

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.

162

No. A253156

COPY

REPORTERS' DAILY TRANSCRIPT

Wednesday, January 6, 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.~~
MAXWELL KEITH, Esq.
For Deft. Krenwinkel: PAUL FITZGERALD, Esq.

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

LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 6, 1970

9:20 A.M.

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(The following proceedings were had in the chambers of the court, all counsel with the exception of Mr. Hughes being present:)

THE COURT: All counsel are present.

I understand, Mr. Kanarek, you want to speak to the Court about something.

MR. KANAREK: Yes, your Honor. First I would like to, in connection with my -- with how much time I have to argue.

It is my belief, your Honor, that in a case of this duration, six months and so forth, that counsel should not be limited in argument. The days that your Honor has indicated I have argued, actually I have not argued anywhere near that amount of days.

The first day I argued I think was about a half hour or something like that, as I recall.

But in any event, your Honor, I would like to tell the Court this two days I stated yesterday, that is, as I stated a "guesstimate," it could be longer than that; it could be much longer than that in terms -- it might be several days longer than that.

The point that I am getting at to the Court is, the prosecution has taken six months --

THE COURT: Now, let's be realistic, Mr. Kanarek.

1 It has not been six months. We started taking evidence in
2 this case on July 24th. That was the date of the opening
3 statements.

4 MR. KANAREK: Well, whatever it is, your Honor.

5 THE COURT: Well, it is not six months.

6 MR. KANAREK: Right.

7 What I am saying, I am not -- this is not like
8 the situation where I am asking for "equal time."

9 But I have issues; there is Dianne Lake; there
10 are other -- there are issues here, and we are under the --
11 under the gun, so to speak here.

12 Mr. Bugliosi has spoken; he stated he is going
13 to speak another three days.

14 It isn't a matter of time.

15 THE COURT: He has not told me anything about three
16 days.

17 MR. KANAREK: I believe this is the statement he made
18 on television.

19 MR. BUGLIOSI: No, I never said that. I said based
20 on all of the issues that have been raised, it probably
21 would take me two days, but I have not mentioned the figure,
22 three,

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1 MR. KANAREK: I heard three days.

2 THE COURT: Get to the point, Mr. Kanarek. What is
3 it you are trying to tell me?

4 MR. KANAREK: The point that I am trying to get across
5 is the point that certainly I am not bound by any particular
6 time. I am bound by what is reasonable in these circum-
7 stances and what is correct.

8 THE COURT: You are bound by the limitations that the
9 Court places on you.

10 MR. KANAREK: Of course.

11 The bailiff does what your Honor says, I am
12 under your Honor's power, your Honor has the power, the
13 naked power to restrict --

14 THE COURT: Yesterday when I asked you your estimate,
15 you said two days, and I told you I was going to hold you
16 to it, and you immediately started hedging and said that you
17 wanted more time.

18 Now, six full days plus part of another day is
19 ample time to argue.

20 MR. KANAREK: The point is that your Honor is the one
21 who is making the --

22 THE COURT: Another matter. The six full days that
23 you get in this court are considerably longer than you would
24 normally get, since we start these proceedings at 9:00
25 o'clock and go until 12:00; we start again at 1:45 in the
26 afternoon and go until 4:30.

1 So, you are getting considerably longer time
2 each day than you would normally get in a trial.

3 You are simply going to have to organize things.
4 You have been rambling around. It is obvious that you have
5 been speaking extemporaneously without much plan, and you
6 will have to organize it.

7 MR. KANAREK: That is not so. I take the transcripts
8 home each night and I go over them each and every night in
9 connection with matters before the Court.

10 Your Honor is the one to rule, but I am saying
11 that to put an arbitrary limitation of time on this in
12 context with what the prosecution has done in this case and
13 all the mud that they have slurred against Mr. Manson --

14 THE COURT: Let's not get into that. I don't want to
15 hear a speech. You can save that for the jury.

16 A good part of the time I think has been totally
17 wasted in your argument by reason of things that you have
18 said, but that is up to you; if you want to waste your time,
19 you can waste it.

20 Over six days is ample time to argue this case.

21 MR. KANAREK: I think not, your Honor.

22 THE COURT: Have you anything else to bring up,
23 gentlemen?

24 MR. KANAREK: Yes.

25 I want to inform the Court that I certainly --
26 my purpose is to be done as soon as possible, but my position

1 is that it is a violation of due process under the Fourteenth
2 Amendment to the United States Constitution and Equal
3 Protection, and in violation of the California Constitution,
4 the right to effective counsel as well, which is guaranteed
5 by due process under the Fourteenth Amendment.

6 THE COURT: Nothing has happened yet.

7 MR. KANAREK: For your Honor to cut me off arbitrarily --

8 THE COURT: In fact, Mr. Kanarek, I will tell you
9 another thing. It appears to me that when an attorney
10 rambles in such a fashion as you have and takes so much time
11 to do things that other attorneys can do in a fraction of
12 that time, I begin to wonder whether or not you are not
13 forcing the Court into limiting your argument so that you
14 will have another point to raise on appeal if there is one.

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1 MR. KANAREK: You see, your Honor, again, I have
2 stated on this record that I don't wish to attack the
3 integrity of the Court, I believe the Court has integrity,
4 I have stated that and I don't wish to deviate from that,
5 and it is not my position to question the Court's
6 integrity, but I'd like to point out one thing, and that
7 has to do with another motion.

8 It is one thing to broad brush, you can look
9 sharp and sweet and real smart, but what counts is these
10 words in this transcript, and you can get up and try to
11 summarize, but these jurors are not tape recorders, and that
12 is why I make the motion that I made yesterday. I make the
13 motion that this Court send into the jury room the
14 transcript of the proceedings.

15 THE COURT: I am not going to do that.

16 MR. KANAREK: May I finish?

17 THE COURT: You have already made that motion.
18 and it has been denied. There is no point in making it
19 again.

20 MR. KANAREK: I am trying to convince the Court.
21 I think due process and equal protection, in a long trial,
22 make that essential.

23 THE COURT: Have you anything else? If not, we are
24 going out into the courtroom.

25 MR. KANAREK: Yes. One other thing. That has to do
26 with the two jury instructions that we submitted to the

1 Court.

2 I wonder if your Honor could let me know what
3 your Honor's ruling is in connection with them?

4 THE COURT: Well, here are the ones that you submitted
5 yesterday, in addition to all the others that you have
6 submitted from time to time.

7 MR. KANAREK: Yes, your Honor.

8 THE COURT: Over the past month.

9 MR. KANAREK: Yes, your Honor.

10 I believe the District Attorney has, very
11 recently, submitted an instruction also.

12 I would like to know what your Honor's feeling is
13 in connection with that instruction.

14 THE COURT: That instruction, the one that you are
15 referring to, was submitted following an instruction which
16 we have here to which an objection was raised by the
17 defense to CALJIC 206 in the form in which I proposed to
18 give it, and it was redrafted as a result of that conference.
19 So, this is nothing new.

20 Now, the instructions -- I don't know whether
21 these are yours or not, Mr. Kanarek. You apparently don't
22 know how to submit instructions.

23 There is no name on it. I have no idea who
24 submitted it. There are no authorities. There is nothing.

25 They are not in the proper form, and I don't
26 have to accept them.

1 MR. KANAREK: Your Honor, it is in the proper form,
2 I believe.

3 THE COURT: They are not in proper form.

4 MR. KANAREK: I wish it to go to the jury without
5 any kind of marking on it. That is why I did it that way,
6 your Honor.

7 THE COURT: You had better learn how to submit a jury
8 instruction, Mr. Kanarek, if you want me to give it any
9 serious consideration.

10 Now, I have two in my hand that have no
11 designation of any kind on them. I don't know where they
12 came from except that they were handed to me by the clerk.

13 Are these yours?

14 MR. KANAREK: Yes.

15 I asked the clerk for the numbers so it would be
16 in series with the numbers that the Court has used, and
17 upon being given those numbers, I will be glad to put the
18 numbers on them.

19 It has nothing on it because I believe the jury
20 should get nothing but the bare law, rather than a title
21 or rather than who submitted it.

22 I think the best way to give it to them is with-
23 out anything except the bare law on it, and that is why it
24 is done that way.

25 THE COURT: I haven't studied the two requested
26 instructions that were submitted yesterday. On first

1 reading, though, I have some serious questions as to
2 whether or not they will be given.

3 MR. KANAREK: Well, certainly, the purported
4 statement of Mr. Flynn, that is, his statement as to what
5 Mr. Manson said in the kitchen, I think we would all agree
6 is not a confession.

It is not -- because in order to be a confession --

THE COURT: Is "we on the jury" --

MR. KANAREK: Pardon?

THE COURT: You mean "we on the jury"?

MR. KANAREK: I mean those of us in this room.

THE COURT: You keep using that expression to the jury.

MR. KANAREK: Those of us in this room.

THE COURT: Those of us on the jury?

MR. BUGLIOSI: His Honor will instruct us jurors.

THE COURT: All right. Certainly you can argue this, Mr. Kanarek. You may argue that whatever Mr. Manson said to Mr. Flynn was not a confession. That is certainly a legitimate argument.

But as to whether or not this instruction is appropriate, I have serious questions about it.

MR. KANAREK: Then I would ask the guidance of the Court because certainly we want some kind of instruction to that jury that that is not a confession.

THE COURT: The jury will be instructed on both admissions and confessions.

MR. KANAREK: That does not do it, your Honor, not in terms --

THE COURT: Of course, that is your position.

MR. KANAREK: Yes, your Honor, and I think it is a valid position because in order to be a confession it must -- it must have within the four corners of the confession that

1 which would convict the man.

2 Being responsible for killings, it does not show
3 any malice aforethought; it does not show any premeditation;
4 it does not show any ascertained individuals.

5 That statement is not a valid confession.

6 THE COURT: All right, you can point that out to the
7 jury.

8 MR. KANAREK: No, I think in the context of these
9 proceedings it is a denial of fair trial and equal protec-
10 tion and due process under the Fourteenth Amendment as well
11 as California law for your Honor not to instruct that jury
12 as to -- the laymen that are on that jury, that this is as a
13 matter of law not a confession.

14 THE COURT: Mr. Kanarek, if that were true then upon
15 request of each counsel I would have to go through and
16 designate each statement that every person made, and say,
17 "This is not a confession; this is a confession."

18 That is ridiculous.

19 MR. KANAREK: Hardly, your Honor, hardly, because of
20 the emphasis of what we are talking about.

21 MR. KEITH: The Court might decide against us and
22 instruct the other way.

23 THE COURT: I have indicated to you I want to look
24 them over more carefully, Mr. Kanarek, because as I say, I
25 don't know where they came from, who they belong to, or
26 what the purpose of them was when I received them.

1 MR. KANAREK: Mr. Darrow was informed as to what they
2 were, your Honor.

3 MR. BUGLIOSI: Mr. Keith had some instructions, too.

4 MR. KEITH: Yes, I submitted some.

5 MR. BUGLIOSI: I would like to be heard on one of
6 them.

7 THE COURT: There is only one that has not been ruled
8 on.

9 MR. BUGLIOSI: That is, mere presence --

10 MR. KEITH: I did not see that among those the
11 Court planned to give; it may be there, I may have missed
12 it, but I don't think so.

13 The Court is going to instruct that mere
14 association does not make someone a co-conspirator, associ-
15 ation with other alleged co-conspirators.

16 MR. BUGLIOSI: That is true. That is the law.

17 But mere presence, this is traceable back -- I
18 think this is a misunderstood area of the law. In fact, the
19 last case I had, I had to come up with some authority on
20 it because the Court actually thought that was the correct
21 rule.

22 The mere presence rule, your Honor, dates back
23 to an old common law case, King vs. Richardson, it refers
24 to a situation where the defendant is fortuitously found at
25 the scene, like two people walking down the street and one
26 of them assaults C, and the other party is just there.

1 The mere presence rule does not apply to a
2 situation where somebody goes deliberately, deliberately
3 goes to the scene for the purpose of helping out.

4 MR. KEITH: I still feel I am entitled to argue that
5 all the evidence shows in this case is that the Defendant
6 Van Houten was not -- maybe was not at the scene fortui-
7 tously, but nonetheless she lacked intent to do this, that
8 and the other thing, and her mere presence without any
9 other evidence --

10 THE COURT: Doesn't the aiding and abetting
11 instruction cover all this, either she was aiding or
12 abetting, or aiding and abetting, or she wasn't?

13 MR. KEITH: I intend to argue along the lines of that
14 instruction as far as the theory of the defense that she
15 was there, and that was it.

16 THE COURT: I will look at your authorities, Mr.
17 Keith, and before you argue I will let you know.

18 MR. BUGLIOSI: I will ask the Court to read People
19 vs. Hymer, 118 Cal. Ap. 2d; and also People vs. Durham,
20 70 Cal. 2d, where the Court says that mere presence at the
21 scene is enough if the very purpose of the presence is to
22 help out.

23 THE COURT: What is the other one?

24 MR. BUGLIOSI: People vs. Durham, 70 Cal. 2d.

25 Hymer is 118 Cal. Ap. 2d.

26 THE COURT: I will take a look at all of your

1 authorities.

2 MR. KEITH: My proffered instruction does not suggest
3 or tell the jury that presence or failure to prevent a crime
4 being committed can be considered with other evidence in
5 determining guilt or innocence.

6 The only evidence is mere presence, and it is
7 not enough to convict.

8 THE COURT: Well, are you contending that there is
9 something incorrect about this instruction that Mr. Keith
10 is requesting?

11 It appears to be a correct statement.

12 MR. BUGLIOSI: The thing is I think it is misleading,
13 your Honor, and I think the aiding and abetting instructions,
14 the co-conspirator instructions --

15 MR. KEITH: But the jury might think just being there
16 is aiding and abetting, and it need not be at all.

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1 MR. BUGLIOSI: If the Court will supplement that
2 with a statement that mere presence is enough if the
3 purpose of the presence is to help out, I would have no
4 objection.

5 MR. KEITH: Suppose I am present at the scene of a
6 crime and I don't help out, am I still an aider and
7 abettor?

8 MR. BUGLIOSI: If the reason you are there is to
9 help out, definitely.

10 You don't have to do one single thing. If
11 A and B come to a bank --

12 THE COURT: We don't have to have all this on the
13 record. I will read the authorities and we will discuss
14 it again before I make a ruling.

15 MR. KANAREK: To those two instructions I handed
16 in, I handed them in without numbers on them for the
17 convenience of the Court because I know the Court -- I
18 know the Court is getting jury instructions.

19 If your Honor will tell me what numbers --

20 THE COURT: I am not talking about numbers, Mr.
21 Kanarek, I am talking about the total absence of any
22 indication as to what source they came from.

23 MR. KANAREK: I gave them to Mr. Darrow, and I'm
24 sure Mr. Darrow has presented them to the Court. I am
25 certain Mr. Darrow and I have a very good relationship;
26 I'm certain he told the Court what the source was.

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1 THE COURT: But the documents do not so indicate.

2 Now, let's get on to something else. Is
3 there anything else before we go back in to resume the
4 argument.

5 MR. KANAREK: Well --

6 THE COURT: I will review the requested instruc-
7 tions.

8 MR. KANAREK: I just would like to make this final
9 point, your Honor:

10 I think your Honor would agree that a
11 confession must have all of the elements of the crime to
12 be a confession.

13 That is what the law says. I would ask your
14 Honor, because of the very important aspect of this, just
15 like your Honor for instance has given a special instruc-
16 tion about suppression of the evidence.

17 THE COURT: Mr. Kanarek, there are a number of
18 statements by different defendants in this case, some
19 of which could be considered to be confessions, some which
20 obviously do not meet the rule.

