seem to

1 me -- it would seem to me that the scientific evidence we
2 want is some kind of a connection between what is found at
3 the Tate house and what is found at the Weiss residence.
4 It would seem like that would be something to close in on.

5 But no, we have all kinds of evidence, all kinds
6 of pictures.

7 Here is another picture of this where the wire
8 was cut. This is People's 127.

9 More detail concerning the wire in connection
10 with the wire inside of the gate.

11 More connection of the wire inside of the gate.

12 Certainly that one picture with the wire -- with
13 the wire coming down would tell us that the wires were
14 cut. I mean, I'm sure somebody would say these wires were
15 cut.

16 To have this kind of emphasis gives it a syn-
17 thetic -- a synthetic appearance of veracity.

18 Another picture of that front house, of the
19 garage.

20 And another picture of the wire, another picture
21 of the wire, another picture involving the wire, People's
22 133.

23 Still another one concerning the wire, and
24 another one concerning the wire, People's 135.

25 Another picture concerning the wire; here is
26 another picture concerning the wire, People's 136.

1 Now, we come to -- here is the watch, and
2 this watch, is it corroborative -- is it corroborative in
3 any way of anything Linda Kasabian has ever said?

4 I am sure we agree that it is not.

5 Now we come to something, People's 140. Here is
6 a picture that shows the knife. This is Linda Kasabian's
7 knife which is embedded -- which was found embedded in the
8 chair. This is the correct way to look at the picture.

9 Now, when we look at this knife, as we have said,
10 this knife does not have any blood on it. There is no blood
11 on this knife. There is no question but what this knife,
12 based upon the prosecution's own evidence, was found inside
13 the house.

14 Linda Kasabian tells us that, and I think it is
15 Danny De Carlo who also mentioned about Linda Kasabian and
16 the knife, no question, this knife has been with Linda
17 Kasabian for a long, long period of time.

18 We have a situation where Linda Kasabian carried
19 this knife with her everywhere she went. She tells us --
20 she tells us that she gave this knife to Susan Atkins.
21 Do we believe that? Do we believe -- do we believe that?

22 Or does Linda Kasabian know at the time she is
23 on the witness stand, does she know that the knife has
24 been found inside the house?

25 Linda Kasabian under no circumstances wants to
26 be inside of that house, as far as testifying in this court-
room is concerned, so Linda Kasabian tells us what she has

1 told us. She tells us that she gave this knife to Susan
2 Atkins.

3 Susan Atkins, according to the prosecution's
4 viewpoint in this case, Susan Atkins, if you believe what
5 the prosecution says, had some active part in these
6 proceedings.

7 Where is the blood on the knife? Where is the
8 blood on the knife that Susan Atkins supposedly had?

9 It would seem like -- it would seem like, all of
10 us being flesh-and-blood people, that what Linda Kasabian
11 responded to was a feeling of fear for her friend, Mr.
12 Watson, and Linda Kasabian, in responding to that fear, for
13 Mr. Watson, went inside of this house.

14 Now actually, one of the facts, one of the things
15 that we probably will want to decide is whether or not
16 Linda Kasabian was inside of this house because really, if
17 Linda Kasabian was inside of this house, as we think that
18 she was, then we cannot use her testimony for anything
19 whatsoever, and what do we have other than Linda Kasabian's
20 bare assertion that she did not go into the house?

6-1

1 What we have, for instance, is her knife.

2 Now, if the prosecution was prosecuting Linda
3 Kasabian for murder, if she was a defendant in this case,
4 do you think the prosecution would stand up here and state
5 that Linda Kasabian's knife was given to someone else?
6 Or advocate that, really?

7 Because this is what the prosecution is asking
8 us, and this is really the heart, sort of, of what we are
9 all here for.

10 If Linda Kasabian's testimony -- well, let's
11 take Dr. Katsuyama and Dr. Noguchi. There is evidence for
12 you. When you come to a courtroom and you want to listen
13 and you want to decide, and you have people like Dr.
14 Katsuyama and Dr. Noguchi, when you have that kind of
15 evidence, you can operate on something, you can come to
16 some kind of a conclusion.

17 But then when you have the prosecution wanting
18 to take Linda Kasabian and finding no fault with her,
19 that is, with -- I suppose when the prosecution gets up
20 here and speaks to you again, they will say: Well, we
21 are not condoning what Linda Kasabian did, we are not
22 condoning, seven murders and we are not condoning conspiracy,
23 but we want you to believe her, we want you to accept --
24 even though we are not condoning what she did -- we want
25 you to believe what she told us.

26 This is what the prosecution is saying in this

6-2

1 case.

2 If they would let the chips drop where they may,
3 if the prosecution would come here and say: Well, we think
4 Linda Kasabian left that knife there, we think she did,
5 we think that she is not being candid. But the prosecution
6 is trying to take this evidence of Linda Kasabian's and
7 make it look like it is absolutely 100 percent gospel.

8 The question is: Can we rely, can we rely upon
9 this kind of an assertion in deciding this case?

10 This is People's Exhibit 140. This People's
11 Exhibit 140 is circumstantial evidence of Linda Kasabian
12 being inside of that house.

13 It would appear, and you certainly can believe,
14 that Linda Kasabian was inside that house, from the
15 prosecution's viewpoint of what occurred here, and took
16 people at the point of that knife and led people around
17 inside of that house at the point of that knife, and
18 God knows what. Maybe Mr. Garretson, Mr. Garretson, got
19 up, hearing a noise, or someone else came to that house,
20 and Linda had to get out of there very fast.

21 This house is certainly not an establishment
22 where nobody came to visit. It was the kind of place where
23 these people had all kinds of friends and acquaintances,
24 and there is no reason in the world to expect, it is not
25 unreasonable at all that someone else didn't come to this
26 house, and Linda Kasabian, whatever she was doing there,

1 recognizing that someone was there, or whatever, or maybe
2 she dropped this knife while she wrote the word "Pig" on the
3 front door, whatever, these are various possibilities and
4 they are various probabilities, but whatever Linda Kasabian
5 was doing, she was inside that house, and she dropped her
6 knife there.

7 We can see, we can see from Linda Kasabian's
8 testimony, from her position in this case, that Linda
9 Kasabian is an advocate here. Linda Kasabian is not
10 a witness who has the neutrality and the detachment that
11 Dr. Katsuyama and Dr. Noguchi have.

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

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

16 The court will recess for 15 minutes.

17 (Recess.)
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7 fls.

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1 MR. KAY: Your Honor, may we approach the bench for a
2 moment?

3 THE COURT: All counsel and jurors are present.
4 Yes, you may approach the bench.

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

7 MR. KAY: Your Honor, this is Alan Springer, our
8 last witness. I wonder if you could order him back for the
9 18th.

10 THE COURT: You are Mr. Springer?

11 MR. SPRINGER: Yes.

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

15 Do you understand, sir?

16 MR. SPRINGER: I understand.

17 THE COURT: Very well.

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

20 THE COURT: You may continue, Mr. Kanarek.

21 MR. KANAREK: Yes, your Honor, thank you.

22 Ladies and gentlemen of the jury, we have had
23 some -- I don't know -- I guess we have been here about
24 six months, and so what we are trying to do is try to --
25 I have been talking here a couple of days now, so there are
26 highlights in synopsising, distilling and trying to make

1 it shorter and shorter in connection with whatever we are
2 speaking about here.

3 We can approach it, try to be dramatic, talk about
4 trial tactics and all of that.

5 But I think it would be an insult to your
6 intelligence to put on some kind of a show here, some kind
7 of a -- some kind of a Vaudeville type performance.

8 We will be the first to admit; we will be the
9 first to admit that this kind of matter involving this kind
10 of evidence is drudgery. It really is, and in the sense
11 that it is an attempt to try and go over many, many, liter-
12 ally thousands of pages of transcript.

8
1 Now, the genesis of this is what the prosecution
2 has put on here.

3 The prosecution is trying to get a certain
4 result as a result of these proceedings.

5 It is something like an objection. Now, the
6 genesis of an objection is the question, and even though,
7 I mean, the Court in this case has overruled many, many
8 objections that have been made, and the Court, on the other
9 hand, has sustained many objections that have been made.
10 So we have a tendency to identify, to identify, with the
11 objector.

12 But if we look at it sort of in perspective,
13 perhaps, perhaps the objector wouldn't have to make the
14 objection if proper questions are asked.

15 And when the prosecution is hell bent on
16 getting a result, come what may, when they introduce the
17 kind of evidence that we alluded to this morning concerning
18 Mr. Flynn, well, it is up to the jury to decide whether or
19 not anything is relevant or material in the ultimate sense,
20 but nevertheless, the beginning, the beginning here, is
21 what the prosecution has put on by way of evidence. And
22 for whatever that may be worth, for whatever that may be
23 worth, we offer that by way of explanation.

24 Now, referring to Volume 114, which is testimony
25 of Mr. Wolfer, DeWayne Wolfer.

26 I think that the prosecution may argue, perhaps,

1 to us that Mr. Wolfer's testimony somehow or other
2 corroborates Linda Kasabian.

3 We don't think that this testimony in any way,
4 shape or form corroborates Linda Kasabian because there is
5 nothing in what Mr. Wolfer has said, there is nothing that
6 Mr. Wolfer did in this courtroom, that connects Mr. Manson
7 with anything concerning these proceedings.

8 But there is a tendency sometimes to -- you
9 have some evidence, and it may have no significance,
10 and we may forget it, we may say: Well, it has -- what
11 does it really prove?

12 Mr. Wolfer starts out, and we had from him
13 quite a lengthy dissertation about his background as to
14 what he did and what he has done in the past.

15 And for whatever it may be worth, for whatever it
16 may be worth, the prosecution is attempting, by this
17 testimony, to pull the wool over our eyes.

18 The prosecution is trying to create a facade of
19 authenticity, a facade of veracity if they offer this kind
20 of evidence.

21 Now, Mr. Wolfer went out there, and supposedly the
22 purpose was to determine whether or not shots could be heard
23 where Mr. Garretson was located.

9
1 Now, the important aspect of Mr. Wolfer's
2 testimony, it would appear, is not the fact that it
3 doesn't tell us anything, that there is nothing there that
4 we can rely upon, but the fact that the prosecution would
5 do this, the fact that the prosecution would put on this
6 kind of evidence.

7 We can certainly feel a little bit scared about
8 it.

9 The prosecution is advocating that from the
10 testimony of this expert that we can foreclose the
11 possibility of Mr. Garretson having heard these shots,

12 Now, the question is in our minds, are we con-
13 vinced that Mr. Garretson could not have heard these
14 shots based upon everything we heard here in the courtroom
15 and based upon the testimony of Mr. Wolfer? This is the
16 question.

17 Now, Page 12,847, and Page 12,850, we have --
18 for instance, at 12,850 we have the purpose why this
19 gentleman and officer Dave Buckler went to the Tate resi-
20 dence:

21 "Q What was the purpose of your going
22 there on that date and time?"

23 Now, we have the crime of the century; this is
24 August 18th, 1969.

25 This is at a time when no one has been arrested
26 except Mr. Garretson, and Mr. Garretson has subsequently

1 been released, that is, he was released after he was
2 arrested.

3 Now, if we look at -- first of all, -- the
4 evidence that was taken, what was done by Officer Wolfer?
5 I think we will all agree that that doesn't corroborate
6 because in any event it doesn't connect Mr. Manson to any-
7 thing as far as the Tate -- as far as what we call the Tate
8 killings are concerned.

9 So it would seem to be without question, it
10 doesn't even have to go on our list for consideration
11 that Mr. Wolfer, whatever Mr. Wolfer stated, that that may
12 be used for any kind of corroboration.

13 The people who testified here concerning matters
14 such as the hearing of the word "help," or noises of that
15 type about a mile from the Tate residence, that doesn't
16 corroborate because of the fact that there is no showing of
17 any -- of Mr. Manson being at the Tate residence.

18 The prosecution does not even allege that
19 Mr. Manson was at the Tate residence.

20 And you say, "Well, what is the purpose -- what
21 is the purpose of Officer Wolfer's testimony?"

22 He went out there on August 18th, 1969; he went
23 there to make tests:

24 "Q What was the purpose of your
25 going there on that date and time?

26 "A To make tests to see if certain

1 "sounds could be heard at different positions
2 at that location."

3 Now, are we all agreed -- are we agreed that
4 that type of experiment, or that type of a determination
5 should be made by someone who has the expert ability to
6 come to this courtroom and tell us something reliable?

7 Or is the purpose of the prosecution in offering
8 this evidence just to sort of muddy the waters, to just
9 sort of throw something in here, something that we can
10 sort of have in our mind, know that it occurred and obscure
11 the issue?

12 Because what has come to us by way of this
13 expert, alleged expert testimony, does nothing but obscure
14 the issue, and I think we can -- I think that we can come
15 to that conclusion when we look at what occurred.

16 The first thing at Page 12,906, and that is why
17 we offer the exact testimony here, and that is why we are
18 doing this somewhat -- is it likely, though, in terms of
19 the prosecution, which has been before us here for some
20 six months, the point is it is the evidence itself, what
21 is in this transcript that really counts.

22 I think what is in this transcript is much
23 more significant than any speech or any kind of dissertation
24 that I might give, because this is really what counts.

25 On Page 12,906, beginning at 12,905:

26 "Q What was the purpose of your going

1 "to that address on that day?

2 "A The purpose of my going to the
3 address was to conduct sound tests to determine
4 if a person firing a weapon could be heard in
5 the back or rear portion of that residence.

6 "In other words, there are two houses on
7 that location, and I was going to the back
8 house and around the hi-fi and conduct some tests
9 by firing the .22 in three positions in the
10 outer house.

11 "Q You took a revolver with you, of
12 course?

13 "A Yes.

14 "Q What type of revolver did you take?"

15 And this is an experiment talking, this is a man
16 -- I don't know how many thousands of dollars the
17 Los Angeles City Council spends for this kind of work:

18 "Q What type of a revolver did you take?