21 The jury will be instructed as to what a
22 confession is and what an admission is.

23 MR. KANAREK: The danger, your Honor --

24 THE COURT: They have to apply that rule just like
25 they have to apply all other instructions, if it is
26 applicable they will apply it; if it is not applicable

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1 they won't.

2 MR. KANAREK: The danger to the instructions the
3 Court is giving, they do not state that the confession
4 must have within its four corners all of the elements,
5 and there is great danger that Mr. Bugliosi will argue
6 that this is a confession.

7 That would be improper.

8 THE COURT: He has a right to argue that just
9 like you have the right to argue that it is not.

10 MR. KANAREK: No, your Honor, because how can he
11 argue something that is patently wrong, if within the
12 four corners there is no confession, it is improper for
13 him to argue that is a confession.

14 He can argue it is an admission.

15 THE COURT: You have made your point, Mr. Kanarek.
16 I understand what you are saying. I don't agree with
17 you.

18 MR. KANAREK: Can he argue an admission is a
19 confession if it is clearly an admission as a matter of
20 law and not a confession, your Honor?

21 MR. FITZGERALD: I have one small point I would
22 like to mention in the event that any of the defendants
23 are convicted of first degree murder there obviously is
24 going to be a penalty case. It is going to be lengthy,
25 at a minimum we won't conclude by March, probably it
26 will be May or June.

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1 MR. BUGLIOSI: What!

2 MR. FITZGERALD: We understand you are going to
3 call 40 witnesses.

4 MR. BUGLIOSI: I thought your case would be that
5 long.

6 MR. FITZGERALD: To put on a defense to those
7 homicides is going to take us a month and a half or so,
8 so we are talking about --

9 MR. BUGLIOSI: We are not sure we are going to put
10 on those murders; we are thinking about that.

11 We are going to put on the incident that
12 happened up in Franklin Boulevard, but that is just
13 nothing.

14 We are giving some serious thought whether
15 we are going to put on the Hinman and Shea murders, but
16 in any event I imagine the defense will put on something
17 even if we don't put on those murders, is that correct?

18 MR. FITZGERALD: That's correct.

19 MR. BUGLIOSI: I don't know how long that will
20 take.

21 MR. FITZGERALD: If you don't put on these other
22 homicides the penalty will be very short.

23 MR. KAY: How long?

24 MR. FITZGERALD: Insofar as Patricia Krenwinkel
25 is concerned, two days.

26 The only reason I brought this up is in the

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1 event we are going to get into these other homicides, and
2 it's going to be a considerably protracted affair, as I'm
3 sure it will be, I wanted to ask your Honor to change the
4 hours of the Court.

5 The reason I wanted you to do that is Mr. Shinn,
6 Mr. Kanarek and myself are in sort of dire financial straits
7 and we are just going to have to -- there is just no way
8 economically we can continue unless we are allowed to make
9 other appearances in other courts in the event we are
10 projecting towards the first part of the summer.

11 THE COURT: I can certainly appreciate your position,
12 Mr. Fitzgerald. On the other hand, there are a number of
13 other considerations. If this trial is going to go on for
14 any protracted period, in fact I would seriously think that
15 maybe the hours will be increased rather than decreased.

16 We have many things to think about including
17 a jury that has been locked up a substantial period of
18 time.

19 MR. FITZGERALD: I agree, I am sympathetic.

20 THE COURT: I think it would be a serious mistake
21 on the part of the people to make a protracted penalty
22 trial.

23 On a case like this if they don't have enough
24 evidence after seven murders, assuming the guilt is based
25 on all of those seven murders, if that is not enough for
26 them to make up their minds, I don't think showing them

1 anything else would serve that purpose.

2 Again, there are other considerations, but
3 I certainly appreciate your position. I will give it every
4 consideration.

5 MR. KANAREK: Your Honor, I wonder, are we going to
6 be interrupted again in connection with Mr. Manson being
7 brought back for his synthetic -- for this publicity
8 bid by the District Attorney again tomorrow on the Shea
9 case?

10 THE COURT: It is possible; it is possible.

11 There is another proceeding in 100 where he
12 will have to be present some day soon.

13 Now, whether it's tomorrow or not I don't know.

14 MR. KANAREK: Well, it is set for the 7th in
15 Department 100, and I again make the motion that your
16 Honor voir dire the jury, that we take an evidentiary
17 hearing, and that we determine by an evidentiary hearing,
18 taking testimony under oath as to the various witnesses,
19 it is my belief and I allege that the District Attorney
20 is deliberately injecting publicity into this community to
21 sabotage this case with malice in connection with the Shea
22 matter and the Hinman matter, and I make a motion we have
23 a voir dire hearing.

24 THE COURT: You have made this motion a dozen times
25 -- not a dozen, three dozen times, Mr. Kanarek, or more.
26 Don't just keep repeating it.

1 Motion denied.

2 MR. KANAREK: To convince the Court, your Honor, not
3 just to make a record.

4 THE COURT: Motion is denied.

5 Incidentally, gentlemen, if there is a penalty
6 phase I propose to start it immediately after, without any
7 delay, after the verdicts come in.

8 MR. KAY: Your Honor, it is possible the People
9 might need just one day in order to wind their witnesses
10 up, since we did not know when the jury would be coming
11 back.

12 We won't need more than a day.

13 THE COURT: I can appreciate that. Obviously it
14 cannot start the moment the verdicts come in.

15 There will have to be some delay.

16 I am talking about no substantial delay.

17 MR. KAY: Oh, yes, yes, we understand that.

18 THE COURT: All right, gentlemen, let's resume.

19 (The following proceedings were had in open
20 court in the presence and hearing of the jury, all counsel
21 with the exception of Mr. Hughes being present. The
22 defendants are not physically present.)

23 THE COURT: All counsel and jurors are present.

24 You may continue, Mr. Kanarek.

25 MR. KANAREK: Thank you, your Honor.

26 Good morning, ladies and gentlemen of the jury.

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1 Yesterday we were discussing the testimony of
2 Mr. Jakobson.

3 In connection with that testimony, we note that
4 Mr. Jakobson testified concerning his conversations with
5 Mr. Manson on various topics, the philosophies of
6 Mr. Jakobson and the philosophies of Mr. Manson.

7 And so we have, at around Page 14,100, the
8 conversations that went on.

9 Now, again, we could sit up here and exhort and
10 argue and editorialize, but really, the heart of what we
11 are supposed to do in this case is make a decision based
12 upon evidence, and if there is any question about the inter-
13 weaving of these issues, then I am sure that the Court
14 would be more than glad to listen to anything that anyone
15 on the jury may wish to ask.

16 For instance, it may come to pass in the jury
17 room that we may find some principles of law that seem to
18 be operating in opposite directions. That is, one principle
19 of law seems to say one thing and another principle of law
20 seems to say the other thing.

21 So, if that kind of a discussion should come
22 about, I am sure that we would all agree that the Court
23 would be most hospitable in trying to do whatever should be
24 done in order to determine a particular matter that may be
25 a knotty question, and we know that law libraries have got
26 literally thousands and thousands of books in them. The

1 Los Angeles County Law Library down here has.

2 And so, really, the task in connection with the
3 big package of jury instructions that we are going to have
4 in the jury room is going to be something that is not -- it
5 is not going to be an easy task.

6 And so, in connection with what Mr. Jakobson
7 says, what place does that have -- what place does that
8 have -- in these proceedings?

9 It certainly, by Mr. Jakobson's testimony, it
10 certainly is clear that nothing Mr. Jakobson is testifying
11 to has anything to do with the two days that the prosecution
12 has alleged a conspiracy took place.

13 We, I think, would agree, there is no question
14 about that, by the statement of times when these conver-
15 sations took place. Mr. Jakobson doesn't purport, and the
16 prosecution doesn't even purport, to tell us that
17 Mr. Jakobson was present during the two days in question.

18 And so, that being the case -- that being the
19 case -- clearly, anything that Mr. Manson said, not only is
20 it being admitted, supposedly, I mean, and in fact the
21 Court made the order, not only is it being admitted only
22 against Mr. Manson but it is not being admitted during the
23 time of the conspiracy.

24 And the Court is going to instruct us that not
25 only must statements be made during the time that the
26 conspiracy is allegedly going on, but the statements must be

1 made in pursuance of that conspiracy; the statements must be
2 made on behalf of the conspiracy.
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1 Just idle statements made that have nothing to do
2 with the conspiracy cannot be used in connection with
3 deciding guilt or innocence. And the reason for that is
4 because we go back to the heart of what we are speaking of
5 in a criminal court, and that is intent.

6 That which is done must be done with criminal
7 intent. It must be done with the idea of breaking the law.

8 And when someone stands on a street corner or
9 when someone utters language that may sound and have within
10 it some very vigorous words, just the mere utterance of
11 those words does not include a crime or criminal intent un-
12 less it is done on behalf of a crime, done with criminal
13 intent on behalf of the conspiracy.

14 By the same token, that which occurs after the
15 objects of the conspiracy have come to fruition, from the
16 prosecution's viewpoint, then what is said afterwards cannot
17 be used to prove the conspiracy; that is, our other charges
18 that we have, and that we don't want to forget.

19 I am sure you will all remember the discussion
20 we had in connection with what it takes to make up a
21 conspiracy.

22 So, bearing in mind, then, bearing in mind all
23 of this elicitation of testimony as to Mr. Manson's
24 statements, and so forth and so on, where do they fit into
25 the picture?

26 Do they corroborate Linda Kasabian?

1 Well, we suggest that they do not corroborate
2 Linda Kasabian.

3 And very interestingly, -- very interestingly --
4 the People could have corroborated Linda Kasabian if they
5 had desired to, and there is a very significant -- and that
6 is why we suggest that we look at the transcript rather
7 than the statements of counsel, of any counsel.

8 Stephanie Schram -- and this might be lost if we
9 don't go over the transcript word for word; this might be
10 lost; and I am sure it is not lost on Mr. Kay, Mr. Musich,
11 Mr. Bugliosi, Mr. Stovitz who was here also, all of the
12 people in the District Attorney's Office who go over this
13 transcript every day, it is not lost, I am sure it is not
14 lost -- now, let's look at Page 14,077 of the transcript and
15 see whether the prosecution could have, if they wanted to,
16 if it, in fact, existed, if they believed it existed,
17 if they could have corroborated Linda Kasabian.

18 Page 4977.

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

21 "What was the date?

22 "August 8, 1969.

23 "I presume."

24 There we go with Linda, as to the very date that
25 we are speaking about here, the date that the Tate matters
26 allegedly started: "I presume."

1 Then we have a leading question by Mr. Bugliosi.

2 "At any time during the day do you recall
3 Mr. Manson saying anything about Helter Skelter?"

4 After a colloquy with the Court, the question is
5 answered at Line 23.

6 "Do you recall my last question, Linda?"
7 Linda indicates: "No."

8 The question is asked again; another leading
9 question.

10 "During the day of August 8th, do you recall
11 Mr. Manson saying anything about Helter Skelter?"

12 "Yes, I do."

13 At Line 5 at Page 4978:

14 "THE WITNESS: I believe that was the day
15 he came back from Big Sur or wherever he came
16 back from.

17 "He came back from some place?"

18 "Yes.

19 "THE WITNESS: And he was telling us -- I
20 remember I was sitting on the couch in front of
21 -- they call it the gun room -- where Danny used
22 to sleep.

23 "Danny De Carlo?"

24 "Yes.

25 "About what time was this in the day?"

26 "It was in the middle of the afternoon.

4b-1

1 "Okay.

2 "And I remember that the new girl that
3 he brought back, Stephanie, I believe her name was
4 Stephanie, now, and maybe a few other people were
5 there, Clem, maybe, I cannot remember faces again.

6 "Clem Tufts?"

7 And we know who Clem Tufts is. He was the
8 man that was supposedly in the automobile.

9 It is our belief, for whatever it may be
10 worth, that Linda Kasabian was in the La Bianca house
11 just as much as she was in the Tate house.

12 It is our belief that Linda Kasabian partici-
13 pated -- participated -- in whatever Tex Watson participated
14 in, for reasons that we have spoken of previously.

15 Well, in any event, the answer on page 4979:

16 "Yes, and he was telling us about his
17 trip up in Big Sur and that the people were really
18 not together, they were just off on their little
19 trips, and they just were not getting together.

20 "So he came out and said 'Now is the
21 time for Helter Skelter.'"

22 So, we have Stephanie Schram present and we
23 have Clem Tufts present.

24 Why didn't the prosecution, if this in fact
25 existed, and we know the law of corroboration, the
26 prosecution knows the law of corroboration, why wasn't

4b-2

1 Stephanie Schram asked about this conversation? As why
2 wasn't she asked about a lot of things, about a lot of
3 the fairy stories that Linda Kasabian has told us?

4 She was in the heart of it. Stephanie Schram
5 was a prosecution witness.

6 Does that have any significance? That is for
7 us to decide.

8 We think that it does. We think it is most
9 significant, that Stephanie Schram was there at a time
10 when supposedly there was a conspiratorial statement, a
11 conspiratorial statement that would substantiate the
12 prosecution, and she is not an accomplice, but she is not
13 asked that.

14 Does it have any significance? Does it have
15 any meaning in this trial?

16 That is for us to decide.

17 Going on further.

18 "The night of the afternoon that Mr.
19 Manson said 'Now is the time for Helter Skelter,'
20 were you still at the ranch that night?

21 "Yes.

22 "Was this the evening of August 8th,
23 1969?

24 "I believe so."

25 And so forth and so on.

26 I am sure that Mr. Bugliosi will -- he may

4b-3

1 have something to say about this when he speaks to you
2 again, but whatever the prosecution may suggest when he
3 speaks to us again, there is no reason, there is no reason
4 why Stephanie Schram would not have been asked the questions
5 if she was present at this conspiratorial conversation.

4c fls.

4
1 And so there is no corroboration. There is no
2 corroboration. And if there is anything here that we
3 question, Judge Older will be more than glad, I am sure,
4 to have it read back for us.

5 Now, despite Mr. Manson's what has been portrayed
6 to us, what has been portrayed to us as a person who has some
7 unusual ideas, I think it is fair to assume, it is fair to
8 assume, that all of us have some sense of humor.

9 In any event, again, it is for the jury to
10 decide as to the meaning of these bits of evidence.

11 Page 14, 101.

12 "Did Mr. Manson say what he intended to
13 do during the black-white war?

14 "A. Yes.

15 "What did he say?

16 "He was going to go to the desert with his
17 people and completely avoid it then.

18 "Did he say where in the desert he was
19 going to go?

20 "He firmly believed that there was a pit,
21 a bottomless pit in the Death Valley area that
22 could be lived in, and inhabited, and quite
23 possibly was inhabited.

24 "Did he say he intended to inhabit the
25 bottomless pit during Helter Skelter?

26 "Yes.

1 "Now, you have indicated that Manson said
2 that he believed the black man would prevail in
3 this war with the white man.

4 "Did he tell you whether or not he felt the
5 black man would be able to handle being the
6 Establishment, handle the reins of power?"

7 Now, is that a leading question? Does the
8 question suggest its own answer? Or is it Mr. Bugliosi's
9 opening statement, the prosecution's opening statement, coming
10 by this conduit, by way of Mr. Jakobson.

11 "Ultimately no, they wouldn't. They
12 would have to come back.

13 "Why wouldn't they be able to handle the
14 reins of power?

15 "It just wasn't their thing. It was a
16 creation of white man's, and they would not be
17 able to handle it. They would not want it.
18 They would just finally put it down, give it back
19 to the white man that was left.

20 "Did he say who the white man was who
21 would be left?"

22 Now, do we need Mr. Jakobson to answer that
23 question, or would we be able to figure, in the context of
24 this trial, as to what that answer was?

25 "Well, he would be left and anybody else who
26 had been into the desert with him, and survived Helter

1 Skelter.

2 "So then the black man eventually would
3 come to Mr. Manson, is that correct?

4 "Yes, in essence, yes.

5 "Now, for what purpose would the black
6 man come to Mr. Manson, as far as Mr. Manson
7 was concerned?

8 "For help, to give it back, he would not
9 want it after he had it."

4d 10

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And remember, these are all conclusions.

This is synopsising upon synopsising, summarizing. What it is is Mr. Johnson telling us purportedly impressions of conversations, part of which at least came while people were smoking marijuana.

"For what purpose would the black man come to Mr. Manson?"

Going to line 9.

"In other words, the black man would want to turn over the establishment to Mr. Manson, is that correct?"

Another leading question.

"Right, yes.

"Did Mr. Manson ever discuss with you the recording group called the Beatles?"

"Yes.

"And their role, if any, in the scheme of life?"

"Many times.

"What did he say about the Beatles?"

"What did he say?"

"What were his feelings about the Beatles? What did he say about them?"

"He believed that they were prophets and they were prophesying Helter Skelter if you were listening to them, if you were tuned in. That

4d-2

1 "is what they were prophesying. They were the
2 leaders of the movement, within the words and
3 context of their songs."

4 And when we consider the black man situation
5 in this, and we certainly would agree that someone like
6 Tex Watson -- his name "Tex," and so forth, meaning he
7 comes from Texas -- we certainly can infer that -- his
8 first name is Charles; but in any event, assuming -- which
9 I think is a very good inference -- he came from Texas,
10 it may be that Charles Watson does not -- we certainly,
11 all of us, would agree that there are some people in
12 Texas that have some very definite feelings concerning black
13 people.

14 And when we look -- when we look -- at the
15 wounds that we have seen and that we will see when we
16 study these pictures, these wounds being of a very personal
17 nature, a personal vendetta, we can fairly well assume that
18 these wounds and what occurred is the personal vendetta
19 of Charles Tex Watson, because, again, Mr. Watson's presence
20 in these proceedings is eloquent by his lack of being
21 mentioned except allegedly as a puppydog.

22 We can infer, certainly we can infer, that
23 what occurred in connection with these wounds, that they
24 are wounds which were inflicted by Mr. Watson.

25 And again, we on the jury have to decide this
26 based -- and we have to apply -- that is why we have the

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doctrine of reasonable doubt -- reasonable doubt means that something has to be proved to a near certainty. A near certainty is what reasonable doubt means. It means that we must be fairly certain. And the prosecution must prove their case beyond a reasonable doubt.

4d fls.

4e-1

1 And so, we must then try to place Mr. Watson
2 in these proceedings, and if we feel that Mr. Watson is
3 a puppydog, that is one thing. If we feel that Mr. Watson
4 is not a puppydog, if we feel that Mr. Watson is someone
5 who is carrying out some kind of a personal vendetta,
6 personal malice, some personal feeling of his in these
7 various and sundry and horrible wounds that we see in those
8 pictures, then we must come to a conclusion consistent with
9 what our definition of criminal intent is, and our
10 definition of criminal intent is that a person is saddled
11 with his responsibility, that he is saddled with his own
12 acts, he is saddled with his own intent.

13 And in this case, there is no question but
14 what, as we have said, those wounds are personal.

15 If we look at Mr. Frykowski and if we look at
16 Abigail Folger, if we look at these bodies -- Abigail
17 Folger, who also could have been saved by Linda Kasabian,
18 according to her statement -- these are personal wounds.
19 These are stab wounds that are made by the person himself
20 or herself on behalf of their own -- whatever their
21 purposes were.

22 Now, around page 14,108.

23 "How often did Mr. Manson play this
24 album out at Spahn Ranch?

25 "A number of times. A lot of times."
26 Referring to the Beatles album.

4e-2

1 "It was played over and over again."

2 In other words, it was played at the Spahn
3 Ranch over and over again.

4 Mr. Manson was not the only human being living
5 at Spahn Ranch, according to the prosecution's evidence
6 here, independent of Linda Kasabian who is the accomplice
7 as a matter of law.

8 There is no question that Mr. Watson lived
9 there. There is no question that other people live there.

10 And so, when a record is played, lots of people
11 may hear that record.

12 "Did you hear Mr. Manson play any other
13 Beatles albums?

14 "No.

15 "Just this one here?

16 "Yes. It was the current Beatles album.

17 "Were there any particular songs in
18 this particular Beatles album that Manson played
19 the most?

20 "Well, Blackbird, Revelations 9.

21 "Is that Revelations 9 or Revolution 9?

22 "Revolution 9."

23 Mr. Bugliosi clears that up for Mr. Jakobson.

24 "Sexy Sadie, Blackbird and Revolution
25 stands out to me.

26 "What about Helter Skelter?

4e-3

4f

1 "Yes. Helter Skelter, of course, yes."

2 Now, why "of course"?

3 Because Mr. Jakobson and the prosecution have
4 spoken, and Mr. Jakobson is tuned in as to what the prosecu-
5 tion's viewpoint is.

6 Why else that word "of course"? Why not
7 "of course" as to some of the other words.

8 "What about the Piggies?"

9 "Well, that is one of those songs
10 that I mentioned, isn't it?"

11 "I am referring to that white album."

12 This is the question now.

13 "I am referring to that white album
14 now."

15 "Among the songs in the white album
16 are, of course, Helter Skelter, Blackbird and
17 Piggies, and also Revolution 9."

18 That is the question. That is the prosecution
19 talking. That is not a response to a question.

20 "I am sorry. The songs all run together
21 with me. I don't associate much with the titles.
22 But yes, the title Piggy."

23 Now, up to that point, when we analyze this
24 testimony in detail, Mr. Jakobson had never mentioned the
25 words "Piggy." But the prosecution clears it up for him.

26 He also doesn't even remember very much about

1 these songs. They all run together. But after a few hours
2 of session with the prosecution in discussing this case,
3 we then have what we have coming out in the courtroom.

4 "Do you recall him playing the song
5 by the Beatles Piggies; is that correct?

6 "Yes.

7 "And Blackbird?

8 "Yes.

9 "And Helter Skelter?

10 "Right.

11 "And Sexy Sadie?

12 "Yes, that's right.

13 "And Revolution 9?

14 "Yes."

15 So, we have the prosecution testifying concern-
16 ing these songs, because the prosecution asks the question
17 and the witness then says "Yes.

18 "Now, there are several other songs
19 in this album.

20 "Did he play the ones that I have just
21 mentioned more than the other songs?

22 "Yes.

23 "They were all played, but those were
24 referred to more.

25 "Those five?

26 "Yes.

1 "Did Mr. Manson appear to know the
2 words to those songs?

3 "That is what I meant. He could quote
4 from those songs.

5 "He used some of the verses of those
6 songs in his own music.

7 "You know, it was a couple of years
8 ago, so it all runs together."

9 In other words, in evaluating this testimony,
10 we must consider that Mr. Jakobson says it all runs together.

11 So, what does it mean?

12 It means, again using our yardstick, or our
13 suggested yardstick of Dr. Katsuyama and Dr. Noguchi, is
14 this evidence credible in the sense of can we believe it,
15 can we use it, can we say that we can apply this evidence
16 to the law with the unshaking ability that we have as far
17 as Dr. Katsuyama and Dr. Noguchi are concerned?

5 fls.

5-1

1 Is this evidence -- it all runs together, words
2 to that effect, leading questions -- is it credible to be
3 used in the context of these proceedings?

4 Those of us on the jury, that is where the
5 decision must be. That is really the name of this game,
6 this credibility of witnesses. That is what these trials
7 really are all about, because the Court will instruct you
8 that this matter of credibility is all up to the jury. It's
9 all up to the jury to decide these aspects of credibility, and
10 if some of these witnesses -- if some of these witnesses are
11 not credible, then we must make certain decisions, and even
12 though there's a lot of words here, as to Mr. Jakobson's
13 testimony, can we rely upon those words to tell us anything
14 as far as this trial is concerned?

15 We know it was a couple of years ago; it all runs
16 together.

17 Now, at Page 14,132, I am trying to cover the high
18 points here.

19 Every night we take home all of these 19,000 pages
20 of transcript and try to ferret out and take away, keep these
21 remarks as succinct as possible.

22 But when you have 19,000 pages of transcript,
23 the job is not as easy as if one had a much smaller
24 transcript.

25 There are many, many, many matters that we would
26 like to go into that we are not going to be able to because

1 of the sheer volume of words that have been uttered by the
2 witnesses.

3 On Page 14,132:

4 "Q Directing your attention to
5 People's 268, and particularly the ninth
6 chapter here, Revelation 9.

7 "Are you familiar with the language of
8 Revelations 9?

9 "A Well, I have read it. I am not
10 really familiar with it. I can't quote it.

11 "Q You have read Revelations 9 before;
12 is that correct?

13 "A Yes."

14 There we have some kind of an insight, perhaps,
15 into whether we can believe what Mr. Jakobson is saying, not
16 in the sense that Mr. Jakobson is not -- is not telling us
17 perhaps what comes to his mind at the particular instant he
18 is testifying, but the question is, is the raw material there
19 in his mind when he said -- when he says, "Well, I have read
20 it. I am not really familiar with it; I can't quote it."

21 "Q You have read Revelations 9 before;
22 is that correct?

23 "A Yes."

24 Now, then, this is the prosecution asking the
25 question:

26 "Q Directing your attention to the 9th

1 "chapter, Verse 1, the language:

2 'And the fifth angel blew his trumpet
3 and I saw a star falling from heaven to earth,
4 and he was given the key of the shaft of the
5 bottomless pit.'

6 "Did Mr. Manson ever tell you what that
7 language meant?

8 "A Well, the bottomless pit meant a
9 lot to Charlie."

10 THE COURT: Asks: "Is the answer yes?

11 THE WITNESS: Yes.

12 "MR. BUGLIOSI: Q What did he say?

13 "A The bottomless pit was the bottomless
14 pit in the desert, Death Valley.

15 "Q Where Mr. Manson intended to go?

16 "A Where he intended to go.

17 "Q And escape Helter Skelter?

18 "A As a refuge, yes.

19 "Q Directing your attention to the fourth
20 verse:

21 'They were told not to harm the grass of the
22 earth or any green growth or any tree, but only
23 those of the mankind who have not the seal of
24 God upon their forehead.'

25 "Did Mr. Manson say what that language
26 meant?

1 "THE WITNESS: Charlie said --

2 "THE COURT: Is the answer yes?

3 "THE WITNESS: I am sorry, I will have to
4 have the question.

5 "MR. BUGLIOSI: Very well.

6 "Q Directing your attention to the
7 fourth verse --

8 "THE COURT: Listen to the question, sir.

9 "THE WITNESS: I am listening, your Honor.
10 It gets lost in the exchange.

11 "THE COURT: What I mean is, rather than
12 giving an explanation, the question could be
13 answered yes or no; did he say something about
14 it or didn't he?

15 "THE WITNESS: Yes, he did.

16 "Q BY MR. BUGLIOSI: About the fourth
17 verse?

18 "A Yes.

19 "Q About the seal of God upon their
20 forehead?

21 "A Yes, he did.

22 "Q What did he say about that?

23 "A That the men that had the mark he
24 would know and they would be with him.

25 It was very subjective."
26

5a-1

1 Now, what a person's religion is is sometimes
2 obscure. We think of religion many times as the big,
3 beautiful churches on Wilshire Boulevard, or wherever they
4 may be in Southern California.

5 But a church can be a person's body, can be
6 a church as far as religion goes. Who is to say?

7 The First Amendment, besides protecting
8 freedom of speech protects freedom of religion for all of
9 us.

10 We don't know, we have seen -- we have seen
11 the mark that Mr. Gutierrez testified to upon the forehead
12 of Mr. Manson and others in this courtroom.

13 Whatever it is, whatever it is, whether it has
14 a bit of free speech connected with it, whether it's got
15 a bit of freedom of religion connected with it, we see
16 these people, all of us have seen around 7th and Broadway,
17 there is a man we have seen for years. This man walks
18 up and down with a Bible in his hands yelling some kind
19 of words about various things that -- of a religious nature,

20 Now, that man is a church by himself, walking
21 around. He doesn't have to be a big beautiful building
22 to be a church.

23 And so whatever we have here, whatever we
24 have here we have a situation where somebody is -- whatever
25 they are doing, they are doing it by something that motivates
26 them down inside.

5a-2

1 So the question that we have to decide is,
2 does this, this kind of language and all of that, does
3 that constitute -- does that constitute anything that we
4 can use in the context of everything that is in this trial,
5 to find someone guilty of murder, these murders?

6 This is what we have to decide in this case.

7 And we think that whatever this Biblical --
8 whatever this Biblical reference is, and however it is
9 used, that is certainly within the First Amendment, freedom
10 of religion aspect of our life, and that is one of the
11 things that we have to consider in deciding this case.

12 On page 14,153 the prosecution asks:

13 "Mr. Jakobson, in your various dis-
14 cussions with Mr. Manson, did he ever discuss with
15 you what he believed to be a proper relationship
16 between parents and children?

17 "THE WITNESS: Yes.

18 "Q What did he say?

19 "A Any relationship like that was very
20 bad because the carryover from the parent, any of
21 the parent's hangups went directly to the child
22 then, if there was a relationship."

23 Now, can we find in that bit of evidence any
24 kind of inference that we must -- that we must use because
25 supposedly all evidence is relevant and material, what can
26 we use that bit of evidence for, about Mr. Manson's maybe

1 peculiar attitude concerning the parent-child relationship:

2 "Q So he believed that there should not be
3 a close bond --

4 "A Yes.

5 "Q -- between parents and children.

6 "A Yes."

7 Well, evidently neither did Dianne Lake's
8 parents believe that.

9 Dianne Lake's parents, we have in this court-
10 room evidence, and that doesn't come from any accomplice,
11 that Dianne Lake was, I would gather, almost forcibly
12 evicted, told to leave her home at the age of 13 by her
13 parents.

14 And she was also introduced to drugs, evidently,
15 chemicals, dangerous chemicals were ingested in her body
16 because of the influence of her parents:

17 "A Yes, between parents and children.

18 "Q Between parents and children?

19 "A Yes.

20 "Q Did he say anything about education?

21 "A Yes.

22 "Q What did he say?

23 "A It was the study of 2000 years of war,
24 history, and so on. It had no worth."

25 Many many people in our community today have
26 grave doubts about whether our educational system is what

1 it should be. It is one of the burning issues of the day
2 as to what we should do in the field of education.

3 What has that to do -- what has that to do
4 with what we are in this courtroom for:

5 "Q" -- 14,154, beginning at line 20:

6 "Q Approximately how many times would you
7 estimate you visited Manson at Spahn Ranch?

8 "A A hundred. It is just a figure. Quite
9 often over the period of a year and a half. A great
10 number of times."

11 And this is significant for this reason, later
12 on in this transcript we will show -- we will show that
13 Mr. Jakobson was approached on the day almost that the Tate
14 matters occurred, and Mr. Jakobson, because he had friends,
15 Mr. Melcher was a friend of his, he was at the Tate residence
16 many times, primarily when Mr. Melcher was occupying the
17 place, but the police came to him.

18 Actually he said they came to his wife, we
19 will see later on, but he spoke to the police too.

20 Now, if there had been any kind of thinking in
21 his mind that the Spahn Ranch and Mr. Manson, because he
22 had been there a hundred times, he had spoken with Mr.
23 Manson extensively, if he had thought that there was any
24 connection, he would have told the police at that time.

25 There is a bit of circumstantial evidence that
26 is most significant because, you see, what comes out of

1 that witness stand, we get it in a distorted disoriented
2 type of fashion.