19 "A I took a High Standard revolver with
20 us. It had a 9-1/2 inch barrel, and we used
21 Remington Golden .22 long rifle bullets."

22 And then the prosecutor asks:

23 "Q Are you sure you took a High Standard?
24 You took a Colt, didn't you?

25 "A I am sorry."

26 Now, here we have the crime of the century;

1 we have back in August of 1969, we have a purported expert
2 interjecting immediately a variable into this situation, for
3 no reason.

4 And if the prosecution had not mentioned that
5 about the Colt revolver, the witness would have talked
6 about it being a High Standard:

7 "Q You took a Colt revolver with you?

8 "A I am sorry, that is correct. We
9 took a Colt 9-1/2 inch revolver, and Remington
10 Golden Bullets.

11 "Q You say a 9-1/2 inch revolver?
12 Are you referring to the length of the barrel
13 when you say 9-1/2 inches?

14 "A Yes.

15 "Q And this was a .22 caliber revolver?

16 "A Yes.

17 "Q I show you People's 40 for
18 identification.

19 "What type of revolver is that?

20 "A This is a High Standard .22 caliber
21 long rifle revolver with a 9-1/2 inch barrel."
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1 Now, then, going -- well, before we do that,
2 it would seem like, it would seem like -- you know, that
3 some time later, at some time later, they got this very gun.
4 This very gun was obtained, supposedly.

5 Why didn't they take this gun out there and
6 fire it?

7 Is there any reason and logic, or is there any
8 reason why, when we want to put people, to do with people
9 what they want to do in this courtroom, we have got the gun
10 here, the grip is somewhat broken, why not use the exact
11 gun?

12 Why do we have to go through the tortures of
13 what we went through in connection with this purported
14 expert?

15 As we say, the City Council, the City Council
16 of the City of Los Angeles, is unstinting. We have a most
17 beautiful Police Building down there. I am sure, with the
18 affection that Mayor Yorty has for the Police Department
19 and the affection that he has in connection with their
20 doing their job, there is no problem in doing these things.
21 There is no lack of finances.

22 So what do we have? We have the most unusual
23 situation that we could ever have in a criminal trial. We
24 have the very gun involved, and we are presented, we are
25 presented, with not only not this gun, with not only not
26 the High Standard but we are presented with a .22 Colt.

10-2

1 In other words, what we have, what we have is they are
2 laughing at us.

3 What we have are the pictures of Sharon Tate,
4 we have the blood and the gore, and they are saying to
5 us -- they are insulting with what they are doing -- they
6 are saying to us: We want you to bring in the result that
7 we want and we don't care -- we don't care -- about really
8 presenting a case here. If we just present enough days of
9 testimony and enough items of evidence, well, sure, we
10 will get the result we want.

11 This is indicative, this is indicative of what
12 is being foisted upon us in this trial.

13 If you sit back and think about it for a half
14 a second, it is incredible, it is beyond belief.

15 And in connection with this purported testimony,
16 on cross-examination, the expert was asked:

17 "Officer, could you tell us, does
18 sound travel faster or slower as the temperature
19 goes up and down of the air?

20 "A As the temperature rises, or where the
21 humidity rises?

22 "Q Right now we are talking about temperature.

23 "As the temperature would rise, sound
24 would consequently travel slower.

25 "Pardon?

26 "It should travel slower.

1 "Well, my question is: In other words,
2 you say the higher the temperature, the sound goes
3 faster or slower?

4 "Well, the problem is, without raising
5 the temperature, we also have the problem of raising,
6 of actual moisture.

7 "Officer, let us assume that the moisture
8 stays the same. I am asking only for the variation
9 with temperature.

10 "Does the sound travel faster as
11 temperature goes up or is the speed of sound lower?

12 "I cannot answer that."
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1 A few sentences earlier, where the question was
2 asked:

3 "As the temperature would rise, sound would
4 consequently travel slower.

5 "Pardon?

6 "It should travel slower."

7 I mean, within just a few sentences, within
8 just a few sentences, there is a diammetrical change in
9 testimony from "I cannot answer that" previously to "It
10 should travel slower."

11 "You don't know that?

12 "It isn't that. It is a limited question.

13 I cannot answer the question as it is worded."

14 Well, then we can decide as to whether or
15 not that question that was worded is a question which
16 is incomprehensible for someone that is testifying here in
17 connection with matters that are so vital. And the reason
18 there is vitality and necessity in connection with this
19 kind of testimony is because of the position of Mr.
20 Garretson in these proceedings and the possibility of other
21 people being attracted and going into that house and seeing
22 whatever happened there.

23 And so, we have a situation here where this,
24 what happened in this connection with these sounds, is
25 very, very important.

26 And what we can expect is that we would get the

1 highest class of evidence possible in connection with that
2 matter so that we can make an evaluation.

3 "Q You say that the question is
4 an incomprehensible question to you?

5 "A It isn't incomprehensible at
6 all. I said it is an incomplete question, an
7 incomplete statement.

8 "My question does not ask enough?

9 "It does not have enough elements involved
10 in it."

11 Well, let me ask you. There may be some unclear
12 questions. There may be some unclear questions. And here
13 is a man who, when we first had this gentleman on the
14 witness stand, he came here as an expert to tell us the
15 answers, as a person who is conducting scientific tests.
16 He has the prestige of the police department, of law
17 enforcement, wrapped around his head.

18 Is this an incomprehensible question? I am
19 asking only for the variation with temperature. Does the
20 sound travel faster as temperature goes up or is the speed
21 of sound lower?

22 Is that an incomprehensible question?

23 Then we get to Page 12,935, after some colloquy,
24 at Line 3.

25 "All right,

26 "Then my question is this: As the

1 "temperature in this container goes up, what
2 happens to the speed of sound?

3 "Does the speed of sound go up or does
4 the speed of sound go down, or don't you know?"

5 And then finally he says it: "I just don't
6 know."

7 "You don't know?"

8 "No."

9 Then we go on. Also at Page 12,935.

10 "Now, you were saying that you are an
11 expert in acoustics.

12 "Isn't the speed of sound --

13 "A. Counsel, --

14 "Q. May I finish, Officer?

15 "I am sorry."

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1 "Q Isn't the speed of sound one of the
2 most important parameters in the field of acoustics?

3 "Counsel, may I -- you have two questions
4 there. We will have to answer them individually.

5 "Surely.

6 "I do not believe that at any time in
7 this courtroom that I have ever said that I was an
8 expert in acoustics.

9 "Then you don't hold yourself out as
10 an expert in acoustics?

11 "No.

12 "The second question was the fact of
13 the speed of sound, and the speed of sound is of
14 an essence of a certain degree. A speed of sound
15 in a vacuum is one thing, of which counsel is
16 trying to refer to here, which is 1160 to 1190
17 feet per second.

18 "The consequences of acoustics involved
19 in this experiment could never be duplicated and,
20 for this particular reason, whether they were conducted
21 at 12:00 noon or 12:00 midnight, or 1:00 p.m., by
22 experimentation of acoustics which I have been
23 involved in, I have never been able to identically
24 reproduce acoustics by atmospheric conditions that
25 were involved in this experiment.

26 "This is from first-hand knowledge."

Page 12,936, at the bottom.

"Then, Officer, what you are saying is that what you went out to do is useless, it was purposeless; you don't know when you get done whether or not there is any kind of relationship between what you did and what occurred on some occasion when allegedly bullets were fired and people passed away as a result of these bullets being fired; is that right?

"That is partially right, yes.

"However, on the basis of that, if I had gone out and run the experiment and there was an obvious ability to hear over the levels of the Hi-Fi, an obvious one, then I would have proved something."

Now, the question that we have here in connection with this testimony is: Can we use this testimony for any purpose? Can we, in deciding this case?

It would seem like -- it is a very interesting question, a very interesting question from the standpoint of logic, as to whether or not Mr. Garretson heard these shots, heard what was going on.

Supposedly, a man a mile away heard what went on. He came to this courtroom and testified, the man that was involved with the girls' camping out, and all of that.

Now, the question is, the question is: Did

1 Mr. Garretson hear or did Mr. Garretson not hear?

2 Because this is something that we can forget
3 about, this is something that may or may not have any
4 significance in this case. Or could someone else have gone
5 into the house?

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1 The fact of the matter is that here is an
2 opportunity, here is an opportunity on the part of the
3 prosecution to bring to us evidence, testimony, that would
4 be practically unbeatable. It would be evidence or testimony
5 that would be like Dr. Katsuyama and Dr. Noguchi.

6 Who can quarrel with Dr. Katsuyama and Dr. Noguchi in
7 what they have done? They have done a job of work, they
8 have done a piece of work, they have approached it in a
9 scientific, a methodical, a way that is enviable.

10 Now, we also are presented with this hodge-podge
11 type of evidence. For what reason? For what reason?
12 There is no scarcity of funds on that side of the counsel
13 table.

14 Now, the prosecution will undoubtedly present
15 to us when Mr. Bugliosi speaks again, the prosecution will
16 undoubtedly say: Well, this is the kind of thing that
17 doesn't require an expert. This is the kind of thing that
18 is the kind of experiment where anybody could do it. You
19 don't need any kind of expertise to do it.

20 Well, again, this is for those of us on the
21 jury to decide.

22 I think our common sense tells us, our common
23 sense tells us that if a gun is fired -- let's take the
24 extreme case, let's say I have this gun, it is loaded, and
25 let's say that I fire it. The extreme case, let's say,
26 is right at the ground level.

1 Let's say I put the gun down and I pulled the
2 trigger. I think common sense will tell us that that
3 would stifle the sound, that the sound level that came out
4 at that point would be much, much less than the sound level
5 when I hold it level and point it straight ahead.

6 So, the question that we have here, the question
7 that we have here from the viewpoint of what we are
8 deciding in this trial, assuming for the sake of argument
9 that this half-baked approach was valid, is it conservative,
10 or is it something that we cannot depend upon?

11 Obviously it is not conservative because when
12 the officer -- I believe it was Officer Butler -- when he is
13 out there shooting this gun in an experiment on August the
14 18th, he is not shooting the gun horizontally.

15 Essentially, when Mr. Parent was shot, Mr. Parent
16 was on a level that was essentially -- he was at a place and
17 was shot in such a way that the gun was essentially level.
18 It was essentially horizontal with the ground.

19 Now, when Officer Butler shot, not shooting level,
20 obviously he is not shooting straight out when he is
21 performing this so-called experiment, he takes the gun and
22 he has some kind of an angle with the ground as far as the
23 direction of this gun is concerned.

11-1

1 So therefore the experiment is not conservative
2 because there is a tendency to muffle the sound.

3 We will agree -- I think it is a matter of
4 common sense that there would be a tendency as he gets closer
5 and closer and changes that direction to muffle this sound,
6 so that he is trying to tell us, the gentleman that testified
7 concerning this, he is trying to tell us that he had this
8 sound level, he had this decibel meter, and he had it so that
9 he had it up to 5, and 4, and 3 and 2 and 1, and so forth,
10 and that this is being conservative.

11 That, from the standpoint of No. 5, that no
12 matter what happened, the sound in that little house was
13 so great that he could not hear anything.

14 Well, that again is for us to decide when we
15 are in the jury room.

16 Can what has been presented to you, can that be
17 used to determine anything as far as the location where Mr.
18 Garretson -- where he was, whatever he was doing?

19 We suggest that it cannot be. We suggest that
20 it cannot be used for any purpose because of the unreliability,
21 the difference in the time of day.

22 This was done at noon. This was done around
23 noon. These events, we are told, occurred at night.

24 The background noise at night would clearly
25 be -- would clearly be less out in the Benedict Canyon
26 area of West Los Angeles.

1 The time of day, the time of day is important,
2 just for that reason alone.

3 There are -- I mean, without delineating them
4 with great particularity, there is a multitude, there is a
5 multitude of reasons why these so-called tests that were
6 run are unreliable.

7 The fact of the matter is that when these tests
8 were made, I'm sure that we all will recall that there wasn't
9 even a pencil put to a paper.

10 At page 12,952:

11 "Q Now, and is it also a fair statement that
12 in going to the scene, or prior to going to the
13 scene you made no determination as to what the
14 conditions of windows and doors -- I am now
15 referring to open-shut -- on these premises --

16 "A No, that is not correct.

17 "I asked about the windows being open.
18 They said the scene was in its exact condition as
19 it was found, and as I recall the back door to the
20 rear residence was open and there were certain
21 windows open.

22 "Q Now, when they say that the condition
23 was exactly as it was found --

24 "Who told you that it was exactly as
25 found?

26 "A Sergeant -- I'm sorry, is that the end

1 "of your question? I'm sorry, I did not mean to
2 interrupt you.

3 "Q No, go ahead.

4 "A Yes, the situation was that Sergeant
5 Deese also went to the scene with us, who was out
6 there on the night of the incident, and he opened
7 the rear door and the rear windows, I believe, and
8 reconditioned the scene to its original positions.

9 "Q You say he was out there on the night
10 that these incidents occurred?

11 "A I believe he was. I was not there to
12 see him, but I am more or less informed he was.

13 "Q Officer, then when you went to the scene
14 you went with what other officers?

15 "A Well, no, this is not true. I took
16 Officer Butler with me for the purpose of conducting
17 my test, in addition to this we met Captain Martin,
18 Sergeant Deese as well as there were several other
19 men there.

20 "Q Have you told us all the people that
21 were there?

22 "A No, I don't know the names of the other
23 persons. There were other officers there.

24 "Q I see, and when you came to the scene,
25 what time of the day or night was it?

26 "A On August the 18th it was at approximately

1 "12:00 noon, near that, it wasn't quite noon.

2 It was prior to running the test, but it was in
3 the vicinity of 12:00 noon.

4 "Q All right, now, you told us, Officer,
5 that about the level --

6 "You say the noise level was a certain
7 level when you went there, is that correct?

8 "A If I understand your question, if you
9 mean was there a background level of sound, there
10 was, yes.

11 "Q Is it a fact that the background level
12 of sound changes with the time of day?

13 "A That is correct."

14 Now, we have a police officer going to the
15 scene. We have the police officer relying upon memorizing
16 what happened with the decibel meter.

17 I'm sure that we all recall where he said
18 "It only involved four or five numbers," and he then took
19 these four or five numbers and made a report, and the
20 internal workings of the Police Department were such that
21 the report that we got in this courtroom was in fact a
22 report that was written by him just a few days before coming
23 here to testify.

24 He went down there. He supposedly was taking
25 scientific information.

26 Now, at page 19,973 -- 12,973 --

1 "Q Did you dictate a report on October the
2 15th, 1970, concerning these two sets of experiments?"

3 This is at page 12,973.

4 "A I did not dictate any report.

5 "Last Sunday, at the request of the
6 District Attorney, I took these reports home with
7 me, sat down in my own kitchen on the evening of --
8 when was it -- October the 4th, at which time I
9 handwrote the report" --

10 Now, this is on experiments in connection with
11 the crime of the century wherein the experiments took
12 place on August the 18th, 1969:

13 "I took it to the secretary who typed
14 it for me on October the 5th, and brought it directly
15 over and handed it to Mr. Bugliosi.

16 "Q Now, directing your attention to your
17 dictation of this report.

18 "This dictation did not take place on
19 August the 18th, 1969, correct?

20 "No, it did not. It was a few days
21 after that.

22 "Q And do you have your notes, Officer,
23 the notes that you took concerning these experiments?

24 "A I do not have any notes, no.

25 "Q You did not retain -- may I withdraw
26 that.

1 "Is it a fact that you did not make any
2 notes when you were at the scene?

3 "A That is possible. I am not saying that
4 I did or I did not, but that is possible.

5 "Q In other words, it is possible that you
6 went to the scene where allegedly there were five
7 murders, five people passed away, you went to the
8 scene and it is possible that you did not put
9 anything down on paper?

10 "A Well, it is highly possible, yes."
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1 At Page 12,982:

2 "Q When you measure a foot, that has
3 a measurement of inches, does it not?

4 "A That is a physical foot, that is
5 correct.

6 "Q Now, a decibel, in the scientific
7 world, is a number, right?

8 "A It is a number, but it is not a
9 physical measurement."

10 Well, we don't have to lose our -- we don't have
11 to lose our sanity or our reason when we become jurors.

12 When we are thinking about this, let's figure
13 out, is the measurement of sound, is it a physical measure-
14 ment or isn't it?

15 Maybe it is something for us to think about in
16 connection with this very important area of the prosecution's
17 case.

18 If the measurement of sound is not a physical
19 measurement, the intensity of sound, God knows what is!

20 And here we have -- we have the person testifying
21 who is the expert. This is the evidence that is going to
22 determine for us whether or not someone in that back house
23 could hear it, and this person is telling us that the
24 measurement of the intensity of sound is not a physical
25 measurement. That is for us to decide, as to whether or not
26 it is a measurement, whether/^{or not} it is a physical measurement.

1 And the reason that we suggest that this is
2 important is because of the fact in Southern California
3 we are endowed with all kinds -- all kinds of expertise.

4 We have got the University of Southern California;
5 we have got UCLA; we have got the colleges out at Claremont;
6 we have got -- there is no lack of information in connection
7 with this field of acoustics.

8 We have aircraft factories, experts in the aero-
9 space industry; we have people who know how sound operates.

10 There is no problem in getting that kind of
11 evidence here if somebody wants to get it here.

12 Instead of dealing with trivia, we could have --
13 we could have the kind of evidence that we could rely upon.

14 This is so important in this case, as to
15 Mr. Garretson, that we should have a layout of that house.

16 We should have, instead of bare statements, we
17 should have the doors and the windows, and we should have
18 the setup laid out for us the way they have laid out other
19 things in great detail.

20 Money has been spent on exhibits, on other things
21 that have taken place in this case, and then we could have
22 some experiment come up here and he could testify as to how
23 sound would travel as it left the muzzle of this gun.

24 That could be done. That would not take any
25 great -- it wouldn't require any fantastic expenditure of
26 energy, time or money, if this was desirable.

1 But you see, it is not desirable; it is not
2 desirable. We want to forget about Mr. Garretson, we want
3 to forget about the possibility of anybody else being in
4 that house or in that area notwithstanding the fact that
5 these were very gregarious people, notwithstanding the fact
6 that they had lots of friends; that they had lots of
7 acquaintances, and we have a right to believe that they
8 were somewhat informal in their life style.

9 We have a right to believe that people -- it
10 was not, I am sure -- someone dropping in at the Tate home
11 is not the sort of thing that would cause consternation in
12 anyone's mind.

13 But no, instead of giving us something that we
14 can rely upon, we are given this kind of information.

15 We are given the broad conclusion, and when we are
16 given that kind of conclusion in a case where, in connection
17 with the glasses, they sent circulars all over the world;
18 in connection with the gun they sent circulars all over
19 the world to try and find the gun that they tell us now was
20 reposing with the Los Angeles Police Department all the
21 time.

22 Well, how many "mistakes" can we wipe off and
23 forget about when people are charged with these kinds of
24 crimes?

25 How many of these kinds of mistakes are really
26 mistakes? We have to decide; that is part of the

1 circumstances. How many mistakes can we say are in fact
2 mistakes?

3 Some of them may be mistakes; some of them may
4 be calculated mistakes; some of them may be -- may be here
5 for the purpose of getting a result at any price, because
6 the crowds in the streets are calling for a guilty verdict,
7 because the people in some way or another, somehow or other,
8 the people in this community and in the world are supposed
9 to think in terms of guilty.

10 That is the kind of atmosphere that this trial
11 is taking place in.

12 So we have to be very, very, very cautious; we
13 have to be very, very cautious in determining whether some-
14 thing that is supposedly just human error is in fact human
15 error or is it something that is there by design?

1 This is the task that we have before us in
2 deciding this case.

3 The French Revolution, for instance, that took
4 place because people, people, the kind of people that made
5 up the French Revolution, were just ordinary people who
6 got very unhappy, who got very unhappy with what was going
7 on around them.

8 Now, we have in this situation some people who
9 are reacting, who are reacting towards the kind of people
10 that live at the Spahn Ranch.

11 They are reacting, they are overreacting towards
12 these people, so that they want to show that these people
13 are murderers. They want to show that this type of element,
14 that this type of person in our society is dangerous.

15 And what better way to show that this type of
16 element is dangerous than to get Mr. Manson found guilty,
17 whether he is guilty or not.

18 There are people that instead of solving the
19 problem of these young people who are nomadic, who are going
20 from place to place living in communes, instead of solving
21 the problem, some people want us to eliminate them, and
22 the best way to do it -- talk about a race war, talk about
23 a race war -- what better way to trigger off, to trigger
24 off an attitude towards hippies than to have Charles
25 Manson found guilty.

26 That would be the rationale for some zealots to

1 go out and shoot people on the street who happen to have
2 long hair and who happen to wear their clothes in a certain
3 way.

4 Why? Because Mr. Manson is supposedly the man
5 that is the chief of something going on at the Spahn Ranch,
6 that will give us a license to shoot them all.

7 And that is the danger that we have in this
8 prosecution. That is the danger that we have in this
9 prosecution, is this kind of a chain reaction.

10 The fact of the matter is, long before Mr. Manson,
11 long before Mr. Manson was ever put into custody in 1969,
12 and long before 1969, we have had confrontations in this
13 country in connection with blacks and whites.

14 We had the Watts Riots. What greater confron-
15 tation was there between blacks and whites than there was in
16 the Watts Riots of 1965 when white firemen were being fired
17 upon by black people, white firemen that were down there
18 trying to save, trying to save the homes from being burned,
19 trying to save everything in that area from being burned.

20 There was a confrontation. I don't know who was
21 right and who was wrong. It is beyond me. I am not a
22 sociologist, I am not a psychiatrist. I don't pretend to be.
23 But the fact of the matter is that the race war was triggered
24 long before Charles Manson ever got arrested, or long before
25 1969 ever came into the picture.
26

12a-1

1 As a matter of fact, if we look at what has
2 been going on in this country for the last few years,
3 let's say we go ahead 500 or a thousand years, and then
4 let's say some historian, a thousand years from now, looks
5 back. Is he going to say that there were race wars going
6 on in 1965? Certainly he is.

7 What happened in Chicago? And what happened
8 in Rochester? And what happened in Seattle? There have
9 been confrontations between blacks and whites. We don't
10 need Charles Manson for that.

11 The confrontation has been going on in a very
12 active sense of the word for some ten or fifteen years,
13 really actively, and this synthetic, this synthetic race
14 war, this synthetic issue that the prosecution, for some
15 reason or other, insists on foisting upon us, means that
16 we have got to look at the evidence carefully. It means
17 that this is not the case that is being handled in another
18 department of the Superior Court where practically nobody
19 comes into the courtroom; the jury comes in and decides
20 the case; and it more or less is a kind of situation where
21 you have an approach to objectivity.

22 But in this case, where you get an officer
23 saying to a witness: Tell me what I want to hear because
24 this is the crime of the century, and you know who we want
25 to get, you know the man we want to get; that is the context
26 that this trial has been conducted in.

1 And so, we have to look with great suspicion
2 at some of these things, some of the most glaring kinds
3 of things that have taken place in this case, because of
4 the fact that there is the tendency, the human tendency
5 on the part of the officers to want to get a certain
6 result, and the tendency, then, to fudge a little bit,
7 perhaps.

8 Now, again, it is for the jury to decide
9 whether what I am saying has any merit or not. Those of us
10 on the jury are the ones to determine whether or not what
11 we are saying here is of any significance.

12 The fact of the matter is that there is fantastic
13 pressures to get a guilty verdict at any price in this case.

14 When we look at the testimony of Mr. Garretson--
15 this is way back at the beginning of this trial -- when we
16 look at what he said in connection with the condition of the
17 sound, where he was located --

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

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

22 The court is recessed until 1:45.

23 (Whereupon at 11:59 o'clock a.m. the court
24 was in recess.)

13 fls.24

LOS ANGELES, CALIFORNIA, TUESDAY, JANUARY 5, 1970

1:49 P.M.

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(The following proceedings occur in open court.

All jurors present. All counsel except Mr. Hughes present.

Defendants absent:)

THE COURT: All counsel and jurors are present.

You may continue, Mr. Kanarek.

MR. KANAREK: Good afternoon, ladies and gentlemen.

In considering the case, of course we have to consider the motives of people who are witnesses and we have to consider the fact, for instance, of the intensity of the investigation of this case.

Now, we have a right to believe -- if I may advert for a moment to this diagram, which I think is People's Exhibit --

MR. FITZGERALD: 98.

MR. KANAREK: -- People's 98. Thank you, Mr. Fitzgerald.

This area -- I think we are all pretty familiar with Southern California and this kind of an area wherein a house like the Tate residence is located -- there isn't the density of homes that there would be as we have spoken of in other parts of Southern California.

We have a right to believe that because of the intensity of this investigation, that the entire area, all

1 of the homes from 10050 Cielo Drive, all of the homes in
2 this general area were homes that were visited by police
3 officers, by investigators,

4 It is unreasonable to assume otherwise in view
5 of what we know about this case.

6 Now, in the light of this exhibit, I think it is
7 interesting to consider the testimony of Mr. King Baggott,
8 who is the gentleman who found -- I have over there on the
9 table the clothes that were purportedly found.

10 Now, Mr. Baggott was a gentleman who works for
11 KABC TV, and his actual testimony, I think, is very
12 significant. It is a circumstance in this case.

13 1 Because we have immediately after these
2 events occurred, we have every reason to believe, in fact
3 the evidence shows it, that there was this intense investi-
4 gation looking for the weapons.

5 And to the area around Cielo, 10050 Cielo Drive,
6 is an area that was very intensely scrutinized, and
7 Mr. Baggott testified that his occupation, on Page 9,016,
8 Volume 70, that his occupation is that of a newsreel
9 cameraman:

10 "Q And directing your attention to
11 December 15th, 1969, what was your business
12 or occupation on that date?"

13 Remember that the Grand Jury indictment came out
14 on December the 8th, so this is a week later.

15 "A I was a newsreel cameraman for ABC.

16 "Q How long have you been a newsreel
17 cameraman as of December 15th, 1969?

18 "A Approximately five years.

19 "Q Directing your attention to the
20 afternoon of that date, did you have a
21 particular assignment?

22 "A Yes, we did.

23 "Q And when you speak of we, who else
24 are you talking about, sir?

25 "A I was in the company of a reporter
26 Al Wiman, and sound man Eddie Baker.

1 "Q How do you spell Wiman?

2 "A W-i-m-a-n.

3 "Q Did you have occasion to go to
4 the vicinity of an address at 10050 Cielo
5 Drive in the City and County of Los Angeles?

6 "A Yes, we did.

7 "Q Approximately what time of the day
8 or night was it that you went there, sir?

9 "A Approximately about 3:00 o'clock.

10 "Q P.M., is that right?

11 "A Pardon me?

12 "Q P.M.?

13 "A P.M.

14 "Q Do you recall who, if anyone, was
15 driving?

16 "A I was.

17 "Q And did you then proceed in any
18 direction from that address at 10050 Cielo
19 Drive?

20 "A We proceeded down the hill and made
21 a right turn, which would be south."

22 In other words, what he is saying is that they
23 came down the hill from Cielo Drive and turned south.

24 We don't see it on this map, but anyway you
25 turn south to go towards Sunset.

26 "Q That gets you to Sunset Boulevard,

1 "is that correct?

2 "A That's correct,

3 "Q What happened after that, sir?

4 "A We turned around and went back to
5 the house again,

6 "Q Then you actually went right up to
7 the gate of 10050 Cielo Drive again?

8 "A We did, sir.

9 "Q Then did you come down the hill?

10 "A We did, sir.