3 That is, we get questions and answers, and we
4 don't get the real, full picture.

5 So the fact that somebody discusses something
6 here, and these words come out and we have to consider them
7 in connection with the trial, that certainly is something
8 that we should do.

9 But on the other hand, we look at the circum-
10 stance, if we look at Mr. Jakobson's relationship.

11 Here we have a man who on August the 8th,
12 August the 9th, August the 10th had a relationship with
13 both aspects of what we have in this trial.

14 He had a relationship with the people who
15 passed away in the sense that he had visited Mr. Melcher
16 at those various premises.

17 And then he had a relationship with Mr. Manson.

18 Wouldn't he have been in a position to make
19 an equation as to the events that had occurred if, in fact,
20 there was anything about what he had spoken with Mr. Manson,
21 if there was anything there that would indicate criminal
22 culpability?

23 He was in a very unique position. This is a
24 circumstance that we suggest has some great probative value
25 in this case, because Mr. Jakobson, in all his intimacies
26 at the Spahn Ranch, knowing everybody up there, certainly

1 was in the position that we have indicated and yet -- and
2 yet when the police actually came to his home, practically
3 before these events at the Tate mansion had finished,
4 there was no -- there was no such statement by Mr. Jakobson
5 even suggesting -- even suggesting any relationship of Mr.
6 Manson and these events.

7 MR. BUGLIOSI: Going outside the evidence in the
8 transcript, your Honor. He is not drawing inferences. For
9 all he knows there was a statement made.

10 He has no evidence of that.

11 THE COURT: Just a moment, Mr. Kanarek, that will be
12 enough.

13 I will take up the objection after the recess.

14 We will recess at this time, ladies and
15 gentlemen.

16 Do not converse with anyone or form or express
17 any opinion regarding the case until it is finally submitted
18 to you.

19 The court will recess for 15 minutes.

20 (Recess.)

5 b fls.

5b-1

1 THE COURT: All counsel and jurors are present.

2 All counsel approach the bench, please.

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

5 THE COURT: Just before the recess Mr. Bugliosi
6 objected to your statement, Mr. Kanarek, and I have here
7 just an excerpt that was typed up by the reporter during
8 the recess in which you stated in substance that when the
9 police came to Mr. Jakobson's home he made no such statement,
10 referring to his statement suggesting any relationship
11 between Mr. Manson and the defendants.

12 MR. KANAREK: That's right, your Honor.

13 THE COURT: It would appear to be a statement clearly
14 outside the record.

15 MR. KANAREK: No, on August 8th; immediately after
16 August 8th this record reveals he was visited by police
17 officers.

18 THE COURT: That is not the point. The point is,
19 this record contains no evidence he did not make any such
20 statement.

21 MR. KANAREK: It also contains no evidence that he made
22 such a statement.

23 We can infer -- Mr. Bugliosi has argued you can
24 let the wings of your imagination fly --

25 THE COURT: Just a moment, Mr. Kanarek, you prefaced
26 the statement, just before the recess, by saying, "This is a

1 circumstance that we suggest has some great probative value
2 in this case."

3 MR. KANAREK: Right.

4 THE COURT: Then you go on to make the statement as
5 a representation of fact that there was no such statement by
6 Mr. Jakobson.

7 That simply is outside the record of this case.

8 MR. KANAREK: The fact is --

9 THE COURT: The objection is sustained.

10 MR. BUGLIOSI: Will you advise the jury, your Honor?

11 THE COURT: Well, do you really want an admonition?

12 MR. BUGLIOSI: He already made the statement as a fact.
13 You are sustaining the objection. If they are not told about
14 it, it doesn't have any value.

15 MR. KANAREK: There is no necessity; we would object to
16 any admonition, your Honor.

17 THE COURT: Why?

18 MR. KANAREK: Well, your Honor, whatever was sustained
19 is sustained. Your Honor sustained it, is going to sustain
20 an objection. The fact of the matter is there was conver-
21 sation --

22 THE COURT: Let's proceed,

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

25 THE COURT: Just before the recess there was an
26 objection by Mr. Bugliosi to a statement made by Mr. Kanarek

1 in argument.

2 The Court has sustained the objection to that
3 statement, and the jury is admonished to disregard that
4 particular statement to which the objection was made.

5 You may proceed, Mr. Kanarek.

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

7 Ladies and gentlemen, as to whether or not any
8 particular evidence has come in, or as to whether or not
9 any particular evidence has any particular significance,
10 that is what the jury is for, and the evidence in this case
11 shows that police officers came to Mr. Jakobson's home where
12 he and his wife were.

13 Nothing has been brought forth in this courtroom
14 to show that Mr. Jakobson made any statement whatsoever to any
15 police officers concerning Mr. Manson, the Spahn Ranch or
16 anything that we have spoken of.

17 At that time he was in the presence of the
18 police officers and he knew what happened.

19 We will delineate with particularity where that
20 occurred in the transcript. That what I have said now is
21 parenthetical. It is something that I am not exactly reading
22 from the transcript right now, but if there is any
23 question about it, even after we read it, I am sure that while
24 the deliberations are going on that the Court will read the
25 record -- allow the record to be read to us:

26 "Q BY MR. BUGLIOSI:" At Page 14, 159:"

1 "Q You say that during the period of
2 time that you knew Charles Manson he asked you
3 to join the Family several times, is that
4 correct?

5 "A Yes.

6 "Q And that period again was what,
7 early summer of '68?

8 "A From the early summer of '68 to the
9 late summer of '69."

10 So we have a situation, whatever the late summer
11 of '69 means, we have here a man who was on the scene.

12 We have here a man who certainly in the late
13 summer --- it would mean August, I think all of us would
14 include, certainly, the first week of August of any year,
15 we would certainly consider that to be the summer, so the
16 late summer would be after the first week of August:

17 "Q How many times did he ask you to
18 join the Family?

19 "A Innumerable.

20 "Q 50, 60, 100, 10?

21 "A Yeah, 10, 15, seven.

22 "Q Where did these conversations take
23 place in which he asked you to join the Family?

24 "A A great many places.

25 "At Dennis Wilson's house -- two of
26 them at Dennis Wilson's -- Dennis Wilson had two

1 "different houses. At my house, at the ranch.

2 "I remember a specific instance up at
3 Goler Wash, Death Valley.

4 "Q When was that?

5 "A That would have been a few days
6 before Thanksgiving of '68.

7 "Q All right.

8 "Let's take a specific incident. Who was
9 present at that time?

10 "Just Charlie and myself.

11 "Q What did he say to you?

12 "A Just, 'When are you going to come
13 with me?'

14 "'Ride with me?' 'Be with me?' 'Be Free.'

15 'Leave my wife, the children who had trapped
16 me and be with him and his family, the girls,
17 people that loved you.'

18 "Q Did you ever in fact join the
19 Family?

20 "A I spent time with them.

21 "Q Did you ever live with them?

22 "A Could you clarify what that means,
23 'living with them'? "

24 And so we have a witness, Mr. Jakobson, who
25 was on the scene through 1969, the late summer of 1969, and
26 the significant part is, of course, the late summer of 1969
would encompass the two days we have spoken of here, and

1 Mr. Jakobson is including that in this period, it covers the
2 time past the raid, all of that, the raid of August the 16th,
3 1969.

4 And when he says, "Clarify what that means,"
5 living with them, it means in his mind there is a question,
6 what does that mean?

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1 So it means that he had some intimacy there;
2 that he was to such an extent that he has to sort of think
3 about what does "living with them" mean.

4 And then the question is asked:

5 "Q Well, did you ever live, for instance,
6 at a locale where they were living? For instance,
7 at Spahn Ranch?

8 "A I spent two nights and two days out in
9 Death Valley, in Goler Wash.

10 "Q With the Family?

11 "A That was the longest time, yes.

12 "Q Did you consider yourself to be a member
13 of the Family?

14 "A Not really, no.

15 "There was always a slight distance
16 because I wasn't really."

17 And so we see, we see an intimacy of relation-
18 ship where this man could have observed, could have seen,
19 could have known.

20 After all, we are dealing with people. We
21 know the type of people that we are dealing with there. If
22 there was any such kind of conspiracy or any such kind of
23 matter that the prosecution would have us believe, this
24 man Mr. Jakobson would certainly have known about it.

25 It defies reason to expect that Mr. Jakobson
26 would not have known about it, considering his in-depth

1 relationship with the Spahn Ranch and with Mr. Manson:

2 "Q You were not a member of the Family?

3 "A No.

4 "Q Did you know Charles Watson?

5 "A Yes.

6 "Q How would you describe Charles Watson,
7 in terms of demeanor, personality?"

8 And in the context of this trial we can almost
9 give the answer ourselves.

10 "Q You may answer the question.

11 "THE WITNESS: When did I meet?

12 "MR. BUGLIOSI: No.

13 "Q How would you describe Charles Watson;
14 his personality, his demeanor.

15 "A Oh!

16 "He was a very happy-go-lucky, almost
17 like a puppy, like a young dog, always wagging its
18 tail, very lovable, very likeable, very innocent."

19 Now, the language that is in that answer, can
20 we consider, is this the language of the prosecution or is
21 this the language of Mr. Jakobson after the prosecution
22 has spoken with Mr. Jakobson for some extended period of
23 time;

24 "Q Did you ever notice any dramatic change
25 in his demeanor at any time that you knew him?

26 "A Yes."

Page 14,164:

"Q You did?

"A Yes.

"Q And when did you notice this change?

"A A long period of time passed that I didn't see Charlie Watson, and then I saw him at the ranch in the early summer.

"Q Of '69?

"A Of '69.

"Q And he wasn't even the same person.

"A In what respect did you notice that he had changed?

"A It was as if the essence of life was gone. He was like burnt out. He was like a shell, an automaton, just walking around. There was no spark."

Now, looking at that, can we say that this is Mr. Jakobson speaking, or is this Mr. Jakobson speaking after some long consultation with the prosecution?

And we see here, we see here a man whose testimony in terms of relationship with the people, and really in law, that is what we really deal with, is the relationship with people, that is what we decide in court-rooms.

We have a man who was there all the time, more or less, as opposed to Mr. Melcher who was there --who was

1 there what, a couple of times?

2 And so what is the more significant, what is
3 more significant than the fact that Mr. Jakobson, after being
4 there, after being intimate with these people, after knowing
5 what occurred at the Tate residence, after being approached
6 by police officers, after doing what he did in connection
7 with the people at the Spahn Ranch, makes no mention to
8 these police officers concerning Mr. Manson or anything else.

9 MR. BUGLIOSI: Same objection, your Honor.

10 MR. KANAREK: There is nothing in this record --

11 MR. BUGLIOSI: Same objection.

12 THE COURT: Approach the bench, Counsel.

13 (The following proceedings were had at the
14 bench out of the hearing of the jury.)

15 THE COURT: Read that last part.

16 (Whereupon the reporter reads the record.)

17 MR. KANAREK: Your Honor, it is a legitimate
18 inference.

19 THE COURT: That is no inference. That is a statement
20 of fact that is incorrect.

21 MR. KANAREK: Well, your Honor --

22 THE COURT: The objection is sustained.

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

25 THE COURT: The objection is sustained. The jury is
26 admonished to disregard the statement to which the objection

1 was interposed.

2 Let's proceed, Mr. Kanarek.

3 MR. KANAREK: Mr. Jakobson was at his home when
4 police officers came, and we will see the exact date, I
5 think it's August 9, immediately after August 9th or 10th,
6 immediately after the matters occurred at the Tate home,
7 Mr. Jakobson was present when these police officers were
8 there.

9 He spoke to them. There is nothing in this
10 record whatsoever to show that Mr. Jakobson made any statement
11 concerning Mr. Manson, nothing, absolutely zero concerning,
12 or any allusion to Mr. Manson.

13 And if we are not stating that correctly,
14 ladies and gentlemen, the record is here for it to be read.

15 I am sure the Court will accommodate us and
16 allow the record, any portion to be reread, if there is
17 any desire whatsoever that that be done.

18 On those occasions, page 14,165:

19 "Q On those occasions when you did go
20 out to the Spahn Ranch, Mr. Jakobson, did you have
21 dinner with the Family?

22 "A Yes.

23 "Q On several occasions?

24 "A Yes.

25 "Q Among the times that you had dinner
26 with the Family, did you ever have dinner at the

1 "campfire down by the stream below the stables?

2 "A Yes.

3 "Q Approximately how many times?

4 "A Twice.

5 "Q Do you remember on those occasions --
6 strike that.

7 "Do you know when those two occasions
8 were?

9 "A Late in May, yes, I do.

10 "Q Late in May, 1969?

11 "A Yes.

12 "Q And were the dinners in the evening?

13 "A Yes.

14 "Q Do you know who, if anyone, decided
15 when it was time to eat?

16 "A Yes.

17 "Q Who?

18 "A Charlie.

19 "Q What did he say?

20 "A It was time to eat. 'Let's eat.'

21 "Q Whereupon everyone ate?

22 "A Yes.

23 "Q Approximately how many people?

24 "A However many were present, and that
25 always varied.

26 "Q Could you give me, or give us, some

1 "type of a range?

2 "A From 25 to three."

3 Now, we see here that Mr. Manson is a person
4 of some fluidity.

5 He has had conversations with Mr. Jakobson
6 at not just the Spahn Ranch, at Dennis Wilson's, and other
7 places, at Mr. Jakobson's home.

8 Also the people at the Spahn Ranch, that is
9 a fluid group, 25 to three.

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1 In other words, at times -- at times the
2 prosecution would have us believe that this was the Army;
3 that this was some kind of a situation of great discipline.

4 Well, 25 to 3 indicates that the people came and
5 went as they pleased, and that is quite a divergence of
6 numbers of people having dinner.

7 It is indicative. It is a circumstance that we
8 can use if we think that it has any significance.

9 "Q I am referring to these two specific
10 occasions now.

11 "A Oh, I am sorry. 20 people.

12 "Q 20 people?

13 "A Yes.

14 "Q Would you describe how everyone
15 was seated for dinner?

16 "A Yes.

17 "It was down by the stream that runs in
18 back of the ranch, and everybody sat around, and
19 there was a campfire, and there was a rock in the
20 center of the assemblage that Charlie sat on.

21 "Q Charlie sat on a rock?

22 "A Yes.

23 "Q And where was everyone else seated?

24 "A In a circle.

25 "Q Around the rock?

26 "A Yes.

1 "Q Upon which Charlie sat?

2 "A Yes."

3 How many Westerns have we seen where something
4 happens, it is the end of the day and someone who has talent
5 or thinks he has talent grabs a guitar or something or other
6 and sings and everybody sits around and watches him?

7 Now, what I am saying is, what I am saying is,
8 certainly we can certainly assume, certainly we may make
9 the conclusion that Mr. Manson was well known to these
10 people, that Mr. Manson was the person, was the person that
11 was there who was the person that was looked up to, and so
12 forth.

13 But that is a far cry, that is a far cry from what
14 the prosecution would have us believe Mr. Manson was in
15 connection with the precise matters that we have to decide
16 here today.

17 And as we have said, in connection with these
18 young girls, the Statute of Limitations is three years from
19 the date of the incident.

20 If someone had sexual intercourse today with a
21 girl that is under 18, the statute runs from today. It
22 means anytime three years from today, that a felony complaint
23 can be filed, and it means that Mr. Manson has a series of
24 felony complaints that are waiting for him after he is
25 acquitted in this case.

26 The point is -- the point is that the
prosecution, the prosecution is zeroing in on Mr. Manson for

1 the reasons that we have spoken of here.

2 It is clear, so these girls do like Mr. Manson;
3 evidently after they get to the ranch, somehow, evidently he
4 has great difficulties with girls from Mr. Watkins said.