11 "Q Then did you turn left before going
12 north?

13 "A We did, sir.

14 "Q Did you proceed at any rapid speed,
15 or do you recall the speed you proceeded at?

16 "A Approximately 35 miles an hour.

17 "Q And I take it it was still daylight
18 at that time?

19 "A Yes, it was.

20 "Q Bearing in mind December 15th,
21 daylight ends at about 5:00 o'clock.

22 "A Right, correct.

23 "Q Did you come to a certain location
24 on a road wherein your car stopped?

25 "A We did.

26 "Q What was that address, if you know?

1 "A Approximately, I believe, it was
2 2901; I am not quite certain.

3 "Q Directing your attention to this
4 map here, Exhibit No. 98, can you see it from
5 where you are sitting on the witness stand?

6 "A No, I cannot.

7 "Q All right, can you see the place I
8 am pointing at as 10050 Cielo Drive from where
9 you are sitting?

10 "A Yes, I can.

11 "Q Now, tracing my finger north on
12 Benedict Canyon all the way to a loop and down
13 to a square that is marked 2901 residence, is
14 that the area that you stopped?

15 "A Yes, sir.

16 "Q Now, is there any particular service
17 station there or any particular break in the road
18 there or --

19 "A That is approximately the first
20 break in the road where you are allowed to get
21 off Benedict Canyon onto a shoulder off the road.

22 "Q And this shoulder, was it asphalt,
23 dirt or what?

24 "A It was dirt.

25 "Q At that place did your car come to an
26 absolute halt?

1 "A. Yes, sir."

2 Now, what we have here, we have a man testifying
3 that he left the Cielo address and he stopped at the first
4 place that he could stop where there was a shoulder on the
5 road.

6 Now again, that is for us to decide when we are
7 on the jury in this case, what we have to decide is, is
8 there any reason whatsoever, is there any reason whatsoever,
9 why a police investigation -- remember, this is four months
10 later; remember, the intensity with which this case is
11 being investigated, not finding that clothing, if that
12 clothing was there, is equivalent in a police investigation
13 of this type of not arresting a suspect when you see him
14 committing robbery.

15 It is that kind of a situation because the area
16 is just permeated -- it is permeated with police officers.

17 What were they doing? We have every reason to
18 believe, certainly, that they were doing their job. The
19 prosecution certainly wouldn't want us to believe that -- and
20 a TV man sends out, that is, the news editor, supposedly
21 of a TV station, sends out his man and this is what they
22 come up with.

23 Well, again, this is something -- this is
24 something to consider. Is it something that is just a
25 mistake? Is it something that is just a mistake, or is it
26 a planned mistake?

1 I mean, we cannot suggest anything except what
2 the evidence says here, but the evidence is more significant
3 -- pardon me -- the significance of the evidence is more
4 than just that which is typewritten upon this transcript.

5 The significance, or the circumstances surround-
6 ing all of this, can we believe -- can we believe that that
7 bundle of clothing that we see there on the counsel table,
8 that that was not found at the very first shoulder, the
9 very first place that a car could come to a stop and do
10 something, if one were leaving 10050 Cielo Drive?

11 Is this evidence somehow, evidence that is
12 being supplied us in order to create a result, a tendency
13 to want to bring to us a certain situation so that we will
14 do the prosecution's bidding?

15 Now, we all know, I mean it is common knowledge,
16 certainly we are all agreed that newsmen, TV men, people of
17 the mass media have very close rapport, very good relation-
18 ships.

19 They promote good relationships with the police
20 department, for instance, with the Los Angeles Police
21 Department.

22 Whatever that circumstance is, this is the fact
23 of life that I am sure we agree is in fact, a fact of life.

24 Does that situation smell? That is for those of
25 us on the jury to determine.
26

14-1

1 It is something that defies the imagination.
2 It is something that -- it is clothing that is not found
3 miles away, it is clothing that is found at the first, the
4 very first place that you can stop a car conveniently, I
5 suppose, and not block the road when you leave Cielo Drive.

6 MR. BUGLIOSI: There is no evidence of that, your
7 Honor. He is arguing outside the evidence. There is
8 absolutely no evidence of that at all.

9 MR. KANAREK: Your Honor, there is, I believe.
10 It is very legitimate inference.

11 I have the language here: "That is approximately
12 the first break" --

13 THE COURT: An inference is one thing, Mr. Kanarek,
14 a statement of fact is another.

15 Are you contending that there is evidence in
16 the record of that?

17 MR. KANAREK: I believe this is a fair inference from
18 the record, your Honor.

19 THE COURT: You are not stating that the evidence so
20 indicates; is that right?

21 MR. KANAREK: What is your Honor's question?

22 THE COURT: I say, you are not contending that the
23 evidence so indicates?

24 MR. KANAREK: Yes, I am contending that the evidence
25 so indicates.

26 THE COURT: Where in the record?

14-2

1 MR. KANAREK: Right from this language, your Honor.

2 In other words, the written words says; "That
3 is approximately the first break in the road."

4 Page 9019, Volume 70, your Honor.

5 THE COURT: All right.

6 MR. KANAREK: "That is approximately the first break
7 in the road where you are allowed to get off Benedict Canyon
8 onto a shoulder off the road."

9 MR. BUGLIOSI: That is on Benedict Canyon.

10 He said the first place from the Tate residence,
11 and there is no evidence to that effect.

12 MR. KANAREK: Well --

13 THE COURT: I don't have to hear argument.

14 Confine your argument to the evidence. The
15 jury heard the testimony.

16 MR. KANAREK: Yes.

17 Ladies and gentlemen, we have a map here. I
18 don't know how to do this. Obviously that is north. The
19 map is there for you to consider.

20 This evidence certainly isn't, whatever is
21 set forth here is what I am reading to you, and if you
22 feel that what I am telling you is not so or there is a
23 different inference, we are only suggesting here, we are
24 not exhorting and we are not demanding, we are only suggesting,
25 and if there is some kind of inference that someone, someone
26 of us that are on the jury can make, certainly, that is fair

14-3

1 to discuss that inference.

2 But there is nothing in this record, nothing in
3 this record, to show any difference, and we have every reason
4 to believe that the prosecution, that the prosecution, in
5 connection with this evidence, if there was some other kind
6 of inference that could be made from the geography, we
7 would have that evidence here before us, because this is the
8 most incredible of circumstances that this big bundle of
9 clothes that close to Sharon Tate's home is clothing that
10 wasn't found for some months later, and it is found by a
11 TV crew.

12 And significantly, only one of the TV crew is
13 brought here to testify.

14a fls.

14a-1

1 "And this shoulder, was it asphalt,
2 dirt or what?

3 "It was dirt.

4 "At that place did your car come to
5 an absolute halt?

6 "Yes, sir.

7 "Did you exit the car?

8 "Yes, sir."

9 Now, the man is saying that he exited the car,
10 and certainly the legitimate inference from that testimony
11 is that he existed the car looking for these clothes.

12 He is down there, he is there on a TV mission.
13 He stops the car at this particular place, and lo and behold,
14 he finds what he is looking for.

15 Now, that is pretty good news. That is almost--
16 it is almost unbelievable.

17 "At that place did your car come to
18 an absolute halt?

19 "Yes, sir.

20 "Did you exit the car?

21 "Yes, sir.

22 "What happened next?

23 "I looked over the road and we saw
24 some clothing."

25 So, we have a TV man stopping at the first
26 place that he can. He is looking for something, and he

14a-2 1 finds it, in connection with the crime of the century."

2 It is for us to decide when we are on this
3 jury as to whether this has any significance or not.

4 "I looked over the road and we saw
5 some clothing.

6 "Did you see it yourself?

7 "Yes, sir.

8 "What type of clothing did you see
9 at that time?

10 "All we could see was a little patch
11 of black, black clothing.

12 "You keep using the 'we'; is this an
13 editorial 'we'?

14 "Yes, it is -- I.

15 "Did you see the black pile?

16 "I saw the black pile.

17 "Could you tell us how far down the
18 hill you noticed this?

19 "Approximately 50 feet.

20 "And what is the angle of the hill at
21 that location?

22 "Again, approximately, 30 or 35 degrees.

23 "Did you then go down to that location
24 where you saw what appeared to be clothing?

25 "Yes, I did.

26 "How soon after seeing it?

14a-3

"Immediately."

Now, if we have in mind that these events were supposed to have taken place in the County of Los Angeles, in West Los Angeles, on or about August the 8th or 9th, 1969, the summer months, there is nothing in this record for us to indicate that that wasn't anything but an ordinary nice clear summer night.

The man who testified concerning hearing the noise, the man a mile away who heard the "Help," and so forth, the noise that he heard, that man said that it was this night. The prosecution's own witness says that.

So, clearly, this was a beautiful clear Southern California night, and there is nothing in here to indicate any rain or anything like that in subsequent days.

This clothing, we can fairly infer, was not there that night.

We must fairly infer that from the search that went on. Where would the police officers stop?

If the first place they could have stopped was the shoulder of this road, then the police officers would have had to have stopped there, in the same way that this gentleman is testifying as to what he did.

14b fls.

14b-1

1 And it is significant here, he went down to
2 Sunset Boulevard and then he came back, and then he went
3 the other way.

4 Did he get some kind of a tip that that
5 clothing was there? Did somebody let him know that some-
6 thing to do maybe with this case was there?

7 Well, we can't represent that that is so.
8 But it is part and parcel of the uncertainty, it is part
9 and parcel of one of the considerations that we must give
10 in connection with this clothing.

11 Furthermore, and this again we want to emphasize
12 again, this is only done by way of illustration, and it is
13 done to show the prosecution's perspective in this case,
14 and we don't represent Patricia Krenwinkel or Susan Atkins
15 or Leslie Van Houten, but why didn't the prosecution ask
16 somebody to put on that clothing and see if it fit?

17 They have asked for handwriting exemplars.
18 Why didn't somebody bring that up, see if that clothing
19 fits anybody?

20 Mr. Watson was in this courtroom. Why didn't
21 somebody ask him to try on the clothing and see if it fit?

22 Does that smell or doesn't it?

23 It is up to us to decide as to whether or not
24 somebody is trying to pull some clothing over our eyes,
25 so to speak, because it is unbelievable that this clothing
26 which has been made so much of in this courtroom, that there

14b-2

1 wouldn't be some attempt, or something or other, to see
2 if it has got anything to do with these defendants.

3 Or was this a publicity stunt? Because I am
4 sure that the advertisers of KABC TV got the benefit of
5 this find on that evening in December of 1969.

6 "Did you then go down to that location
7 where you saw what appeared to be clothing?

8 "Yes, I did.

9 "How soon after seeing it?

10 "Immediately.

11 "Then when you got back, what, if
12 anything, did you notice?

13 "I noticed that it was several clothes,
14 instead of just the one black cloth we could see
15 from up above.

16 "Do you recall now how many different
17 items of clothing you noticed at that particular
18 time?

19 "Approximately, again, three pairs of
20 pants, three shirts and a sweatshirt."

21 And then there were photographs shown by Mr.
22 Stovitz to the witness.

23 "I show you 191-A and ask you, do you
24 know what is depicted in that photograph?

25 "Yes, I do.

26 "What is that, sir?

14b-3

1 "A pair of Levis.

2 "And is that the pair of Levis that
3 you saw in the exact condition that you saw it
4 on December 15th, 1969?

5 "Yes, it is."

6 If we look at these pictures, ladies and
7 gentlemen, these pictures show that this clothing was in
8 plain view.

9 Now, these are not gruesome pictures. These
10 are just the pictures of the clothing.

11 The clothing is in plain view. Does that tax
12 our powers to believe?

13 This is the clothing, 191-B.

14 Here is 191-C, in plain view.

15 191-D, in plain view.

16 191-E, in plain view.

17 191-A, in plain view.

14c fls.

14c-1

1 And Mr. Stovitz went through and interrogated as
2 to whether this clothing is the clothing as it was viewed
3 at that time.

4 For instance:

5 "I show you Exhibit 191-D and ask you
6 what is depicted in that photograph, sir?

7 "That is an overall photograph of the
8 entire area with the clothes there.

9 "And does that show the clothing exactly
10 the way you first spotted them on December 15th,
11 1969?

12 "Yes.

13 "I show you 191-E, sir, and ask you what
14 is depicted in that photograph?

15 "Another pair of pants.

16 "And are those pants exactly the way they
17 were when you first observed them on December 15th,
18 1969?

19 "Yes, they are."

20 And so on and so on.

21 Now, the next question, Page 9022.

22 "Now, after first noticing this clothing,
23 were any calls put out to the Police Department?

24 "Yes, there was.

25 "Q And did any police officers arrive
26 at the scene?

1 "Yes, they did.

2 "About what time was it with relation
3 to daylight or the hour, if you know?

4 "It was right at twilights, I imagine
5 right around 5:00 o'clock, maybe a little bit
6 before.

7 "Do you recall the names of any of the
8 officers that arrived?

9 "Mike was one. I knew him by his first
10 name.

11 "Is this Mike, here, the gentleman in the
12 gray suit?

13 "Yes, it is.

14 "MR. STOVITZ: May the record indicate he
15 is pointing to Mr. McGann, your Honor."

16 Mr. McGann is one of the police officers, an
17 investigating officer in this case.

18 "THE COURT: The record will so indicate.

19 "Q And without telling us what was
20 said, did you have a conversation with Mr. McGann?

21 "Myself, I did not enter into the conversation.
22 It was told that the clothes --

23 "Don't tell us what the conversation was,
24 but there was a conversation between one of your
25 associates and Mr. McGann, is that it?

26 "True, yes.

1 "Was some artificial lighting arranged
2 at that time?

3 "Yes, there was.

4 "Who arranged for the artificial lighting?

5 "Myself.

6 "And what did that artificial lighting
7 consist of?

8 "Running an AM cord from across the street
9 connected with lights.

10 "I also carry a 30-volt power pack which
11 had a light on it.

12 "Did you have a film camera with you at that
13 time?