5 Mr. Watkins had to go out and get the girls,
6 according to the testimony here.

7 So for whatever that may be worth, what does
8 this prove?

9 "Q And that is how everyone had dinner,
10 in those basic positions?

11 "A Yes.

12 "Q During the dinner, in addition to
13 eating, would Manson play his guitar?

14 "A Yes.

15 "Q And sing?

16 "A Yes, he would.

17 "Q And philosophize?

18 "A Yes.

19 "Q Would he do most of the talking?

20 "A Yes.

21 "Q On these two particular occasions
22 in May, was Charles Watson present-

23 "I am referring to the two dinner occasions
24 now.

25 "A I don't believe he was."

26 So Mr. Watkins -- pardon me, Mr. Watson,

1 according to Mr. Jakobson, the alleged puppy dog, is not
2 there, and Mr. Jakobson is there.

3 These are occasions when this alleged discipline
4 is supposed to be taking place.

5 Mr. Watson is out somewhere else doing what
6 Mr. Watson wants to do, and this is certainly a fair
7 implication from Mr. Jakobson's testimony:

8 "A I don't believe he was.

9 "Q Was Susan Atkins present?

10 "A I believe so, yes.

11 "Q Leslie Van Houten?

12 "A Yes.

13 "Q Patricia Krenwinkel?

14 "A Yes.

15 "Q Did Mr. Manson ever tell you that he
16 intended to have his girls do any particular type
17 of work?

18 "A Yes.

19 "Q When did he tell you this?

20 "A The early summer of '69, April, May,
21 June.

22 "Q Where did the conversation take
23 place?

24 "A At the ranch.

25 "Q Who was present?

26 "A I believe it was just Charlie and

1 "myself.

2 "Q What did he say?

3 "A He said he planned to have the
4 girls begin to work in topless bars."

5 Here we come to an interesting question which
6 poses an interesting question in logic, when we are deciding
7 this case.

8 Mr. Manson is supposed to be short of money to
9 start Helter Skelter.

10 Mr. Manson was the great general in charge of
11 this. He would have had those people pick up money in the
12 Tate residence to finance Helter Skelter, because Mr.
13 Jakobson makes the point here that Mr. Manson needed money so
14 much, so much that he was going to have these girls dance
15 topless, to buy the gold nylon rope that we will come to
16 shortly.

17 But the fact of the matter is, Mr. Manson was
18 going to finance Helter Skelter. Why leave all of the
19 items at the Tate residence, and at the La Bianca residence?
20 These items are items of worth, items that -- items of
21 personal property that had great value.

22 Why not take those items and finance Helter
23 Skelter?

24 It is a circumstance that we can consider, that
25 there was no such intent or motive or purpose in connection
26 with what happened on those two nights and, furthermore --

1 furthermore, as we have spoken of before, there is also the
2 aspect, there is also the aspect that -- that these only
3 occurred for two nights.

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1 Where was the financing coming from? Why weren't
2 there other nights after these two nights? There was no
3 interposition of any kind of police action or anything else.
4 So here:

5 "Q What did he say?

6 "A He said he planned to have the
7 girls begin to work in topless bars.

8 "Q Did he elaborate on that?

9 "A Well, the reason he was doing it,
10 you mean?

11 "Because he needed money, and he believed
12 that each girl could make several hundred dollars
13 a week, and if ten girls were working, it is
14 simple mathematics, you know..

15 "Q Did he say why he needed the money?

16 "A Yes.

17 "Q What did he say?

18 "A It was in preparation to go to the
19 desert. Specifically, a lot of money was needed
20 to buy rope."

21 Now, we get into an aspect of this case that we
22 all remember, I'm sure, where the question is next asked:

23 "A rope?

24 "A Yes, very expensive rope.

25 "Q For any particular purpose?

26 "A It was to go into the pit with.

1 "Q The bottomless pit?

2 "A Yes.

3 "Q Did he indicate to you how long this
4 rope had to be?

5 "A Yes.

6 "Q What did he say?

7 "A Thousands of feet were needed,
8 a truck load of rope."

9 And by the way, the gold nylon rope is clearly
10 not the rope we have seen in this courtroom. That is white,
11 the rope we have seen in this courtroom.

12 "A Thousands of feet were needed, a
13 truck load of rope.

14 "Q And this rope was to be used to get
15 to the bottom of the bottomless pit?

16 "A Yes.

17 "Q By him and his Family?

18 "A Yes.

19 "Q During Helter Skelter?

20 "A Yes."

21 I'm sorry, the Court struck that question;
22 "during Helter Skelter," that particular question Judge
23 Older struck, because on the next page here Mr. Bugliosi got
24 it into evidence anyway.

25 The Court admonished the jury to disregard it,
26 but the next question by Mr. Bugliosi, I am talking on

1 Page 14,171, by Mr. Bugliosi:

2 "Q Did Mr. Manson say when he needed
3 that long rope which would take him and his
4 Family to the bottom of the bottomless pit?

5 "A Yes.

6 "Q What did he say?

7 "A It was when they went to the desert
8 to get away from Helter Skelter."

9 So we have again a situation where the prosecution
10 is suggesting, making -- offering questions which are
11 leading and suggestive:

12 "A It was when they went to the desert
13 to get away from Helter Skelter."

14 "Q Did he have more than one conversation
15 with you with respect to that?"

16 And in that question, Mr. Bugliosi asked the
17 question previously, which we have to read to give it meaning,
18 the previous question was in fact answered:

19 "Q Did Charles Manson ever discuss
20 with you the relationship that he had with other
21 members of the Family?"

22 And then Mr. Bugliosi asks the question:

23 "Q Did he have more than one conversation
24 with you with respect to that?"

25 Referring to the relationship with the other
26 members of the Family.

1 "A Yes.

2 "Q How many?

3 "A Not many, but it was discussed
4 at different times.

5 "Q Can you remember any particular
6 conversation?

7 "A Yes.

8 "Q When did that particular conversation
9 take place?

10 "A I think it was at Dennis Wilson's
11 beach house.

12 "Q When?

13 "A It would have been September of '68.

14 "Q Who was present?

15 "A I think Dennis was there besides
16 Charlie and myself.

17 "Q What did Mr. Manson say?

18 "A He was just talking about the close-
19 ness of the Family and what it was like and to
20 have these people with him completely-

21 "Q Did he say anything else?

22 "A In regards to the relationship?

23 "Q That he had with the Family.

24 "A They were with him and this was
25 the way it should be, and there is no in-between
26 and you had to choose.

1 "He wanted Dennis and I to choose; it
2 was as if we were choosing sides.

3 "There was no in-between, you understand,
4 you were with him or you were against him.

5 "Q Did he say whose Family it was?

6 "A Yes, it was his Family.

7 "Q Did he say it was his Family?

8 "A Yes, he wanted us to be with him
9 and his Family."

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1 Now, the fact -- the fact the prosecution would
2 have us believe that because everyone at that ranch might
3 have had some affection or feeling for Mr. Manson, that
4 this means that we can make an equation that will bring us
5 the prosecution's viewpoint in this case.

6 This is in 1968.

7 This is at a period of time when Mr. Wilson and
8 Mr. Jakobson are discussing with Mr. Manson matters concern-
9 ing his relationship with the Family.

10 What is there -- remembering our rule of law,
11 remembering our rule of law that we have two days of
12 alleged conspiracy here.

13 We have the statement that the Court has given
14 us, the statement that the Court has given us that this
15 evidence is to be used only against Mr. Manson, not against
16 anyone else.

17 Clearly, clearly this has nothing to do with
18 Helter Skelter or with any kind of a race war, or with
19 Sharon Tate, or Mr. Frykowski or Abigail Folger, Mr. Parent,
20 Mr. La Bianca, Mrs. La Bianca.

21 You have to have a specific intent. You have
22 to have a specific intent to commit murder.

23 And the fact -- the fact that Mr. Manson
24 and the people out there, people that come and go, have
25 a certain relationship, is not any corroboration. It is
26 not any proof. It does not -- it does not show any

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1 conspiracy on these two days.

2 There is an item -- this is a red herring, this
3 is a red herring. I suppose there are many organizations,
4 some of the greatest discipline we have in this country
5 today is in our political organizations.

6 We have -- both the Republicans and the
7 Democrats have -- sometimes they will meet; sometimes the
8 executive meeting will meet and anyone who speaks against
9 another Democrat is read out of the Party; and someone who
10 speaks against another Republican is read out of the Party.

11 During primary campaigns, during primary
12 campaigns we see this; we see that there is in human
13 relationships, there is this tendency to say "Well, are you
14 with me or against me?"

15 I mean, how many times in our lifetime, whether
16 it is in business or whatever, have we had situations where
17 somebody is either with or without.

18 You take the ordinary politician that sometimes
19 goes on in office, where someone in an office has a certain
20 amount of authority, and other people cleave to someone else
21 who wants authority, or is at the same level and is fighting
22 with this particular person that has authority.

23 These kinds of things -- these kinds of things
24 go on constantly, day in and day out.

25 The prosecution would have us believe that
26 this type of relationship, that this type of relationship here

1 is the kind of relationship that makes Mr. Manson criminally
2 responsible for the events that we are here talking about
3 in this courtroom.

4 The point of the matter is, if the prosecution
5 has to reach -- to do that kind of reaching to get what they
6 say is evidence that tends to prove this, this is something
7 else that we have to consider.

8 This is something we have to consider,
9 the very fact of the tenuousness, the very fact that this
10 goes back and the prosecution is getting supposedly evidence
11 from 1968.

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1 This is a factor that we should consider.

2 Now, then, we have statements like at Page 14,173,
3 where again we get into the kind of conversations that all
4 of us have had in terms of ego, and so forth. Behavioral
5 sciences have become a part of our life, scientists and
6 psychologists, and we read all kinds of things concerning
7 these people.

8 "Q Did he say it was his family?

9 "Yes, he wanted us to be with him and
10 his family.

11 "Did he say what you would have to do if
12 you joined the Family?

13 "Yes.

14 "What did he say?

15 "Give it all away.

16 "Give what all away?

17 "Everything, yourself, it, that, ego,
18 self.

19 "To whom?

20 "Well, I don't know if that is important
21 where you give it away, but then he can pick it
22 up."

23 Now, there are the words that were uttered. Do
24 those words have any significance? Can we use those words
25 for anything?

26 When the question is asked, he answered:

1 "Everything, yourself, it, that, ego,
2 self."

3 And the question:

4 "To whom?"

5 And he answers: "Well, I don't know if
6 that is important where you give it away, but
7 then he can pick it up."

8 "You say then he could pick it up?"

9 "Yes, it is very ambiguous."

10 "It's very subjective, I know. I am
11 doing the very best with the words available."

12 "THE WITNESS: -- to explain."

13 Question at Page 14,173 by Mr. Bugliosi:

14 "Did he ever indicate that if you joined the
15 Family you had to give yourself up to him?"

16 "THE WITNESS: Yes."

17 "What did he say?"

18 "That was the indication, that was the
19 inference, he was the obvious head of the Family
20 and, of course, you would give yourself to him
21 if you were a member of the Family."

22 "Now, you indicated earlier, Gregg, that
23 you were in record productions, is that correct?"

24 "Yes."

25 "You, of course, know Terry Melcher?"

26 "I do, yes."

1 "And were you ever employed by Terry?

2 "Yes.

3 "In what capacity?

4 "I was an associate of Terry's and I worked
5 for and ran his record company and publishing
6 company.

7 "In that capacity did you also do work as
8 a finder -- a finder of talent or a talent scout?"

9 So, we have a situation here where Mr. Jakobson
10 is a man of some -- he is a man that supposedly does work
11 that involves some discretion on his part, a man who, evi-
12 dently, in whatever kind of work he does, has some kind of an
13 executive capacity.

14 And then again, remembering that what we get here
15 is just distillation, we get a few words, we get Mr. Jakobson's
16 impression, we have the most profound circumstance that I
17 think we can think back, and I don't know of any other case
18 wherein a person of this type has the place that he has
19 in these proceedings, where he, immediately after, immedi-
20 ately after the events at the Tate residence, knowing the
21 people there, knowing Mr. Manson, the prosecution would have
22 us believe that what happened there at the Spahn Ranch was
23 dramatic, it was impelling, it was the kind of thing that --
24 it was the kind of relationship that just wouldn't let you go,
25 it permeated your entire consciousness; Mr. Melcher goes up
26 there and sees this and says he was impressed by everything

1 that he saw, and then on the very day, the next day that these
2 Tate matters occurred, Mr. Jakobson/^{is}approached by the police,
3 and we have absolutely zero, no indication whatsoever that
4 Mr. Jakobson made any statements to the police concerning
5 Mr. Manson and the Family.
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1 This is something where circumstances are much
2 more powerful than the words uttered. The relationship of
3 people is much more powerful than the actual words.

4 Because if you take the words alone, we get
5 an impression that is not so.

6 Mr. Jakobson was living this. And what would
7 be the first thing that you would think Mr. Jakobson would
8 say if a police officer walked in on the morning after the
9 incidents occurred at the Tate house?

10 The first thing Mr. Jakobson would say --we
11 know it was spread all over, the word "pig" and all of
12 that -- the first thing that Mr. Jakobson would say,
13 if there was any reason for it, would be to tell the
14 police to consider Mr. Manson.

15 MR. BUGLIOSI: Same objection, your Honor.

16 In so many words, he is saying the same thing.

17 MR. KANAREK: That is not so.

18 MR. BUGLIOSI: He is saying the same thing, and he
19 knows if there was a statement, it would constitute hearsay.

20 THE COURT: He is not saying the same thing.

21 Let's proceed.

22 The objection is overruled.

23 MR. KANAREK: And we have, on top of that, we have
24 the fact of the raid on August the 16th, 1969.

25 And in connection with the raid of August the
26 16th, 1969, we have a focus.

1 Certainly Mr. Jakobson knew about that. He
2 knew what occurred at the Spahn Ranch. And there is
3 nothing whatsoever brought to us to indicate at all that
4 Mr. Jakobson had anything to say concerning that.

5 So, the impressions that Mr. Jakobson had
6 concerning the relationship of these people, those
7 impressions were such that he saw no criminal culpability
8 of Charles Manson.

9 Now, page 14,176.

10 Well, really, 14,175.

11 "Q Did Mr. Manson ever tell you what
12 ambitions he had, if any, in the field of music?

13 "A Yes.

14 "What did he say?

15 "He wanted to record. He wanted to
16 get his message heard. He wanted people to hear
17 what he had to say."

18 And so, with this group of people at the Spahn
19 Ranch, maybe Mr. Melcher didn't think that this group had
20 anything to offer entertainment-wise, message-wise, but
21 Mr. Manson thought that it did.

22 And there is certainly nothing wrong about
23 that.

24 And if we consider the context of the
25 relationship of these parties, it is clear, it is clear
26 as to what Mr. Manson's purpose was in connection with

1 these people.

2 He felt whatever he felt concerning some
3 social conditions that may exist, and by means of these
4 people, there was to be a group that would do some kind
5 of entertaining, recording or whatever. And it shows the
6 main motivation here because of the relationship between
7 Mr. Jakobson and Mr. Melcher, wherein, at the bottom of
8 page 14,177:

9 "During these discussions did you ever
10 ask Mr. Melcher to audition Charlie Manson?

11 "Yes.

5b fls.

6b-1

1 "And did you have to ask Mr. Melcher
2 more than once?

3 "Yes.

4 "Did he eventually agree to audition
5 Charlie Manson?

6 "Yes.

7 "Did he in fact audition Charlie Manson?

8 "Yes.

9 "When was that?

10 "Late in May of '69.

11 "At Spahn Ranch?

12 "Yes.

13 "Did you go to Spahn Ranch with Mr.
14 Melcher?

15 "I did.

16 "And did you set up, make all of the
17 arrangements for the auditioning?

18 "I did, yes.

19 "Was this on a weekend?

20 "There were two --

21 "I am referring to the first time now.

22 "The first one may have been, I'm not
23 sure.

24 "The second one was when?

25 "That seemed to be during the week,
26 the following week, it was about five to seven

1 "days after.

2 "So Melcher auditioned Manson twice
3 at Spahn Ranch, is that correct?

4 "Yes."

5 Then: "After Mr. Melcher had auditioned
6 Charlie Manson on these two occasions did you
7 ever discuss with him whether he was willing to
8 finance and record Charles Manson?

9 "No, there was no discussion.

10 "Did Mr. Melcher indicate that he was
11 interested in financing the recording of
12 Mr. Manson?

13 "No, he did not.

14 "He was not interested?

15 "He was not interested, that is why there
16 was no discussion."

17 Now, then we come and we see -- now, let's look,
18 the prosecution then puts in evidence, which we will look at
19 now, let's see what the motivation of Mr. Manson is.

20 Mr. Manson, according to the prosecution evidence,
21 felt very badly because Mr. Melcher would not audition,
22 would not give him any break.

23 This is the top of Page 14,181.

24 "After these two auditioning dates, did
25 Charles Manson ever ask you whether Melcher was
26 impressed with him or was interested in him?

1 "Yes.

2 "What did you tell Mr. Manson?

3 "He inquired what went down, and I just
4 as tactfully as possible said there was no
5 interest.

6 "On the part of Melcher?

7 "Yes, or at least at that time there was no
8 interest.

9 "After the last time you and Melcher went
10 out to Spahn Ranch to audition Charlie, this is
11 May now, of '69, did Mr. Manson ever ask you for
12 Terry Melcher's phone number?

13 "Yes.

14 "On more than one occasion?

15 "Yes.

16 "Did you turn Charlie down at first?

17 "Yes.

18 "Did you eventually give Charlie Melcher's
19 phone number?

20 "The answering service number I did, yes.

21 "You gave Charlie Melcher's answering
22 service number, is that correct?

23 "Yes.

24 "At some later time did Manson ever say
25 anything to you about having contacted Terry
26 Melcher or been to his residence or anything

"like that?"

"Yes."

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1 "When was that, when did Mr. Manson
2 have this conversation with you?

3 "It would have been the first of
4 the summer, June, July.

5 "1969?

6 "Yes.

7 "And where did you have this conversa-
8 tion with Mr. Manson?

9 "It was over the phone.

10 "What did he say to you and what did
11 you say to him?

12 "He asked if Terry had a green telescope
13 spy-glass on the porch of his beach house.

14 "In Malibu?

15 "Yes. And I said yes.

16 "And he said, 'He doesn't now.'
17 n

18 "He said, 'He doesn't now'?

19 "Yes."

20 Now, it is clear that Mr. Manson knew that
21 Mr. Melcher lived at Malibu at this period of time. The
22 record says so. There is no question.

23 You see, the prosecution has said originally --
24 they said there was a motive, like there is a primary motive,
25 and now there is a sub-motive, and maybe there will be a
26 subsub-motive.

The primary motive, supposedly, is Helter

1 Skelter, the black-white war, and so forth.

2 Now, there is a submotive which the prosecution
3 has indicated to us both by way of this evidence and by way
4 of addressing -- making original opening comments --but the
5 fact of the matter is that Mr. Melcher didn't live there,
6 that is, at the Tate home, and the fact of the matter is
7 that Mr. Manson knew Mr. Melcher didn't live there.

8 He knew that Mr. Melcher lived at Malibu.

9 The prosecution's own evidence shows that
10 Mr. Melcher lived at Malibu and that Mr. Manson knew that
11 Mr. Melcher lived at Malibu.

12 So, the place, if there is going to be this
13 kind of motive for these events, the place would be at
14 Mr. Melcher's home in Malibu.

15 Or as Mr. Fitzgerald has said, if the house,
16 if the house had some kind of a symbol, why not burn down
17 the house if there is some kind of symbol there, because
18 Mr. Melcher wouldn't audition Mr. Manson?

19 Or why not Mr. Jakobson?

20 Why not Mr. Jakobson's house? Mr. Jakobson
21 had arranged all the auditioning and arranged everything.

22 The point of the matter is that whatever the
23 motives were at the Tate house, Tex Watson, who was going
24 around Southern California, wherever he went, Tex Watson
25 was talking to people, Linda Kasabian was talking to
26 people, Linda Kasabian had creepy-crawled, and we can't

1 lose our focus upon the place of Mr. Watson in these
2 proceedings merely because the prosecution has spoken to
3 people and they make the statement that Mr. Watson is
4 a puppydog and that Mr. Watson is an automaton or a robot.

5 The fact of the matter is that Mr. Watson and
6 Linda Kasabian, and whoever else may be there at that
7 Tate mansion, were there because they wanted to be there,
8 not because Mr. Manson had anything to do with it.

6d fls. 9

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1 And we believe that the prosecution full well
2 knows that, that Mr. Watson and Linda Kasabian were there
3 because they wanted to be there, and whatever they did they
4 did of their own free will and of their own free volition.

5 Now, Mr. Fitzgerald, in interrogating Mr.
6 Jakobson, after some discussion concerning Mr. Jakobson's
7 relationship with Mr. Melcher in the music business, elicited
8 the fact that Mr. Manson, in fact, was recorded.

9 Page 14,186.

10 "Q You listened to Manson's music;
11 correct?

12 "Yes.

13 "Then I take it you formed some opinion
14 that it was worthy of commercial exploitation in
15 some fashion?

16 "Yes.

17 "And then you proceeded to commercially
18 produce his music; is that right?

19 "Over the period of a year and a half.

20 "Did you ever actually record any of the
21 music?

22 "Yes.

23 "In a studio?

24 "Yes.

25 "On more than one occasion?

26 "Yes.

1 "And were these songs?

2 "Yes.

3 "Manson would sing songs?

4 "Yes.

5 "Would he accompany himself by playing
6 on the guitar?

7 "Yes.

8 "Was that a rhythm guitar or lead guitar,
9 or what kind of a guitar was it?

10 "We had both.

11 "Would Manson play songs that he had
12 written, or would he play, in addition to songs
13 that he had written, songs other people had
14 written?

15 "No, they were always Charlie's songs."

16 Now, if Mr. Manson was so motivated by the
17 Beatles and whatever, he would have played, it would seem
18 like, -- maybe this isn't a big piece of evidence; maybe it
19 is of minor significance -- but he would have played the
20 Beatle songs, it would seem like, with what motivation
21 the prosecution would have us believe that the Beatle songs
22 had as far as Mr. Manson is concerned.

23 "Q Now, the songs that Mr. Manson had
24 written, were these songs that were actually
25 written down on pieces of paper, or would he make them
26 up as he went along?

1 "Some of them were written down.

2 "Was he, by and large, an intuitive song-
3 writer, that he would make it up?

4 "Very.

5 "What do you mean? Very intuitive?

6 "Yes.

7 "And were you to receive a percentage of the
8 gross profits in the event that Manson's music
9 was commercially profitable?

10 "Sure.

11 "And in addition to this business relationship
12 you had with Charles Manson, you established some
13 sort of a personal rapport; is that correct?

14 "Yes.

15 "Would you describe yourself, during the
16 years 1968 and 1969, as being a friend of
17 Charles Manson?

18 "Yes.

19 "Were you a close personal friend?

20 "That is rough to describe.

21 "When I was with him, I was.

22 "And throughout your testimony, you
23 frequently said that you had innumerable
24 conversations with Mr. Manson on a number of
25 occasions regarding a number of subjects; is
26 that right?

"Yes."

6e-1

1 "So, is it fair, then, to say that you were
2 with Mr. Manson frequently?

3 "No.

4 "Well, when you were with him, you discussed
5 various philosophical topics?

6 "Yes.

7 "And this was an exchange? Frequently you
8 took one point of view and he took another point
9 of view?

10 "Yes, absolutely."

11 In other words, you have two people. Sometimes
12 we call that being the devil's advocate, where we take the
13 other side just to promote an argument or to promote,
14 stimulate, conversation.

15 Now, Mr. Manson and this gentleman indulged in
16 this kind of activity.

17 Does this mean anything in connection with the
18 prosecution's viewpoint?

19 This is something that we have to decide.

20 Now, going on to page 14,190.

21 Oh, yes. Just to give the continuity to it.

22 "Did it also appear to you that by engaging
23 in these conversations with you, that Mr. Manson
24 was attempting to arrive at some form of truth?

25 "Yes.

26 "In his conversations, did he pay particular

6e-2

1 "emphasis to children? Was that a frequent topic
2 of conversation?

3 "Not frequent, no.

4 "Well, when he was talking with you,
5 from time to time, about his so-called philosophy,
6 would he often mention children?

7 "Yes.

8 "Would he mention that he was attempting
9 to save the children of the cities?

10 "Yes.

11 "In what respect did he say that he was
12 attempting to save the children in the cities?

13 "There were two specific respects that
14 I could refer to.

15 "Both of them?"

16 Now, here is an interesting point.

17 The law of circumstantial evidence says that
18 if there is one view that is reasonable that points towards
19 innocence, and another view that is reasonable that points
20 towards guilt, we must adopt that -- we must say -- we
21 must adopt that which points to innocence, and we have
22 what we call the "not guilty" verdict.

23 Now, we now have Mr. Jakobson and Mr. Manson
24 discussing at great length their various philosophies.

25 There is nothing unreasonable about that.

26 Maybe Mr. Manson's approach to how it should be

1 done at Spahn Ranch, maybe his version of what a summer
2 camp should be may not be our own version of what a summer
3 camp should be, or where kids should go to get off the
4 street. We may have vast differences of opinion. But it
5 would seem like his motive, his motive, as Mr. Fitzgerald
6 brings out further in speaking with Mr. Jakobson, on
7 the next page, his motive is certainly not an unreasonable
8 motive?

9 Whatever went on there in connection with these
10 children was something that we certainly believe -- it
11 took the children that were there away from hitchhiking,
12 or whatever they were doing.

6f fls.

f-1

1 Remember, Mr. Manson, this record reveals, didn't
2 want any guns.

3 Danny De Carlo said that Mr. Manson didn't
4 want any guns at the ranch.

5 That wasn't Mr. Manson's motivation for these
6 people living together. It wasn't guns.

7 And Mr. Watson is the mechanical man in this out-
8 fit. He is the one that is supposedly fixing the dune
9 buggies and all of that.

10 But in any event, Page 14,190.

11 Mr. Fitzgerald says: "Yes, please."

12 Please to answer both respects, the two respects
13 that Mr. Jakobson referred to.

14 "One had to do with he felt very strong
15 about the young teen-age girls who were hitting
16 the streets and going to places like San Francisco
17 where they would be very obviously mistreated and
18 meet with bad ends. And there was a song about
19 that.

20 And the other was -- referring to the
21 younger children now -- he had a lot of concern
22 about what the younger children were having laid
23 on them by their parents; that any bad habits they
24 had would be carried right over to the children.

25 "Now, in respect to the first group of
26 children you mentioned, the teen-age girls who

1 "were in places like San Francisco, he felt,
2 didn't he, that he could attempt to save them
3 from being preyed upon by a vicious society?"

4 And I am sure all of us heard about the Haight-
5 Asbury District in San Francisco as well as other communes
6 that we have heard about. Linda Kasabian said, I don't know,
7 that she lived at, what, some over a dozen or so communes?

8 "He wanted to warn them to stay away, yes,
9 exactly.

10 "It was these children that he wanted to
11 take into some desert sanctuary; is that right?

12 "Yes.

13 "Did he also articulate to you a desire to
14 take young children with him to the desert?

15 "Yes.

16 "Now, did Manson say that he was Jesus Christ
17 and the devil? Or did he say something to the
18 effect that Jesus Christ was the devil?

19 "In answer to your first question, yes,"
20 wherein Mr. Manson said that he was Jesus Christ and the
21 devil.

22 "In answer to both, yes.

23 "Or did he say something to the effect
24 that Jesus Christ was the devil?

25 "In answer to both, yes."

26 The question was, "Or did he say something

1 "to the effect that Jesus Christ was the
2 devil."

3 Then:

4 "So, he said, in essence, that he,
5 Charles Manson, embodied both Jesus Christ
6 and the devil, and at the same time, he said,
7 or at different times, he said that Jesus Christ
8 was the devil?

9 "No. He never said Jesus Christ was the
10 devil. Not to my knowledge.

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1 "He made no dichotomy, Manson, between
2 good and evil; isn't that correct?

3 "Yes, that is correct.

4 "Didn't he also feel that every human
5 being was the personification of both good and
6 evil, if one assumes that those terms are appropriate?

7 "Yes.

8 "I am answering yes to that."

9 And then we come to a statement where Mr.
10 Fitzgerald said: In other words --

11 And the witness says:

12 "Yes."

13 Mr. Fitzgerald says:

14 "Indeed. Indeed." After Mr. Bugliosi
15 said;

16 "I certainly think he should have an
17 opportunity to explain his answer.

18 Mr. Fitzgerald says:

19 "Indeed. Indeed. If you would like
20 to explain, you may."

21 The witness says:

22 "Yes.

23 "On a completely subjective level,
24 having nothing to do with reality, just to
25 intellectual concept."

26 In other words, just to ideas, just speaking

1 intellectually, with no connection with reality.

2 "I mean, nothing to do with the experience
3 of it.

4 "That is why it is so hard, because all
5 our conversations jumped from one level to the next,
6 from objective to subjective, from an intellectual
7 concept to a reality or an experience.

8 "My answer to your question was 'Yes,'
9 strictly in a subjective vein."

10 Oh, what threw me off here, the court reporter
11 makes a mistake here. It says "Mr. Bugliosi" at page
12 14,192, but I believe this really should be Mr. Fitzgerald.

13 This is a typographical error here.

14 At page 14,192, line 18, thereabouts.

15 "Let's say, for example, Mr. Jakobson,
16 that you and I could agree that certain acts
17 committed by human beings are bad acts or evil
18 acts, and that there are some acts committed by
19 human beings that are good acts, virtuous acts.

20 "Now, assuming that, Mr. Jakobson,
21 Manson would say that all human beings are capable
22 of behaving in both ways; you know, virtuous and
23 non-virtuous ways; correct?

24 "Correct."

25 So, here we have two people who are discussing
26 what, I suppose, the first discussion came about when the

1 first two men met on this planet and started talking to
2 each other, good and evil, and this is exactly what Mr.
3 Jakobson and Mr. Manson are doing, they are discussing
4 good and evil.

5 And then Mr. Fitzgerald asks:

6 "Manson did not believe in any natural
7 law theory of morality; is that correct?"

8 And there was an objection and it had to be
9 reframed.

10 By Mr. Fitzgerald, page 14,194:

11 "You took the position, in your
12 philosophical discussion with Mr. Manson, that
13 there were things that were wrong, that were
14 always wrong, under all circumstances; and Manson,
15 I take it, took some sort of a relative position
16 in terms of morality?

17 "My position was that there were natural
18 things and there were unnatural things. That was
19 my position.

20 "In other words, you believed in some
21 sort of natural law of morality?

22 "Yes.

23 "And Manson did not share that view?

24 "Yes.

25 "He believed that whether something was
26 good or evil depended upon the attendant circumstances?

1 "Yes."

2 And in philosophy and in ethics, in schools
3 that are endowed with religious funds, in schools that are
4 endowed with State funds, these are matters that have been
5 discussed and are being discussed probably this very
6 instant throughout Southern California.

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

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

11 The Court will recess until 1:45.

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

7 fls.

LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 6, 1970

1:50 P.M.

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

THE COURT: All counsel are present.