14 "Yes, I did.

15 "Did you film this event at that time?

16 "Yes, I did.

17 "Now, then, did you do anything after
18 Mr. McGann arrived at that location?

19 "Nothing except film the incident.

20 "Film the incident?

21 "Yes.

22 "Did you go down with Mr. McGann to 50 feet
23 below the top of the mountain top?

24 "Yes, I did.

25 "Did you point out to Mr. McGann what
26 you observed?

"Yes, sir, I did.

14d-1

"And did you point out to Mr. McGann the location of the clothes as depicted in these photographs, 191-A through 191-E?

"Yes, I did.

"Now, did you notice what, if anything, Mr. McGann did with the clothing?

"He placed them in what I believe were plastic bags.

"And as he did that did you observe this?

"Yes, I did.

"Were you observing it through the lens of your camera or were you actually observing it with your own eyes?

"Through the lens of the camera.

"And did you yourself mark this clothing so you could identify them specifically by any marking?

"No way at all.

"Did you observe whether or not any police officers in your presence marked the clothing?

"Not to my knowledge.

"As you sit there now I will show you Exhibit 50, which appears to be a velour type of man's shirt."

"We don't have to take out this clothing, but in the jury room you will be able to take this clothing

14d-2

1 out and look at it.

2 This is one of the items that he is referring
3 to.

4 "A velour type of man's shirt, possibly
5 a woman's shirt, but it is a velour shirt, in any
6 event, with long sleeves.

7 "Does this look like one of the items
8 of clothing, Exhibit 50, that you first observed
9 there on December 15th?

10 "Yes.

11 "I show you Exhibit 52 for identification.
12 It appears to be a black T-shirt.

13 "Does this appear to be one of the items
14 of clothing that you observed at that location on
15 December 15, 1969?

16 "Yes.

17 "I show you Exhibit 51. It appears to
18 be a pair of blue denims, label 'Genuine Roebucks'.

19 "Does this appear to be one of the pairs
20 of trousers you observed there on December 15, 1969?

21 "Yes."

22 And so on and so on through the various items.

23 Now, "Could you give us the circumference"--
24 he goes on and just identifies each item.

25 Then, at the bottom of page 9027:

26 "Q Could you give us the circumference

1 "of the area of the clothing of the diameter,
2 if there was a circle drawn from all of the
3 clothing where you first spotted the clothing?

4 "I believe it would be in about a
5 radius of six feet."

6 A radius of six feet, meaning a 12-foot spread,
7 a diameter of 12 feet, in the first place that an automobile
15 fls. 8 could come to a place to stop in the road.

5-1
1 "A. I believe it would be in about
2 a radius of six feet.

3 "Q. A radius?

4 "A. 12-foot diameter.

5 "Q. So it would be a 12-foot diameter?

6 "A. Yes.

7 "Q. Do you recall whether any particular
8 items of clothing were connected to each other
9 in any fashion or were they all loose?

10 "A. They were all loose.

11 "Q. Did you recall whether or not when
12 you first observed the clothing whether there
13 appeared to be any growth, vegetation, upon the
14 clothing?

15 "A. Yes.

16 "Q. What did you notice about that?

17 "A. It appeared that growth and dirt
18 had covered some of the clothing. -- partial
19 of the clothing."

20 Now, there is an example of the prosecution
21 testifying.

22 In other words, the prosecution is suggesting the
23 answer to the question.

24 Once again:

25 "Q. Did you recall whether or not when
26 you first observed the clothing whether there

1 "appeared to be any growth, vegetation, upon
2 the clothing?"

3 Well, now, when you go through these pictures,
4 and look at these pictures, the clothing is upon the
5 vegetation. There is no vegetation upon the clothing in
6 these pictures.

7 It is an example of the prosecution testifying
8 in this case.

9 This clothing looks like it was strewn there,
10 and there is -- compare that with the testimony.

11 The testimony, of course, we wouldn't have that in
12 the jury room, but Judge Older will be more than glad to
13 allow any re-reading of the testimony.

14 But there it is in black and white. The
15 prosecution is trying to convey, trying to get across, a
16 viewpoint by a leading and suggestive question which is a
17 technique which has been used in this trial, time after
18 time after time, and so the question is, when you integrate,
19 when you integrate that testimony with what we have here,
20 do we have before us anything that is credible?

21 This is what we have to decide:

22 "Q What did you notice about that?"

23 Referring to the previous question about the
24 vegetation upon the clothing:

25 "Q What did you notice about that?"

26 "A It appeared that growth and dirt

1 "had covered some of the clothing, partial of
2 the clothing.

3 "Q And the, what you call, the ordinary
4 dirt from the soil, that is, soil dirt, was
5 there any soil dirt upon any of the clothing
6 when you first observed it?

7 "A Yes.

8 "Q What did you notice about that?

9 "A It appeared it had slidden from
10 the top of the road downward.

11 "Q How could you tell that?

12 "A It appeared that the clothes had
13 been there and that the dirt had slidden over
14 a partial of them, not all of them, but just
15 partially like it had fallen from the top.

16 "Q Oh, not the clothes slid, but the
17 dirt slid.

18 "A The dirt slid."

19 There is another leading and suggestive question
20 where the prosecution is testifying:

21 "Q Mr. Baggott, would you kindly step
22 down and step to the diagram map there showing
23 Ventura Boulevard on the top?

24 "(Witness approaches the diagram.)

25 "Q BY MR. STOVITZ: That would be
26 Exhibit 98 for identification. Show us upon
which side of the road, that is, the Benedict

1 "Canyon Road, the clothing was found, if you
2 can, the approximate scale is one inch to 480
3 feet.

4 "Try to keep your distance approximate.

5 "You have indicated with an X there on
6 Exhibit 98 as to where the clothes were found,
7 is that right?

8 "A. Yes.

9 "MR. STOVITZ: May I, with the Court's
10 permission, write in 'clothes found'?

11 "THE COURT: Yes, you may.

12 "QBY MR. STOVITZ: Now, you stated that
13 you did some filming that day, is that correct,
14 that location?

15 "A. Yes.

16 "Q Did you film anything before the
17 police arrived?

18 "A. Yes.

19 "Q Did you film anything after the
20 police arrived?

21 "A. Yes.

22 "Q All right, after taking these films
23 did you notice whether or not the films came out?

24 "A. Yes.

25 "Q You viewed the finished product, is
26 that right?

"A. Yes.

"Q. Are these films available somewhere in the studio where you still work?

"A. Yes, they are."

For what it may be worth, for what it may be worth, it certainly would appear, it certainly would appear that these circumstances in connection with the clothing are circumstances that might make us want to sit up and take notice as to whether or not, as to whether or not there is anything that we can reason from the circumstances, all of this, in the context of these proceedings and in the context of what has occurred in this trial.

Now we come to an unpleasant aspect of this, which involves the Coroner's pictures.

Whether it is good trial strategy or not, I don't believe that there is any necessity -- we are going to have to look at these pictures in the jury room, and we have to, in connection with these pictures, I will --

This is a picture of Mr. Frykowski. Now, it is not a very pleasant picture. It is not a very pleasant picture, but we must -- we just must discuss these matters.

15a-1

1 I am now referring -- I am now referring to
2 People's 168.

3 If we look at the wounds -- now, this is not a
4 bloody picture. This is not a picture -- this is more of
5 a scientific picture than the colored photographs.

6 If we look at these wounds, we suggest that
7 these wounds exemplify the personal vendetta of somebody,
8 whoever it was.

9 The prosecution concedes that Mr. Manson was
10 not present at the Tate residence. What we have to evaluate,
11 when we get away from the legalese, the long words, we have
12 to evaluate the intent and the motivation of whoever did this.

13 We know it was not Mr. Manson. That is agreed
14 to. That is part of this trial.

15 So we suggest there are a couple of implications
16 from this picture of Mr. Frykowski, People's 168.

17 Not only does it show the personal vendetta,
18 but if we integrate Coroner Noguchi, and the same thing
19 with Dr. Katsuyama, as to his testimony in connection with
20 the victims that are part of this case, we have no alterna-
21 tive -- we have no alternative but to agree that Linda
22 Kasabian, who is living on a farm in New Hampshire, who is
23 selling her memoirs, could have saved this man.

24 Take her testimony -- take her testimony,
25 accept it for the sake of discussion.

26 She could have saved this man from dying because

15a-2

1 these wounds, these wounds that are part -- that are
2 indicated in this picture, if you take these wounds, as
3 we say, with Coroner Noguchi, his testimony, there has to
4 be the only inference that we can make, if anything, Linda
5 Kasabian, if she is to be believed one-half of one percent,
6 that she could have saved this man.

7 She could have saved this man from dying. He
8 was mobile, according to her.

9 But she let her lover -- she let the man she
10 gave \$5,000 to -- do this to Mr. Frykowski, and she has
11 seven counts of murder as immunity, and she has immunity on
12 this conspiracy charge.

13 And the significant thing about it, again
14 looking at the scientific evidence, 69-8793; 69-8793 means,
15 even though this is just a hand, that that is the hand of
16 Mr. Frykowski.

17 And these wounds are what? Are what?
18 Coroner Noguchi calls them defense wounds.

19 It means -- it means that this man in fighting
20 for his life was in sort of a reflex action putting up his
21 hands to fight the knife or knives or whatever sharp
22 that was that was coming at him, and Linda Kasabian, Linda
23 Kasabian could have saved him.

24 Clearly these defense wounds from our scientific
25 testimony here indicate that the man was trying to ward off
26 whatever was coming to him.

15a-3

1 We have -- the intensity of these wounds,
2 also, 69-8793, which shows the top of the head of Mr.
3 Frykowski with whatever he was hit with, whatever he was
4 hit with, if we take any kind -- any kind of look at
5 Linda Kasabian's testimony, from her viewpoint, from the
6 prosecution viewpoint, it has to be, it has to be that
7 Linda Kasabian allowed -- allowed this to take place, if
8 we accept her viewpoint.

9 There is one here wherein the statements, it
10 was put on a sheet, "appears to be deflected during the
11 process of dying."

12 Meaning that based on the pathology knowledge
13 that the Coroner's office has, by their analysis of this
14 particular wound, they can come to this kind of suggestion
15 to us.

16 The testimony was that the person was wounded
17 while the person was passing away.

18 Excuse me just a moment.

19 (Consultation between Mr. Kanarek and Mr.
20 Shinn.)

21 Now, we have -- we have -- in connection --
22 and this is a matter that is significant, that is
23 significant, and something that we must meet and wrestle
24 with in deciding this case.

25 We have to, in discussing this case, as we
26 diagrammed earlier during this discussion that we are having,

15a-4

1 there are seven defendants, seven separate defendants here,
2 and we must -- we must come to a conclusion as to each
3 of these defendants --

4 Pardon me, seven victims, seven victims in
5 this case. We must come to a conclusion as to what happened
6 as to each of those victims.

15b fls.

15b

1 Now, in connection with deciding what happened --
2 what went on inside of that house, we are not -- we are not
3 limited in our analysis by what the prosecution has put on
4 the witness stand.

5 We are not limited by any manner or means as
6 to what happened to Sharon Tate, for instance.

7 The prosecution -- the prosecution as far as
8 this case is concerned, for reasons of merely getting a
9 conviction, have not given to us anything inside of that
10 house.

11 They have given us pictures, and they have given
12 us -- they have shown us items of furniture, but they
13 haven't -- they have not shown us in fact what happened
14 to Sharon Tate, in fact what happened to Jay Sebring.

15 They have alleged that those people, those people
16 were people who passed away because of criminal agency
17 and we see the -- we see the actual pictures of what was
18 visible when someone came there on the morning of August the
19 9th, 1969.

20 But do we know? Do we know what happened inside
21 of that house?

22 We are deprived of knowing what happened inside
23 of that house because the prosecution wants to make sure
24 that Mr. Manson is convicted, that is the reason we are
25 deprived.

26 That is the reason -- that is the reason that Linda
Kasabian is testifying in this case that she saw God.

1 At that instant she realized that Mr. Manson was not God.

2 That preposterous testimony! And so by that
3 technique Linda Kasabian is sanctified; Linda Kasabian is
4 made to be a part -- the purpose is so that we will not --
5 we will not think of Linda Kasabian as part and parcel,
6 even though Judge Older is going to tell us that Linda
7 Kasabian is an accomplice as a matter of law, she is supposed
8 to get a certain sanctification by virtue of becoming a
9 witness in this case on behalf of the prosecution's view-
10 point.

11 This is one of the factors that we have to
12 consider, this is one of the factors that we have to
13 consider in deciding this case.

14 One of the factors that we must consider is the
15 motivation, and the Court will instruct us that the
16 motivation -- the motivation of a witness is very, very
17 important.

18 Now, has the prosecution told us in connection
19 with these pictures, so that we can evaluate and determine
20 what occurred inside of that house -- we suggest that one
21 of the things we should consider is whether or not there
22 has been candor, whether or not there has been candor on
23 the part of the prosecution's witness, not only Linda
24 Kasabian but other witnesses, because if we are denied the
25 candor of a witness, we are denied the raw material upon
26 which we can come to a just verdict.

Now, the picture that we have here --

1 We certainly agree that we don't know -- we don't know
2 what occurred inside that house, but something -- and this
3 picture of Mr. Sebring, it's a picture that shows -- it
4 looks something like a fight.

5 Now, I don't know. His face, that is about the
6 eyes, there appears to be -- there appears to be -- there
7 has been a pummeling of some sort.

8 If you look at just -- if you look at just his
9 head, forgetting the lower portion of this picture which
10 is marked People's 162, it appears that Mr. Sebring was
11 engaged in some kind of fisticuffs.

12 Maybe this is untrue. Maybe some of us will
13 have a different viewpoint. But it certainly, from the top
14 up, it would appear that there has been a blow which cer-
15 tainly could be the blow of a fist or whatever.

16 Now, we don't know.

17 Certainly, what I am saying now is not -- maybe
18 it isn't even an inference from the evidence, but the
19 point of the matter is, we know, we know that there were
20 many, many factors involved as far as the people who came
21 to that Tate residence were concerned.

22 We know that there was a substantial amount of
23 narcotics found on those premises.

24 We don't know -- we don't know -- would we con-
25 sider a fact that Linda Kasabian suddenly in a certain
26

one-month period, in a certain one-month period she doesn't take anything by way of LSD or hallucinogenic material?

We can reject that. We can reject that. We do not have to accept any kind of a verbal statement when we have circumstantial evidence that is much more powerful.

If someone partakes of alcohol, if someone partakes of drugs, the chances are that in any particular period of time they are going to be partaking of alcohol and they are going to be partaking of drugs.

The circumstantial evidence concerning Linda Kasabian would indicate, would indicate that her very life, just like Danny De Carlo stated that he loved guns, Linda Kasabian loved narcotics.

These were her -- she lived, evidently, to smoke marijuana.

She said she only took LSD 50 times.

She ran the whole gambit as far as these chemicals, these drugs, or whatever we want to call them, are concerned.

What reason do we have to believe that on these particular nights, these particular days, wherever Linda Kasabian was, that she did not have marijuana; that she hadn't smoked marijuana; that she was not under the influence of marijuana; that she was not under the influence of LSD; that she was not under the influence of something?

15c-1

1 There is nothing here. She cleanses herself
2 for a period of time that has to do with these proceedings.

3 That attempt to cleanse herself during this
4 period of time is something that we have to consider.
5 Maybe we will decide -- maybe we will decide she was
6 clean during this month, somehow or other she took a bag,
7 she said, a package of LSD, she went to the ranch and
8 during that whole period of time she only took LSD once!

9 Now, the question is, can we use Linda Kasa-
10 bian's testimony the way we can use Dr. Noguchi's and Dr.
11 Katsuyama's? They are both witnesses here. They are both
12 here to present testimony, evidence that we must digest
13 and assimilate, and use in order to decide the case.

14 So whatever, I don't know, I don't know, and
15 again these are hard facts that we are dealing with and we
16 know -- we know that there were more narcotics, an
17 extensive amount of narcotics, hash, cocaine.

18 We know that Mr. Frykowski and Miss Folger,
19 they consumed some of these materials.

20 The question is what actually happens inside
21 of this home, no matter who was there. Certainly we have
22 every reason to believe that narcotics and dangerous drugs,
23 or whatever, played some part in these proceedings.

24 Certainly say -- they certainly must be
25 considered in considering the over-all circumstances here.

26 And Linda Kasabian is supposedly a percipient

15c-2

1 witness. She sees what is going on.

2 Well, the question is, can we rely upon her
3 credibility? Can we use her credibility to determine
4 anything in this case? This is what we have to decide.

5 Now, for instance, as to Mr. Sebring, Linda
6 Kasabian, I believe this is correct, I went through that
7 transcript, because if I am incorrect I will have three
8 lawyers and seven clerks and the District Attorney's office
9 who will tell us and certainly if there is anything I am
10 telling you that is a half inch away from what is in that
11 transcript, we will hear it in the final discussion; that
12 is for sure.

13 There was no statement, no statement concerning
14 Mr. Sebring's or anyone equivalent to Mr. Sebring in Linda
15 Kasabian's testimony.

16 Linda Kasabian, she did not mention one whit
17 about anyone who would appear to be Mr. Sebring, although
18 his blood chemistry tells us that it is all his blood on
19 that flagstone walk outside the door of the Tate residence.

20 We are not told one word, not one word concern-
21 ing Sharon Tate.

22 This is something that we have to consider in
23 evaluating this case.

24 There certainly is no question but what Sharon
25 Tate passed away, but in evaluating the passing away of
26 Sharon Tate, we have nothing before us.

15c-3

1 We have the criminal agency. Certainly all
2 agree that there was a criminal agency that caused her to
3 pass away.

4 But there is nothing in this record, nothing
5 in this record that purports even to relate to a person
6 of Sharon Tate's description.

7 What do we do in connection with tragic,
8 tragic as this passing away is, are we to rubberstamp
9 a prosecution approach to this case because of the fact
10 that Miss Tate passed away? It is something that we have
11 to consider because what we are speaking of now, we are
12 speaking concerning Mr. Manson.

13 What did Mr. Manson have to do with the passing
14 away of Sharon Tate? When you boil it all down, what do
15 we have to connect Mr. Manson with Sharon Tate?

16 Nothing. There is nothing.

17 What do we have to connect Mr. Manson with
18 what appears to be -- what appears to be on the face of
19 Mr. Sebring, what appears to be the result of a -- of
20 fisticuffs, of some kind of an argument involving one or
21 more people and Mr. Sebring?

22 If this were not a murder case, if this were
23 not a murder case, if Mr. Sebring had only received the
24 wounds that are visible upon his face and his head, there
25 would be some kind of a -- it's the sort of -- it sort of
26 reacts like a self-defense kind of thing, like Mr. Sebring

15c-4

1 was somehow or other engaged in some kind of altercation
2 with someone.

3 That doesn't mean Mr. Sebring is in the wrong,
4 but it means there are certain facts that occurred that
5 we are not apprised of.

6 In connection with it, you have to look at
7 this picture, and I have tried to go over Dr. Noguchi's
8 testimony and I don't believe -- now, if I am wrong about
9 this, we have a phalanx of lawyers who will clear it up
10 for us, but I don't believe that these -- these -- what
11 we see here on Mr. Sebring's face reflects anything that
12 was fatal or that anyone from the witness stand, Dr.
13 Noguchi -- I don't think that there is anything in the
14 testimony that would indicate that Mr. Sebring's face had
15 any kind of a fatal injury.

15d fls.

15d-1

1 So it's something for us to consider, and then
2 when we consider the wound on Mr. -- we can coordinate this
3 by the numbers, 69-8795, we can coordinate it. We can see
4 there is a wound on Mr. Sebring's hand which appears to be a
5 wound that was placed there by a sharp object.

6 So it is something for us to consider, what
7 actually happened to Mr. Sebring.

8 Now, Volume 117, now, Mr. McGann testified
9 beginning at Page 13,112:

10 "Q Sergeant, you are one of the
11 investigating officers in the Tate case, is
12 that correct?

13 "A Yes, sir.

14 "Q Directing your attention to
15 People's 98 for identification, are you familiar
16 with this area?

17 "A Yes, I am, I cannot see the entire
18 map, however.

19 "MR. BUGLIOSI: Do you want to step off of
20 the witness stand?

21 "Q You have been out to the area, is
22 that correct?

23 "A Yes, I have.

24 "Q You have been to the Tate residence?

25 "A Yes.

26 "Q Have you ever driven from the Tate

1 "residence to the Rudolf Weber residence on
2 Portola Drive in Los Angeles?"

3 Now, in connection with what happened out there
4 on August the 8th or August the 9th, we have here Mr. McGann,
5 who the prosecution's evidence indicates that this man has
6 been connected with this case from the beginning of time,
7 so to speak, from the time this case came into existence:

8 "Q You have been out to the area, is
9 that correct?

10 "A Yes, I have.

11 "Q You have been to the Tate residence?

12 "A Yes.

13 "Q Have you ever driven from the Tate
14 residence to the Rudolf Weber residence on
15 Portola Drive in Los Angeles?

16 "A From the --

17 "Q From the Tate to the Portola Drive
18 residence?

19 "A Yes, I have.

20 "Q When did you drive that distance?

21 "A Yesterday morning."

22 Now, this testimony is on October 7, 1970:

23 "Q Did you determine how far it was from the
24 Tate residence to the Rudolf Weber residence on Portola
25 Drive?

26 "A Yes, I did.

1 "Q How far was it?

2 "A One and eighth-tenths of a mile,
3 1.8 of a mile.

4 "Q Point out now on this map, what
5 places you are referring to.

6 "A The Tate residence at 10050 Cielo
7 Drive, down Cielo Drive to Benedict Canyon Drive,
8 north on Benedict Canyon to Portola Drive, then
9 east on Portola Drive to Mr. Weber's home.

10 "Q 1.8 miles?

11 "A 1.8, yes, 1.8 of a mile.

12 "Q Have you ever been across the street
13 from the address, 2901 Benedict Canyon Drive in
14 Los Angeles?

15 "A Yes, I have.

16 "Q Where the clothing was found?

17 "A Yes.

18 "Q Did you ever drive from Rudolf
19 Weber's residence to the address, 2901 Benedict
20 Canyon Drive?

21 "A Yes, I did."

22 Now, in connection with this, it is most inter-
23 esting, it is most interesting that this clothing, maybe
24 some of us will not agree with me, that this clothing does
25 not have -- it doesn't have any kind of marks indicating
26 knives.

1 Now, somebody is going to say the person wielding
2 the knife, the person wielding a knife, the other person
3 gets it.

4 Look at these pictures. Look at these pictures.

5 Is it possible for clothing to be worn and for
6 knives to be wielded in the fashion that this occurred,
7 without there being some kind of something or other on that
8 clothing to associate a knife or some kind of an effect
9 from this kind of activity?

10 Maybe it is meaningless. Maybe it doesn't mean
11 a thing, or maybe it does.

12 Or maybe that clothing was the clothing; maybe
13 it was not worn or maybe that clothing was.

14 That is what we have to decide. They are trying to
15 tie in -- we have Officer Mc Gann come and testify in
16 connection with this clothing:

17 "Q Did you ever drive from Rudolf
18 Weber's residence/^{to} the address 2901 Benedict
19 Canyon Drive?

20 "A Yes, I did.

21 "Q Yesterday?

22 "A Yes.

23 "Q How far was it?

24 "A It is also 1.8 miles, 1.8 miles.

25 "Q Are you familiar with the Weiss
26 residence on Long View Valley Road where the .22
caliber revolver was found?

1 "A Yes, I am.

2 "Q You have been to that address?

3 "A Yes.

4 "Q Did you drive to that address from
5 2901 Benedict Canyon Drive?

6 "A Yes, I did.

7 "Q How far is it from that address to
8 the Weiss residence?

9 "A 1.8 of a mile, 1.8 of a mile.

10 "Q So it is 1.8 as to each one of
11 these places?

12 "A From the Tate to the Weber, and the
13 Weber to the clothing, and from the clothing to
14 Mr. Weiss' residence.

15 "Actually not to Mr. Weiss' residence.
16 The road back of Mr. Weiss' residence, Beverly
17 Glen.

18 "Q Have you ever searched for knives
19 on Benedict Canyon Drive?"

20 That question was not answered.

21 The next question:

22 "Q Did you search for any knives off
23 Benedict Canyon Drive near where the clothing
24 was?

25 "A Yes, I did.

26 "Q On both sides of where the clothing

1 "was?

2 "A Well, the clothing -- there is a
3 cliff that goes down here from this area on both
4 sides, yes, this entire route here (indicating).

5 "Q How far on each side of where the
6 clothing was found did you search for the knife?

7 "THE WITNESS: Approximately 100 yards in each
8 direction from where the clothing was found at this
9 location (indicating).

10 "Q BY MR. BUGLIOSI: Did you ever search
11 anywhere else from the knife in that vicinity?

12 "A Yes.

13 "Q Where?

14 "A We searched this entire area, here,
15 on Mulholland Drive, which is west of Benedict
16 Canyon, and we also had searched the entire area
17 from Mulholland, following Beverly Glen to Ventura
18 Boulevard.

19 "Q Were you successful in finding any
20 knives?

21 "A No, I was not.

22 "Q Do you recall when you made the search
23 for knives?

24 "A The searches were made on different
25 occasions.

26 "Q When approximately was the first time
that you commenced searching for the knives?

"A. Sometime in November, I believe,
in that location, November or December."

Now, clearly, if the clothing was there, the
clothing was searched I would assume after they found it,
but anything is possible.

So, therefore, they searched for, he says, the
officer tells us, he searched for this clothing prior to the
time that it was found in the exact area where it was
found.

16-1

1 Again, that is something for us to consider.

2 We certainly can assume that this kind of a
3 search wasn't done by Officer McGann by himself. With
4 what happened in connection with this case, there was
5 probably a platoon of officers searching for weapons,
6 searching for clothing, searching for anything.

7 If this happened on August the 9th, 1969, it
8 is reasonable, very reasonable, to assume, and certainly
9 I think that it would be unquestioned by anyone, that this
10 area was gone over with less than a fine tooth comb.

11 So, our conclusion must be -- must be -- it
12 defies our intellect for us to believe that that clothing
13 was there during this intensive searching.

14 This isn't where something happens and the
15 police conduct a search in Topeka, Kansas, or something
16 like that, for specific objects. This is right there at
17 the scene, within a stone's throw, so close that somebody
18 heard shouts, supposedly, from this particular area.

19 Are we to believe that this clothing was
20 there?

21 THE COURT: We will take our recess at this time,
22 Mr. Kanarek.

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

26 The court will recess for 15 minutes.

(Recess.)

16a fls.

16a-11

(The following proceedings occur in chambers.

All counsel present. Defendants absent.)

THE COURT: The record will show all counsel present.

I just wanted to ask Mr. Kanarek how much time you estimate you will require to finish?

MR. KANAREK: I would say a couple of more days, your Honor.

I am trying to cover -- I have eliminated a lot of things. These are just the highlights.

There is six months of trial here, your Honor. I have tried to eliminate many things.

THE COURT: You don't have to explain. I just want to get your estimate.

MR. KANAREK: I would make this motion, and I know it is an unusual motion, your Honor, but I make a motion that the Court order --

THE COURT: Is this in lieu of an answer to my question?

MR. KANAREK: No, no, not really, your Honor. It is sort of an answer, indirectly, in that it is my belief that no defendant in a trial this long can get a fair trial, that the jury cannot remember the evidence.