I have received this morning a document apparently filed by Mr. Manson. It is dated January 6, 1971, entitled Motion To Examine Defense Witnesses and Relieve Counsels.

The substance of the motion is that Mr. Manson apparently purporting to speak for all of the defendants, although he is the only one that signed the motion, wishes to relieve their counsel of record.

Mr. Keith is not mentioned by name, and says:

"Comes now Charles M. Manson, et al., and respectfully moves this Honorable Court to relieve their defense counsel, Paul Fitzgerald, Daye Shinn, Irving A. Kanarek, et al."

I don't know whether you are supposed to be included in that et al., Mr. Keith, or not.

Then the motion goes on to state that the defendants would like to put on some defense.

And it cites here various authorities and discusses the subject of the motion.

1 The motion appears to be a repetition of a number
2 of different motions of similar character that have been
3 made both in writing and orally by the defendants in the
4 past.

5 I intend to deny the motions. I want the
6 record to so reflect, that the motions are denied.

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1 Does anybody have anything else before we resume
2 with the argument?

3 MR. KANAREK: No, your Honor, except that I would
4 ask the Court to consider our request in connection with
5 the confession instruction that we have submitted, and
6 we would welcome the Court's thinking as to why that
7 instruction should not be given in view of the fact that I
8 think we all would agree, on analysis, that it cannot be
9 -- it would be, as a matter of law, erroneous for that jury to
10 consider that to be a confession.

11 THE COURT: Well, it would be erroneous for the jury to
12 consider lots of things to be a confession that are in
13 evidence, Mr. Kanarek. That is the reason, when you start to
14 single out things, there is no way to stop.

15 MR. KANAREK: Of course, the only one as to Mr. Manson,
16 and the one that we have any -- conceptually, your Honor has
17 stated that each such statement is to be used only against
18 a particular defendant. So, assuming, and not conceding --
19 in fact, we disagree, because of Bruton and Aranda -- such
20 an instruction can adequately be made and the jury would
21 follow it, nevertheless, I don't think that there are in
22 these words that the prosecution fosters a confession.

23 There has to be a full acknowledgement, as
24 Mr. Fitzgerald said, of all of the elements of the crime to
25 be a confession.

26 You can't have it any other way. A confession is

1 a very definite admission in the broad sense.

2 THE COURT: We don't need to belabor it, Mr. Kanarek.
3 That is the reason that we have instructions that attempt
4 to specify what the law is, and if the jury finds that the
5 facts fit the definition or the particular rule that is
6 being enunciated, then they apply that rule to those facts.
7 If they find it inapplicable, then they don't.

8 There is no reason to believe that this is any
9 different in this case than any other rule that they are
10 asked to apply.

11 MR. KANAREK: But as a matter of law, your Honor, there
12 is no confession here. I mean, this is our position.

13 Now, is your Honor ruling that --

14 THE COURT: We don't seem to communicate, Mr. Kanarek.
15 I have said it several different ways, and I don't know how
16 else to say it.

17 MR. KANAREK: Well, does your Honor agree that a
18 confession must have, within its four corners, a statement
19 which means that the defendant concedes each element of the
20 crime?

21 MR. BUGLIOSI: There is no case that holds that. Malice
22 aforethought or premeditation do not have to be mentioned.
23 The name of the victim doesn't have to be mentioned.

24 MR. KANAREK: You don't have to have the words "malice
25 aforethought" or "premeditated," and so forth, but you have to
26 have facts which will substantiate the legal conclusion of

1 premeditation or malice aforethought, and so forth and so on.

2 And certainly that statement that Mr. Flynn says
3 Mr. Manson made, if you take it at its full value, assume
4 that it happened, this Court could not say that that is a
5 confession.

6 Now, your Honor has made other rulings.

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1 THE COURT: The Court hasn't said that it is a
2 confession.

3 MR. KANAREK: Pardon?

4 THE COURT: This Court hasn't said it is a confession.

5 MR. KANAREK: Then our position is, as a matter of
6 law, the most that it is is an admission.

7 THE COURT: Then argue that to the jury, Mr. Kanarek.

8 MR. KANAREK: I know. But we are entitled to the
9 dignity and the protection of a jury instruction to that
10 effect, since we have asked for it.

11 THE COURT: Well, we have gone over this several
12 times. We are just repeating ourselves.

13 Anything else, gentlemen, before we resume?

14 MR. KANAREK: Is your Honor denying that jury
15 instruction?

16 THE COURT: I haven't denied it yet, but I told you I
17 would consider it.

18 I will be prepared to tell you about it. You
19 will still be arguing tomorrow, I assume.

20 MR. KANAREK: Thank you.

21 MR. BUGLIOSI: The instruction would be extremely
22 prejudicial to the prosecution, to tell the jury that this
23 is not a confession.

24 I think it is a question of fact for the jury to
25 decide whether it is a confession or not.

26 I personally think that it is a confession.

1 But assuming that I am wrong, it is up to the jury to decide.

2 For the Court to say, "This is not a confession,"
3 it has overtones, you know, that Manson did not confess to
4 these crimes.

5 THE COURT: Of course it has overtones. One of the
6 overtones would be that all the other statements in the
7 case are confessions.

8 MR. KANAREK: Your Honor can make an appropriate limiting
9 instruction, as you have, for instance, on the suppression
10 of evidence that Mr. Gutierrez testified to. Your Honor made
11 a limiting instruction in that regard.

12 THE COURT: Because that was the only evidence of
13 suppression in the case.

14 But there is other evidence which could be
15 considered by the jury to be a confession or an admission.

16 Whether they will, in fact, find it to be, is
17 another matter.

18 MR. KANAREK: As I say, I have no pride of authorship.
19 If your Honor will indicate what framework, I will be glad
20 to try to frame an instruction that your Honor would give,
21 because it is my position that that is prejudicial error.

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9-1

1 THE COURT: The instruction I propose to give
2 adequately covers the situation, Mr. Kanarek.

3 MR. KANAREK: It doesn't, because the jury has not
4 focused in by way of jury instructions as to the elements
5 that are necessary for a confession.

6 They may have been told what murder is and all
7 of that, but they are not lawyers and without --

8 MR. BUGLIOSI: That is for you to argue, but the
9 judge is going to give instructions as to what a confession
10 is, and you can apply the judge's instruction to Manson's
11 statement.

12 You can do that for the jury. But for the
13 judge to do it, I don't agree with you.

14 MR. KANAREK: I think in these proceedings that is
15 "mere argument."

16 There is a dignity in jury instructions that
17 mere argument does not have. It is a denial of a fair
18 trial under the Fourteenth Amendment for the Court not
19 to protect Mr. Manson from what is at best an admission.

20 THE COURT: All right, gentlemen, let's resume.

21 (The following proceedings were had in open
22 court in the presence and hearing of the jury, all counsel
23 with the exception of Mr. Hughes being present; the
24 defendants are not present physically.)

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

9-2

1 MR. KANAREK: Thank you, your Honor.

2 As we look at page No. 14,177, actually
3 beginning at the bottom of page 14,176, Mr. Jakobson was
4 asked -- this is by the prosecution, actually the
5 prosecution interrogating at this point;

6 "Q You are aware Mr. Melcher formerly
7 lived at the Tate residence.

8 "THE WITNESS: Yes.

9 "Q Have you ever been to the residence
10 at 10050 Cielo Drive?

11 "A Many times.

12 "Q That was when Terry lived there.

13 "A Yes.

14 "Q During what period of time was that?

15 "A I guess 1966 all the way to '68.

16 "Q Early '68?

17 "A On into the summer of '68.

18 "Q Did you tell Mr. Manson that you were
19 seeking to have Terry Melcher finance him in
20 recording and making the film?"

21 Which we have discussed, which we heard testimony
22 about.

23 So the prosecution, from the prosecution
24 interrogation itself, it is clear that Mr. Jakobson has
25 been at the address on Cielo Drive.

26 Now, at page 14,197, of the transcript:

1 "Q And you are familiar with the lyrics
2 of, I take it, thousands of songs?

3 "A Yes.

4 "Q And you were listening to Mr. Manson's
5 lyrics in 1968 and 1969, correct?

6 "A Yes.

7 "Q Were his lyrics any different than the
8 general lyrics popular at the time?

9 "A Yes.

10 "Q In what respect?

11 "A They were much more deliberate, and in
12 a lot of cases more specific, and it wasn't just
13 the lyrics, I mean, it was the whole package that
14 you buy, that you record. It is the man, not
15 just the music and the lyrics, the music that goes
16 with it.

17 "Altogether it was a very unique,
18 strong, honest package.

19 "I hate to use the word 'package' in referring
20 to it, but I can't think of another word to ball
21 it all up, you know."

22 Now, we also recognize from what Mr. Melcher
23 was out there for, that the package included, that is,
24 the consideration was being given to the people at the
25 Spahn Ranch being part -- being part of the package.

26 Now, this is not unreasonable.

1 We notice -- we have heard Fred Waring, we
2 have heard of all kinds of groups where there is a large
3 number of people, that are a package in the entertainment
4 world.

5 And this is certainly not an inconceivable
6 package. As a matter of fact, Mr. Melcher went out there.

7 Now, the fact that it wasn't -- Mr. Melcher
8 did not think that it would sell; that there was nothing
9 about it that was worth while financially, that doesn't mean
10 -- it doesn't mean that the people there had the same idea.

11 Whatever it is, whether they were right in
12 their thinking or not, the fact of the matter is, if we
13 look at their states of mind, the people there certainly
14 with an eminent person like Mr. Melcher being out there,
15 Mr. Jakobson, Dennis Wilson and these people having been
16 spoken to, we can certainly agree that there was some kind
17 of a feeling that regardless of their life style and what
18 they did at night, in terms of their intimacies, there is
19 still the aspect that it is reasonable to infer that these
20 people had a motive and intent of selling this package to
21 the entertainment world.

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1 Then going on, in order to leave some supporting
2 matter out, you know, in the interest of expedition, there
3 were some other matters which we think would substantiate our
4 position.

5 Going to around Page 14,215:

6 "Q Is it a fair statement that part of
7 your work is putting together package deals?

8 "A Sure.

9 "Q That is part of your work?

10 "A Yes.

11 "Q And in that connection the wider known
12 you are the better, is that right?

13 "A Yes, sure.

14 "Q All right, now, you have told us,
15 Mr. Jakobson, that Mr. Manson wanted to buy some
16 rope that would go to the middle of the earth,
17 is that right?

18 "A Those were not my words.

19 "Q Well, you -- would you tell us" --

20 And here we have a situation which is interesting.
21 It is in connection with evaluating the man's testimony.

22 He identifies himself to the prosecution because
23 he is very perceptive there.

24 He has a perception that the prosecution also
25 had in that he did not say that Mr. Manson was going to go
26 to the middle of the earth.

1 They make the distinction between the bottomless
2 pit and the middle of the earth.

3 This is a distinction that is made in this court-
4 room at Temple and Broadway in Los Angeles in the year 1970
5 in connection with this case.

6 There is a difference in the context of these
7 proceedings between the middle of the earth and the bottomless
8 pit. That is something maybe that we should consider.

9 But the prosecution seems to make that kind of
10 a distinction.

11 "Those were not my words." He picks up on
12 that.

13 "Q Well, you -- would you tell us --

14 "I believe you testified on direct
15 examination that Mr. Wilson wanted to put the
16 girls at the ranch to work, do topless dancing
17 so they can buy enough rope to go to the center
18 of the earth.

19 "Is that correct?

20 "A In part, but those were not my words.
21 Would you like me to say what I said?

22 "Q Yes, please do. I would like to
23 know how much rope it takes to get to the center
24 of the earth.

25 "A The girls were to go to work and
26 earn money so rope could be purchased to go down
into the pit, the bottomless pit."

1 So Mr. Jakobson makes that distinction
2 between the bottomless pit and the center of the earth:

3 "Q Was that rope to be made out of
4 nylon, three-twist?"

5 The rope that was found at the Tate home was
6 nylon three-twist. Danny De Carlo and the others testified
7 that the rope at the Spahn Ranch was nylon threetwist.

8 "A There was talk of a special rope
9 used in shipping -- the nautical term I don't
10 know -- gold rope, and I believe it's made out of
11 nylon.

12 "Q Gold nylon?

13 "A I believe so.

14 "Q To the center of the earth?

15 "A No, I don't know anything about
16 the center of the earth.

17 "Q How deep does this pit go that Mr.
18 Manson told you about?

19 "A I have no idea. There was no specific --
20 no specifics mentioned."

21 Now, we must keep in mind that the prosecution,
22 as the motive in this case, has said that the motive was
23 in connection with the race war and all of that, the Manson
24 approach to it was that we were to go into the desert and
25 into this bottomless pit.

26 This is the motive that the prosecution is telling

1 us is the motive for what occurred in the Tate-La Bianca
2 homes.

3 "Q The center of the earth?

4 "A No, I don't know anything about
5 the center of the earth.

6 "Q How deep does this pit go that
7 Mr. Manson told you about?

8 "A I have no idea. There was no
9 specific -- no specifics mentioned.

10 "Q I see.

11 "A Thousands of feet were needed.

12 "Q Have you ever heard of the 'magical
13 mystery tour'?

14 "A Sure.

15 "Q Pardon?

16 "A Yes.

17 "Q And Mr. Manson, Mr. Manson spoke
18 of the magical mystery tours with you, right?

19 "A Quite possibly, yes.

20 "Q He did, in fact?

21 "A He could have. I am not saying no."

22 We have to analyze this testimony from the
23 standpoint of a prosecution witness who has spoken with the
24 prosecution, and when he says, "I'm not saying no,"
25 really he is saying yes.

26 We suggest that, that that what he is saying,

1 because of his position in this case, clearly that "I am not
2 saying no" is in effect a yes answer.

3 "Q When you are saying that, you are
4 saying yes, is that correct?

5 "A Okay.

6 "Q Pardon?

7 "A Sure, yes.

8 "Q All right, and Mr. Manson is a
9 person who has a good sense of humor, is that a
10 fair statement?

11 "A Yes."

10-1

1 Now we are coming to a question, and this is
2 interesting in the context of this case.

3 "Mr. Manson -- I will withdraw that.

4 "Now, directing your attention to this
5 center of the earth bit we have just told you about."

6 And then the prosecutor says:

7 "That is a mischaracterization, your
8 Honor; it is assuming a fact not in evidence.

9 "THE COURT: Mr. Kanarek, will you get
10 a little farther from the microphone.

11 "MR. KANAREK: All right.

12 "THE COURT: I did not hear you."

13 The prosecutor says:

14 "He referred to the center of the earth
15 and he told him ad nauseam he did not say to the
16 center of the earth."

17 The prosecution is hanging on to this distinction
18 between the bottomless pit and the center of the earth.

19 "MR. KANAREK: Then I will ask him.

20 "How far from the center of the earth
21 was this pit to be?

22 "I have no idea.

23 "Pardon?

24 "I have no idea.

25 "Now, when Mr. Manson told you that
26 he was going to buy rope to go to the center of the

10-2

1 "earth -- "

2 The prosecutor again:

3 "Same objection, your Honor.

4 "MR. KANAREK: I'm sorry, I'm sorry.

5 "Q -- to the bottomless pit.

6 "By the way, how many people were going
7 to hang on to this rope in going to the bottomless
8 pit?

9 "I don't know.

10 "Was there any discussion on that?

11 "I suppose they were supposed to use
12 it one at a time. I have no idea.

13 "Pardon?

14 "I don't know.

15 "And how was the rope going to be
16 secured, if at all?

17 "Well --

18 "May I finish?

19 "Yes.

20 "How was the rope going to be secured
21 if at all at the end that was at the earth, or above
22 the earth?

23 "That, I don't know either.

24 "As a matter of fact, Mr. Manson was
25 joking with you, is that correct, Mr. Jakobson?