I make a motion that the Court order a transcript to go to the jury room. That is, a transcript of evidence that was admitted into evidence, or anything

16a-2

1 that is alluded to in argument, and I say that --

2 THE COURT: I suggest that you defer this motion,
3 Mr. Kanarek, until after the arguments.

4 MR. KANAREK: Of course, it takes some time to
5 prepare it.

6 The Attorney General may say it is going to
7 take time to prepare it.

8 It is my position that it is a violation of
9 due process and a fair trial.

10 THE COURT: Some time to prepare the motion?

11 MR. KANAREK: Some time to prepare this kind of
12 a transcript.

13 It would require the Court to order a
14 transcript prepared wherein that which was allowed into
15 evidence, be included, and the colloquy --

16 THE COURT: Deleting all the inadmissible portions;
17 is that what you are saying?

18 MR. KANAREK: Yes.

19 Not to, otherwise, makes a mockery of it.
20 This trial is so long.

21 THE COURT: We don't have to spend too much time
22 arguing it. I am going to deny it.

23 MR. KANAREK: The Fourteenth Amendment and Equal
24 Protection requires it.

25 THE COURT: Two days is estimated for the balance
26 of your argument?

16a-3

1 MR. KANAREK: Yes. That is my estimate.

2 THE COURT: I will hold you pretty strictly to that.
3 I think that will be ample time to make an argument.

4 MR. KANAREK: That is my estimate, your Honor.

5 THE COURT: I would suggest that if you have any
6 question about it -- and this is your own estimate, and
7 this was one of the reasons that I was asking -- if you
8 have any doubt about it --

9 MR. KANAREK: Out of an abundance of precaution,
10 your Honor, I would --

11 THE COURT: Just a moment.

12 I would suggest that you organize it in some
13 way.

14 You can't hope to go through the entire
15 transcript and read it word by word to the jury. You will
16 have to pick and choose for your argument, as you do in
17 any case. This is no exception.

18 Two more days will be six days of argument,
19 and I think that will be enough.

20 MR. KANAREK: Well, your Honor, that estimate is
21 just a guesstimate, g-u-e-s-t-i-m-a-t-e.

22 THE COURT: I am saying that you had better count
23 on that.

24 MR. KANAREK: I can't represent to the Court that
25 that is accurate. It is a guesstimate. I feel obligated
26 to estimate when the Court asks me.

16b fls.

16b-1

1 THE COURT: Don't feel obligated to take up two
2 days if you don't have anything more to say.

3 MR. KANAREK: No, your Honor. That isn't the point.
4 The point is that the Court made no such request of the
5 District Attorney.

6 Really, your Honor, it isn't the time at
7 all.

8 THE COURT: What you are saying is just wasting time
9 right now. This is the problem.

10 I am not going to tell you what to say or
11 how to say it, that is your problem, but six days will
12 be ample.

13 Let's get on with something else.

14 (The following proceedings occur in open
15 court. All jurors present. All attorneys except Mr.
16 Hughes present. Defendants absent.)

17 THE COURT: All counsel and jurors are present.

18 You may continue, Mr. Kanarek.

19 MR. KANAREK: Now, in connection with Mr. Manson's
20 philosophy of life, the prosecution has brought forward
21 a couple of witnesses, some witnesses, and we might as
22 well meet it headon.

23 It is the kind of approach that, I suppose,
24 if you study the history of this country, you might say
25 there has never been a trial, as we think back, as we
26 think back in the history of this country, there never has

16b-2

1 been a trial wherein the things that have been done in
2 this case have occurred.

3 Questions such as: What is Mr. Manson's idea
4 of right and wrong?

5 Questions such as: What is Mr. Manson's
6 idea of death?

7 We have in this case the beginnings of the
8 end of our way of life, of our system of justice, if we
9 allow the prosecution to prevail in this case.

10 When you can ask in a criminal case what
11 Mr. Jakobson was asked by Mr. Bugliosi:

12 "Approximately how many times did you talk
13 with Mr. Manson about his philosophy on life?

14 "Well, innumerable times."

15 Now, this is the kind of question that is
16 asked in a Russian trial before someone is summarily taken
17 off and either executed or sent to Siberia.

18 What relevance, what relevance supposedly --
19 a trial is supposed to have relevant and material matters
20 brought before the trier of fact. In this case, the jury.
21 What possible inference can you make from that?

22 And then Mr. Jakobson answers in response to
23 the next question:

24 "When you say innumerable, will you give an
25 approximate figure?"

26 And the answer is:

16b-3 1

"Maybe 100."

2

The answer is "Maybe 100."

3

4

"And where did these conversations take place?"

5

6

7

"Oh, at -- out at the ranch, at my house, at Dennis's house, in vehicles while we were driving to and from places."

8

Why does the prosecution ask that question?

9

10

11

12

13

Assuming that we have a trial where we base a result based upon relevant material information, what has Mr. Manson's philosophy of life got to do with whether or not on these two days Mr. Manson conspired with people and is connected with causing people to die?

14

15

"When you say the ranch, you mean Spahn Ranch?"

16

17

18

"Yes, I do."

"And when you say your house, where is that located?"

19

20

"That is my old house in Beverly Glen where Dennis and I lived for a year."

21

22

23

"When you met Mr. Manson at Dennis Wilson's home, was that at the Beverly Glen address?"

24

25

"No. That was at Dennis's house down on Sunset."

16c fls 26

16c-1

1 Then further on, page 14,079.

2 "Were many of these conversations just
3 between you and Mr. Manson or were there any
4 instances when any other people were present?"

5 Now, then, we come to what has been the
6 repeated declaration in this case by the Court when other
7 counsel objected to what was being stated by Mr. Jakobson.

8 The prosecutor says:

9 "No objection. It is offered as to
10 Manson only.

11 "THE COURT: Very well, the jury is instructed
12 that the testimony of this witness pertains only to
13 Mr. Manson and is not to be considered for any
14 purpose as to any of the other defendants."

15 Now, if you take out of the transcript and
16 out of this court everything that has been limited to
17 Mr. Manson, this trial, instead of taking some six months
18 as it has taken, would, of course, be much less.

19 But really, it isn't so much the time as it
20 is the emphasis.

21 That is indicative of what the prosecution
22 is trying to do in this case.

23 What they are trying to do for political,
24 sociological, whatever, whatever the reasons are, they
25 are trying to hang Mr. Manson for his philosophy of life
26 and his way of life.

16c-2

1 Now, we know that the prosecution has brought
2 into this case the sex, the sex orgies, the way of life
3 of Mr. Manson.

4 Now, the statute of limitations for statutory
5 rape is three years.

6 Dianne Schram -- pardon me -- Dianne Lake,
7 Stephanie Schram, Barbara Hoyt, this record will reveal
8 that, and you can infer, if it isn't explicitly set forth,
9 certainly as to Dianne Lake, she was 13 or 15 or 17, or
10 something like that -- 13 when she left home -- so those
11 are acts of statutory rape.

12 And no matter what happens in this trial,
13 if Mr. Manson is acquitted, the District Attorney will
14 file for statutory rape concerning Mr. Manson, because there
15 is a three-year statute of limitations on statutory rape,
16 as we have said, and there are innumerable counts of
17 statutory rape.

18 If you add those up, turn those into
19 consecutive sentences, Mr. Manson couldn't live that long
20 in connection with these charges that they have brought
21 here by this evidence.

22 They haven't filed in this case yet but it
23 is well within the statute of limitations.

24 It is clear from this record by the testimony
25 that is before the Court by Paul Watkins, and other
26 testimony, that Mr. Manson has a parole officer. Those

16c-3

1 acts of statutory rape would be matters wherein Mr. Manson
2 would be brought before the Court to see if there is a
3 violation of parole.

4 So, there is no necessity for this murder
5 prosecution against Mr. Manson except for the purpose,
6 no matter what the viewpoint is, because Mr. Manson has
7 legal problems, according to this record, that far
8 transcends what is going on in this courtroom, but Mr.
9 Manson is a symbol, he is a person that they want for
10 reasons that we have enunciated previously, they want Mr.
11 Manson found guilty of these hideous crimes for the most
12 hideous of reasons, not because Mr. Manson is guilty of
13 it, but because of his philosophy of life.

16d fls. 15

16d-1

1 I think we can agree that there is nothing
2 in this record that would substantiate any kind of
3 murder convictions against Mr. Manson or anything in
4 connection with the people that passed away in the Tate
5 or the La Bianca homes.

6 It might be corny, it might be corny, because
7 we have heard it so often, but the sun rises every day,
8 and that is pretty good. That happens often too. We
9 all heard of Voltaire's famous quote about: I don't
10 agree with what you say but I will defend to the death
11 your right to say it.

12 So, we on this jury, we on this jury, are
13 face with whether, in this country, a person is going to
14 be convicted of murder because of his philosophy of life.

15 That is what we have, because no matter what
16 you say about Mr. Manson, he is not going anywhere when
17 this trial is over. So, there can be no reason, there
18 can be no reason, no legitimate reason, for this prosecution.

19 Looking to the further testimony, we see
20 what the prosecution is doing in this case.

21 A question by the prosecution:

22 "Did Mr. Manson elaborate on what he meant
23 when he said there was no such thing as wrong?"

24 Page 14,082.

25 "Did Mr. Manson elaborate on what he meant
26 when he said there was no such thing as wrong?"

16d-2

1 Now, again, we take evidence in a courtroom
2 because it is relevant and material. Query: Is that
3 relevant and material on any issue that is before us?

4 What if someone is charged with burglary
5 or robbery, or charged with any crime. We know that
6 these kinds of questions are improper, are questions
7 that are not offered to assist us. They are only offered
8 to raise our emotions.

9 Because, as the prosecution looks around
10 amount the jurors, the prosecution finds no one who
11 lives at the Spahn Ranch or equivalent. Mr. Manson
12 elaborated on what he meant when he said there was no
13 such thing as wrong, he believed or he said that he could
14 do no right or wrong.

15 "He said he could do no right or wrong.

16 "That he personally could do no right or
17 wrong?

18 "Right and wrong was a concept that he did
19 not hold with.

20 "He did not believe in it."

21 "BY MR. BUGLIOSI: Did he say that he personally
22 could do no wrong?

23 "Yes."

24 The next question:

25 "Did Mr. Manson ever discuss with you
26 his concept of good as opposed to bad?

16d-3 1

"Yes.

2

"What did he say?

3

"There wasn't any good or bad.

4

"Try to talk a little more loudly, Mr.

5

Jakobson, or pull the microphone up to you," says

6

the prosecutor.

16e-fls. 7

"There wasn't any good or bad."

8

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16e-1 1 Then the next question, this in a murder case:

2 "Did Mr. Manson ever discuss with you his
3 philosophy about death?"

4 "Did he say anything about death?"

5 "He didn't believe in it."

6 We are asked to say, and we know there are many
7 of us who believe in reincarnation, you get off the deep end
8 when you go into these kinds of things; we have all talked
9 about, from time immemorial, man has wondered when he
10 passes away in this life; Do we come back? Is there such a
11 thing as death?

12 We have all kinds of philosophies and religions
13 that go into this and discuss this, and my God, there are
14 probably as many different versions of this, as many
15 different versions as there are people, perhaps.

16 "Well, would you elaborate on that?"

17 "He said that he had died a long time
18 ago and that he had experienced death many
19 times.

20 "This was one of the things that we argued
21 about so much, the subjective and the objective,
22 where they met.

23 "Did he say there was such a thing as death?"

24 "No, it was only a physical change at the
25 end of the body."

26 By the prosecutor:

"Try to speak up more loudly, Mr. Jakobson."

And I think that is the theme of their entire trial: Speak loudly and throughout the world about the kind of life style or whatever that was going on at the Spahn Ranch.

"I am trying to think of the words used, his words.

"If you cannot think of his words, whenever you can, of course, relate his words, if you cannot remember his exact words, just relate the essence or the substance of what he said."

And the witness says:

"Death was a physical change that took place at the end of the life span of the body, and the spirit went on from there, and that is what was important.

"It either went on or went back, we never got into that, but life went on.

"The essence of life went on.

"The body did not have much to do with the essence of life.

"Did he say there was no such thing as death?

"Yes, death also is a concept of man that exists only in the head, in the intellect.

"This is what he said?

"Yes."

Now, where do we have a conspiracy here? Where is there anything to show that Susan Atkins, Leslie Van Houten, Patricia Krenwinkel, Linda Kasabian, Tex Watson, Steve Grogan, Clem Tufts, who wasn't even filed on, where is there anything to show any kind of a conspiracy?

They haven't even brought any evidence as to anything concerning these people.

This evidence and similar evidence is offered and has been brought before us against Mr. Manson only.

16f-1

1 Then the next question:

2 "This is what he said?"

3 Referring to death, obviously, from the
4 previous question.

5 "Did he say it was a fear born in man's
6 head?"

7 Well, the Court sustained an objection to
8 the question. I am sorry.

9 "Did he say anything about death with
10 respect to its being beautiful?"

11 "THE WITNESS: He said that he had experienced
12 it and it was beautiful."

13 Now, the Court -- well, getting to page
14 14,086. By the prosecutor:

15 "Did he say that it was wrong to kill a
16 human being?"

17 "THE WITNESS: He said it was not."

18 "But it should be qualified, it came at
19 the end of a lot of talk.

20 "All right, you may relate the context in
21 which that statement came about."

22 And then the witness, at page 14,087:

23 "It came at the end of a conversation
24 that got into:" -- according to the transcript --

25 "First there wasn't any right or wrong and,
26 secondly, there wasn't any death, and then it came,

16f-2

1 "so that it did not matter.

2 "What didn't matter?

3 "A If someone was killed, death didn't
4 have any importance.

5 "Did he say it was wrong to kill?

6 "No, he did not. He did not say it
7 was wrong to kill."

8 Page 14,088.

9 "He said it was not wrong to kill?

10 "THE WITNESS: Well, I certainly felt he
11 inferred it because that is one of the points
12 that we were arguing about and I was taking the
13 other side.

14 "What position were you taking?

15 "THE WITNESS: The position I was taking
16 was that your big toe is hooked to your head,
17 and it mattered; that everything had to do with
18 everything else; the subjective and the objective
19 were one.

20 "The never changing and the ever
21 changing were all hooked up.

22 "And he said his stand was that they
23 were not; that they existed completely separately
24 as a duality.

25 "So he told you then it was not wrong
26 to kill, is that correct?

16f-3

"THE WITNESS: Yes, that's correct.

"Did Mr. Manson say anything about time?

"It does not exist.

"Time does not exist?

"Right.

"Did he elaborate on that?

"It also is a concept of man.

"Man invented time. The clock is the invention and creation of man. It is a concept."

Now, I ask you, how many inferences do you have to make from this testimony to determine that Mr. Manson is responsible for what occurred at the Tate and La Bianca homes?

"Q Did he discuss the concept of pain with you?

"It is a concept. It comes from fear.

"It also is a creation of man. It need not be there; it does not exist.

"Pain does not exist?

"No, it does not exist.

"Did he ever tell you --

"Except in the head.

"It was strictly mental, not physical?

"Yes."

These are the kinds of things that have been

16f-4

1 discussed in dormitories, in schools, in colleges. People
2 sit around in their home. These are the kinds of things
3 that we sometimes see on TV in connection with various
4 murder mysteries and in connection with just about -- if
5 we look back in our lifetime, these kinds of discussions
6 are the kinds of discussions that all of us have entered
7 into.

8 If any one of us should have the misfortune
9 to become a defendant in a case where we were charged with
10 murder, what our philosophies of life, what our ideas or
11 our friends' ideas, would they be brought to bear in order
12 to get a murder conviction at any price?

13 We think that we don't have to flush all of
14 our sense of justice down the drain because some people
15 want Mr. Manson found guilty for no reason except for the
16 fact that Mr. Manson is identified with a certain way of
17 life that is a way of life that a lot of us, most of us,
18 maybe everyone of us, doesn't want or appreciate or have
19 any use for.

17 fls.

17-1

1 And all of this can be read back to you.
2 I'm sure the prosecution will have something to say about
3 it.

4 Now:

5 "Q Did Mr. Manson ever speak to you
6 about the establishment?

7 "A Yes.

8 "Q What did he say?

9 "A Well, he just felt that they were so
10 far -- he did not want to have anything to do with
11 them; that they were so far wrong that everything
12 that they were and was was coming to an end.

13 "It was over. The beginning of the
14 end had begun.

15 "The karma was turning. Those are
16 his words, not mine."

17 And so the prosecution asks us -- the prosecu-
18 tion is asking us to make an equation.

19 The equation the prosecution wants us to make,
20 now, referring to People's Exhibits 205, 204 and 206.

21 The prosecution is asking us to do is to make
22 the equation and say that because these words are written
23 in blood -- these happen to be the La Bianca -- that is
24 "Death to pigs," "Helter Skelter," "Rise."

25 The prosecution is asking us because these
26 words appear at the La Bianca home and the words appear

1 at the Tate home, and so forth, all that we heard about,
2 therefore Mr. Manson should be found guilty of murder.

3 The fact of the matter is that there is no
4 evidence -- there is no evidence before us --

5 For instance, there is this picture which I
6 have to discuss, I don't want to; it is a picture showing
7 a knife in the throat of Mr. La Bianca. It will be in
8 the jury room, but we feel that we must discuss this
9 because the prosecution, as we know they have the last --
10 they have the last say-so, and if we look at the historical
11 reason for the last say-so they have, they've got the
12 burden so they get a chance to talk to you twice.

13 In law the person who has the affirmative
14 has this opportunity of talking twice.

15 Well, we don't care how long they talk.

16 The fact of the matter is that there is no
17 evidence, there is no evidence in connection with Mr.
18 Manson.

19 And they are going to argue that this picture
20 concerning Mr. La Bianca, that this is the knife and fork,
21 that there is the knife that Mr. La Bianca -- the knife
22 and fork, and that is going to be related to the Beatles,
23 the knife and fork and the piggies and all that we have
24 heard in this courtroom.

25 Now, if someone, if someone -- many people -
26 many people -- the prosecution evidence shows there are

1 jillions of people at this Spahn Ranch.

2 Does that mean because people have talked
3 about these matters, does that mean that each person at
4 the Spahn Ranch, that Mr. Manson is responsible for what
5 someone else may or may not have done?

6 This is the issue. This is a free speech
7 issue because it is easy enough on the 4th of July to get
8 up and talk about the Bill of Rights in a vacuum.

9 We can all say how wonderful and how marvelous
10 these guarantees are.

11 But the nitty-gritty is what counts. What
12 counts is when you have an opportunity to apply it.

13 The Constitution, the Constitution protects
14 us, and it sort of hangs over us, and the only opportunity
15 that we have to use it is when it comes into play, such
16 as in a courtroom like this, and to give lip service, to
17 give lip service to free speech, and for us to -- for us
18 to say that the people who founded our way of life, this
19 was good, and George III was bad, free speech is all right,
20 but it is not all right for Mr. Manson.

21 Mr. Manson is a person, no matter what he is
22 alleged to have said, who is still a person who has the
23 right of free speech.

24 Now, you say, well, this case is, you know,
25 this is the case we are talking about right here, and so
26 let's forget about this principle as far as this case is

1 concerned because it scares us a little bit.

2 Does it scare us a little bit that a
3 substitute for evidence can come in, that character
4 assassination can come in? Does it scare us a little
5 bit that our emotions are appealed to by way of these
6 alleged sexual activities that have taken place at the
7 Spahn Ranch, supposedly to show domination.

8 Well, that is not offered to show domination.
9 It is offered to show the prejudice.

10 You don't have to -- the sexual motivation
11 of all of us is such you don't have to dominate people to
12 have them -- to have them engage in sexual activities.

13 People engage in sexual activities because
14 of the fact that they have this inclination.

15 And it is a synthetic -- it is a phony --it
16 is a false type of argument to say that.

17 You take the people who go to Spahn Ranch,
18 evidently they are the type of people who as far as their
19 personal lives are concerned they are, forgive the
20 expression, their personal values, their personal attitudes
21 toward sex may be a little bit loose, very loose, when
22 they come there, so there is no domination needed.

17a fls.

7a- 1 You don't have to have Mr. Manson suggest to
2 Linda Kasabian to make love with Tex Watson. She made love
3 with him before she ever saw Mr. Manson, so that is a phony
4 issue.

5 It is brought here to appeal to our emotions.
6 It is brought here so that we will forget -- forget the true
7 issues and bring in some kind of a result against Mr. Manson
8 because of our being inflamed, the same way the pictures in-
9 flame us, the same way when we think in terms of -- when we
10 think in terms of sexual activities.

11 Why does the prosecution -- why does the
12 prosecution bring before us Mr. Watkins, Paul Watkins, to
13 testify that he went out to get girls?

14 Mr. Manson is evidently so -- his ability to get
15 females is not the all-powerful thing that some of us would
16 believe, because Mr. Watkins says he had to go out and get
17 the girls.

18 This is a factor to consider as to what the
19 evidence is. Why is the prosecution bringing in this
20 evidence? It is to inflame us because naturally we are
21 repulsed, many of us are -- our reaction is, you know, that
22 anybody that would do this, we must hold this against them.

23 So that is the reason that that kind of evidence
24 is brought in.

25 Now, Mr. Jakobson testified, after testify-ing
26 about the establishment he was asked:

1 "Q In other words, he did not want to
2 board a sinking ship as it were. He wanted to
3 leave the establishment.

4 "A Exactly.

5 "Q Did Mr. Manson ever say that he was
6 Jesus Christ?

7 "THE WITNESS: Yes.

8 "Q He said he was Jesus Christ?

9 "A Yes.

10 "Q Did he ever say he was the devil?

11 "A Yes.

12 "Q Did Charles Manson ever discuss
13 with you his feelings about the relationship
14 between the black and white people?

15 "A Many times."

16 Now, whatever -- whatever -- we don't have the
17 exact words here that Mr. Jakobson heard.

18 We have here the fact that Mr. Jakobson in many
19 of these conversations was partaking of marijuana; he said
20 so on this record, while some of these conversations were
21 going on.

22 But whatever, whatever, this is to appeal to our
23 prejudice. This is to appeal to our -- those of us who are
24 devout, who are of the Christian faith, it is to appeal --
25 it is to appeal to us in the sense that anyone who would say
26 this is -- we just got to find against a man like that.

1 And whether we are of the Christian faith or some
2 other faith, those of us who are not of the Christian faith,
3 it is to appeal to our emotions that any one who could make
4 such a statement as this is the kind of person that has got
5 to be guilty of murder.

6 It is to appeal to our emotion, a substitute for
7 evidence. It is to make us feel a revulsion, and therefor
8 to bring in a result that somebody wants.

9 But then again the question is, the question is,
10 does it tend to prove that anybody is guilty of murder?
11 That Mr. Manson has any kind of guilt in this case for
12 anything.

13 If there is anything that this country stands for
14 it is individual responsibility for our acts.

15 We don't judge people cumulatively.

16 Genocide is supposed to be against what we
17 stand for. We are supposed to be, all of us I'm sure we
18 would agree, that we are against wiping out groups of people
19 because of some particular characteristic or some particular
20 attribute or some particular belief.

21 This is genocide, and that is what the prosecution
22 is asking for in this case.

23 And it demeans the memory of Sharon Tate, the
24 memory of Abigail Folger, Mr. Frykowski, Mr. Sebring, Mr.
25 Parent, Mr. and Mrs. La Bianca, to have this kind of a
26 prosecution as a vehicle for this result that is requested

1 here.

2 "Did Charles Manson ever discuss with
3 you his feelings about his relationship
4 between black and white people?

5 "A Many times.

6 "Q Did he mention the philosopher
7 Nietzsche?

8 "A Yes.

9 "Q That he had read Nietzsche?

10 "A He was familiar with him."

11 And then in the prosecution's summary, they spoke
12 of Nietzsche and they spoke of how Nietzsche's philosophies
13 are this and that and the other thing:

14 "Q What did Mr. Manson say with
15 respect to the relationship between black
16 and white people?"

17 Well, that question was repeated:

18 "Q What did Mr. Manson say about the
19 relationship between black and white people --
20 their relative worth, the level of existence
21 between them?

22 "A There was much said about that, and
23 the essence of what was said, going back to the
24 question about Nietzsche, that the white race
25 was more evolved than the black race.

26 "Q The white race was more evolved?

1 "A. Yes, sir.

2 "Q. You are using the term evolved
3 to mean more developed?

4 "A. Yes."

5 The next leading question:

6 "Q. More advanced?

7 "A. Yes, evolutions, progressive develop-
8 ment, yes, more evolved, more advanced.

9 "Q. Than the black people?

10 "A. Yes.

11 "Q. What else did he say?

12 "A. They were to serve whitey.

13 "Q. Blackie was to serve Whitey?

14 "A. Yes."

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1 Well, whether we like to face it or not, since
2 before the Civil War and after the Civil War, how many
3 millions of us had the same attitude?

4 How many millions of us in this country have had
5 these attitudes? These attitudes, our purpose here is not
6 to sit and judge whether or not these attitudes are right or
7 wrong. Our purpose here is to see whether these attitudes,
8 whatever they may be, Mr. Manson, whether this kind of
9 evidence has a place in this trial, whether it panders to our
10 emotions, whether this type of evidence is being used to
11 camouflage the true situation, whatever happened in this
12 case.

13 Because remember, this evidence is coming in
14 against Mr. Manson only, only Mr. Manson.

15 This evidence is not coming in and cannot be used
16 against any of the other defendants.

17 The prosecution will argue this is circumstantial
18 evidence of the conspiracy. This will show, this is circum-
19 stantial to show that there was this conspiracy.

20 Conspiracy is limited to two days, the 8th through
21 the 10th.

22 The Court is going to instruct us, the Court is
23 going to instruct us that the declarations and acts of one
24 co-conspirator, alleged co-conspirator, cannot be used
25 against anyone else unless it is in furtherance of the
26 conspiracy.

Now clearly that is where we have the problem,

1 that is where we have the problem of -- in this case, when
2 we are jurors, of analyzing it, judicially.

3 Because clearly these statements of Mr. Manson
4 that are attributed to Mr. Manson by Mr. Jakobson, are
5 clearly not in -- clearly not in pursuance of any conspiracy.

6 None of them are even alleged to have taken
7 place on the two days that we are talking about, the 8th
8 through the 10th.

9 And the prosecution is going to ask us in
10 connection with the Helter Skelter -- the prosecution is
11 going to ask us, undoubtedly, will exhort us to believe
12 that these exhibits that reflect what was on the -- at the
13 La Bianca residence, these exhibits reflect declarations
14 during the course of a conspiracy.

15 But these declarations have to be connected with
16 the defendant. They have to be connected -- they have to
17 be done with criminal intent.

18 These declarations have to be shown to have
19 something to do with Mr. Manson, and the prosecution is
20 going to -- is going to once again, once again try to argue,
21 to convince us that these declarations may be used against
22 Mr. Manson.

23 Now, I ask you, if we go back to our
24 corroboration, to our chart, clearly these words are not
25 corroborated.

26 There is nothing -- there is nothing to connect

1 Mr. Manson with these words except for the fact that there
2 is Helter Skelter at the Spahn Ranch.

3 They are going to argue that there is some kind
4 of relationship between Helter Skelter and the Spahn Ranch
5 that connects these words to Mr. Manson.

6 Well, this is lifting ourselves by our bootstraps
7 because nothing outside of the bare words themselves,
8 which are written at the La Bianca residence, outside of the
9 bare words themselves, what is there to connect these words
10 to Mr. Manson?

11 THE COURT: We will adjourn at this time, Mr. Kanarek.
12 It is 4:30.

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

16 The Court will adjourn until 9:00 a.m. tomorrow
17 morning.

18 (Whereupon, an adjournment was taken to reconvene
19 Wednesday, January 6, 1971 at 9:30 a.m.)
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