26 "I don't think so.

1 "You don't think so?

2 "No, sir.

3 "Well, Mr. Jakobson, did Mr. Manson
4 tell you how much this rope cost per foot?

5 "It was mentioned. I think it had
6 been priced."

7 Top of Page 14,220.

8 "This gold rope?

9 "Yes.

10 "Gold nylon rope?

11 "Yes.

12 "Right?

13 "Yes.

14 "And he told you that, a figure as to
15 what the cost per foot, but you don't remember
16 how much it cost per foot?

17 "I think I do.

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Qa 1 "All right, how much did it cost per
2 foot?

3 "I think it cost \$3 a foot.

4 "\$3 a foot?

5 "Yes, sir.

6 "I see, and did you make some kind --
7 did you have some kind of discussion as to how
8 many topless dancers would have to dance how
9 many weeks in order to buy enough rope to go to
10 the place where we are talking about?

11 "No.

12 "You did not make that computation?

13 "I did not get into the mathematics of it
14 at all.

15 "Because in fact you were joking, Mr. Manson
16 and you were joking, right?

17 "No, because in fact it really did not con-
18 cern me that much.

19 "You mean you did not pay any attention?

20 "I had previous knowledge of the rope.
21 I have seen such rope used in the boating indus-
22 try.

23 "I was aware of the rope, so when he talked
24 of it I already knew of the existence of such a
25 rope." Which is gold.

26 I am saying the words, "which is gold."

1 "I knew it was very expensive rope, and
2 I knew it was very strong rope.

3 "That is why we did not get into it much
4 more, I suppose.

5 "I'm sorry, I did not hear you.

6 "In what industry did you say?

7 "This kind of rope is used in the shipping
8 and boating -- in nautical -- well, boats, shipping.

9 "You mean you have a specific gold nylon
10 rope in mind?

11 "Yes, I do.

12 "You have seen this?

13 "I have seen it.

14 "I see.

15 "Now, would you tell us when did that
16 conversation take place concerning this topless
17 dancers working for all this money that would buy
18 this rope?

19 "In spring of '69."

20 An objection was sustained.

21 "Directing your attention to this conver-
22 sation concerning -- it was a bottomless pit,
23 is that right?

24 "Yes.

25 "Would you tell us the whole conversation as
26 to -- well, I will withdraw that and I will ask you

1 "first:

2 "Was there conversation concerning what --
3 how the people were going to live when they got
4 to the -- well, somewhere near the bottom perhaps
5 of this bottomless pit?

6 "There was some conversation.

7 "I see, and how were they going to live?

8 "Much as they do now, much like they did
9 out at the ranch.

10 "Well, do they live on the sides of the
11 pit -- you say it is a bottomless pit.

12 "Do they at some time reach a level
13 where it is no longer bottomless, or how
14 does it work?

15 "There was -- we talked of -- some of it --
16 may I elaborate on the question you asked?

10b

1 "No one is stopping you, Mr. Jakobson.

2 "I asked, 'Where do you go when you
3 enter the pit?'

4 "Much of it has to do with many thousand
5 year old Hopi" -- I don't think my pronunciation is
6 exactly right there; H-o-p-i -- "Indian legends, and
7 the Hopi Indians, and many of the tribes believe
8 to this day -- they don't talk much of it --
9 that there are an underground people living
10 there now, and they left and began living under-
11 ground thousands of years ago where was once a
12 lake and is now Death Valley, the lake dried up
13 and there is talk of great caverns and under-
14 ground water, and even of finally reaching a
15 spiritual point or a point in life where you can
16 live and sustain yourself without food."

17 Now, what we have to see is whether we are
18 discussing that is really in the area of philosophy. Are we
19 discussing something that is just a general conversation as
20 to the purposes of life and why we are here and where we are
21 going, and where some particular person wants to go and
22 what some particular person wants to do?

23 This is what we have to decide in connection
24 with this case because the prosecution has brought up this
25 subject matter. This is the subject matter that has been
26 presented to us, and so this is the subject matter that we

1 must look at.

2 "MR. KANAREK: I am speaking now of a
3 physical reaching. I am speaking now of a
4 place.

5 "That is the place that we were talking
6 about, that I was talking about, with Charlie,
7 that Charlie and I spoke of.

8 "I see, and there was talk also of how
9 people were going to sustain themselves.

10 "They were going to take something with
11 them other than the rope?

12 "There was no talk of that, of what else
13 was there, other than there's huge caverns with
14 water, and so on.

15 "Was this talk of bringing provisions with
16 them to sustain themselves somewhere near the
17 bottom of this bottomless pit?

18 "Not to my knowledge, sir.

19 "Now, did you believe that there was --
20 that there were people -- pardon me.

21 "Did you intend to go along on this trip?

22 "No.

23 "I see. Did Mr. Manson invite you to go
24 along with him and you declined, or how did that
25 work?

26 "That's right.

1 "I see, and you declined?

2 "Yes.

3 "Did you believe that in fact Mr. Manson
4 was going there?

5 "I believed he would make a good try.

6 "I see."

7 Now, I think we get to a point which we think
8 has some significance for our consideration, that we have
9 alluded to previously today.

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Page 14,227.

"Mr. Jakobson, where were you on August 8, 1969?

"I believe I was home with my wife and children.

"Any other witnesses with you?

"Besides my wife and children?

"Yes.

"I don't think so. I don't know; it could be.

"Maybe you weren't there, huh?

"No, I'm pretty sure I was there because a policeman" -- a policeman -- I am repeating "policeman" myself; he didn't repeat it -- "came to me shortly after that date that you mentioned and asked me, and at the time my memory was very fresh and I satisfied his questions.

"You satisfied the policeman?

"Yes, sir.

"Was he in plain clothes?

"He was.

"Pardon?

"Yes, he was.

"I see.

"Do you know where you were on August 9th, 1969?

1 "Is that Saturday?

2 "I don't know.

3 "Well, if it was Saturday I was riding a
4 motorcycle out in the desert. I think that was
5 Saturday, I'm not sure."

6 I want to make sure that I don't -- I am trying
7 to read what the Court allowed into evidence.

8 "Were you with anyone on August 9th, 1969?

9 "Yes, sir.

10 "Who were you with?

11 "I was with the people I was riding the
12 motorcycles with and I was with my family.

13 "I see, and who were those people?

14 "Other than my family?

15 "Yes.

16 "You want their names?

17 "Yes.

18 "Well, there's a fellow named John Vincent,
19 Dennis Wilson, and there might have been a couple
20 more, but I'm not sure, so rather than to mention
21 their names I would rather not because I'm not
22 sure they were with me.

23 "I take a lot of rides with my friends,
24 and they differ.

25 "A year and a half ago, it would be hard
26 to remember who I was riding with on that

1 "particular day.

2 "I see, but you know you were with them
3 on that particular day?

4 "I seem to recollect that, yes, sir.

5 "You know that 100 per cent for sure?

6 "100 per cent? Gee, I'd hate to be held
7 to 100 per cent for sure.

8 "I see, do you know where you were August
9 10th, 1969?

10 "No, I don't.

11 "You have no recollection at all as to that
12 date?

13 "No.

14 "Pardon?

15 "No, I don't.

16 "Did you talk with Charles Manson on August
17 8 th, 1969?

18 "No.

19 "How do you know for sure?"

1 And this, I think, has some significance.

2 "I would have remembered it because the date
3 has special significance to me."

4 That date has special significance to
5 Mr. Jakobson.

6 "Did you talk with him on August 9, 1969?

7 "No.

8 "How do you know that for sure?

9 "Because that was still in the same
10 period. That would have special significance.

11 "I see, you mean as a result of the police-
12 man coming and talking to you?

13 "Well, as a result of what happened up at
14 the Altobelli house."

15 And of course, we all equate the Altobelli house
16 with the Tate house. Mr. Altobelli testified here and we are
17 certainly all in agreement that that is what we are talking
18 about, as to the events, what we have called the Tate home or
19 the Polanski home.

20 The next question:

21 "As a result of what happened up at the
22 Altobelli house?

23 "Yes."

24 And this is at Page 14,230 of the transcript,
25 in volume 130.

26 "Now, was there any reason for you to

1 "remember on August 8th, 1969 -- "

2 There was no answer to that question.

3 The Court suggested I keep the microphone a
4 little further away. So the particular question wasn't
5 answered.

6 The next question:

7 "Is there any reason, Mr. Jakobson, why
8 you would have remembered whether you were in
9 the presence of Mr. Manson on or about August
10 the 8th, 1969?

11 "Yes.

12 "Is there a reason why you would remember
13 why, or why not you were not with Mr. Manson on
14 August 9th, 1969?

15 "Yes.

16 "Does the same apply to August 10, 1969?

17 "It does.

18 "Now, directing your attention to the
19 events at the Tate home, did you consider at
20 any time that you personally were under investi-
21 gation for these events?

22 "No.

23 "Pardon?

24 "No.

25 "When the policemen" -- this is plural, m-e-n --
26 "came to speak with you concerning these events

1 "did you consider that you were under investi-
2 gation for these events?

3 "Well, they really did not come to speak
4 to me.

5 "They spoke to my wife more than me. I was
6 there so they spoke to me, too."

7 So, it is clear that on these two -- not just
8 one night, but both nights, with the newspapers filled with
9 "death to pigs," "rise," "pig," "helter skelter,"
10 especially "helter skelter," it would seem, if there was any
11 kind of significance, Mr. Jakobson --

12 MR. BUGLIOSI: I object to that. No evidence came
13 from that stand that the words "helter skelter" or "rise"
14 were in any newspaper at that time.

15 MR. KANAREK: Well, is Mr. Bugliosi saying it wasn't?
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1 MR. BUGLIOSI: There is no evidence that it was, your
2 Honor.

3 MR. KANAREK: It is a fair inference.

4 THE COURT: There is a difference between an inference
5 and a representation of fact, Mr. Kanarek.

6 The objection is sustained.

7 MR. KANAREK: We can fairly infer, we can fairly
8 infer, with the publicity in connection with this case, the
9 very reason that we are sequestered is because of the fact
10 of the publicity, we can fairly infer that all of these
11 words were in the newspaper, "Helter Skelter" included,
12 and with that inference in mind, with Mr. Jakobson, Mr.
13 Jakobson speaking to the police officers, with Mr. Jakobson's
14 intimate contact with Charles Manson and the Spahn Ranch,
15 we can fairly assume, it is a fair inference, that Mr.
16 Jakobson made no equation whatsoever between Mr. Manson and
17 the passing away of these seven people.

18 This is circumstantial evidence that we can
19 consider, because Mr. Jakobson was a most unique person in
20 this case. He was a person that was intimate -- and I am
21 speaking now -- I am not speaking of sexually intimate -- he
22 was intimate in the sense of having been at the Spahn Ranch
23 and having been at the Tate home and having been questioned
24 by Los Angeles Police officers.

25 We think that this has some significance because
26 it shows that Mr. Manson was not at all responsible for any

1 of these events.

2 It shows that Mr. Jakobson would have focused
3 all of this circumstance that we have here, which shows very
4 conclusively that Mr. Jakobson would have focused upon
5 Mr. Manson.

11-1

1 Page 14,232:

2 "A We were very close personal
3 friends of the owner of the house, if that
4 clears it up.

5 "Q You mean Mr. Altobelli?

6 "A Right.

7 "Q Now, have you spoken with
8 Mr. Altobelli, Mr. Jakobson, prior to coming
9 to testify here to today?

10 "A Yes.

11 "Q And Mr. Altobelli knows that
12 you are testifying here today?

13 "A That I don't know..

14 "Q Pardon?

15 "A I don't know.

16 "Q He knows that you are going to
17 testify in this case, right?

18 "A I would think so.

19 "Q How long have you been a close
20 personal friend of Mr. Altobelli?

21 "A Oh, I guess 1966 when Mr. Melcher
22 moved into Mr. Altobelli's house.

23 "Q You have been a close personal
24 friend of his since that time?

25 "A Personal and business. There
26 was some business done.

1 "Q And is it a fair statement that
2 you visited the Tate home on many occasions while
3 Sharon Tate lived there?

4 "A There are two homes now, one is
5 Altobelli's and one is the Tate home.

6 "I never visited the Tate home. I visited
7 the property many times and went to Altobelli's
8 house which was in the back.

9 "Q Many times while Sharon Tate lived
10 there?

11 "A Yes, sir.

12 "Q Is that a fair statement?

13 "A Uh-huh.

14 "Q Is it a fair statement that many
15 of these occasions you visited Mr. Altobelli at a
16 time when Miss Tate was also on the premises?

17 "A I recall once seeing Miss Tate on
18 the premises while I was visiting Rudi, Mr.
19 Altobelli.

20 "Q Only once?

21 "A Yes."

22 Now, this question we think has some significance,

23 Page 14,234:

24 "Q Now, is it a fair statement that
25 you had no occasion to pinpoint any events con-
26 cerning Charles Manson as far as time goes until

1 "sometime in 1970?

2 "A Pinpointing Charlie Manson's
3 what? Would you restate the question?

4 "Q Yes, surely.

5 "Is it a fair statement that you have had
6 no occasion to pinpoint the events that you have
7 talked about here in this courtroom until sometime
8 in 1970?

9 "A No, that is not a fair statement --
10 no.

11 "Q Well, did you in 1969 have
12 occasion to pinpoint when you had certain
13 conversations with Mr. Manson?

14 "A Oh, absolutely.

15 "Q Pardon?

16 "A Absolutely.

17 "Q In connection with this case?

18 "A Yes.

19 "Q I see, so you knew of Mr. Manson's
20 alleged connection in this case in 1969?

21 "A Yes.

22 "Q Is that right?

23 "A Yes.

24 "Q All right, when in 1969 did
25 you know about Mr. Manson's alleged connection
26 in this case?

1 "A Two weeks -- a week and a half
2 before Thanksgiving, which is what, November 25th?

3 "Q Of '68?

4 "A 1969."

5 That is after Mr. Manson has been arrested. That
6 is the first time in 1969 that Mr. Jakobson knows of any
7 connection of Mr. Manson as far as this case is concerned,
8 meaning that, like everyone else in the whole wide world,
9 Mr. Jakobson read and heard on mass media that Mr. Manson was
10 arrested.

11 So, going over that again, "All right, when
12 in 1969 did you know about Mr. Manson's alleged
13 connection in this case?

14 "Two weeks -- a week and a half before
15 Thanksgiving, which is what, November 25th?

16 "Q Of '68?

17 "A 1969.

18 "Q Pardon?

19 "A 1969.

20 "Q 1969?

21 "A Yes, sir.

22 "Q And did you at that point start
23 pinpointing in your mind when you had conversations
24 with Mr. Manson?

25 "A Yes.

26 "Q Now, you testified on direct

1 "examination, Mr. Jakobson, concerning Thanks-
2 giving.

3 "Do you recall that?

4 "A Thanksgiving of '68 or '69?

5 "Q Well, do you remember testifying
6 concerning Thanksgiving?

7 "A Yes, of both years.

8 "Q All right, now, you have known
9 Mr. Manson since before Thanksgiving of 1968?

10 "A Yes.

11 "Q Now, when you had occasion to pin-
12 point in your mind conversations concerning your-
13 self and Mr. Manson, did you make any notes of
14 these conversations?

15 "A You mean on paper?

16 "Q Well, any notes or any -- is there
17 any other way?

18 "A Yes, sure, mental note as opposed to
19 paper and pencil note.

20 "Q Very well, paper note.

21 "A No.

22 "Q When was the first time, if at all,
23 that you made paper notes concerning Mr. Manson?

24 "A I never did.

25 "Q You never have?

26 "A No, sir, I never have.

1 "Q So as to any conversations that
2 you have spoken of on direct examination you
3 at no time reduced those conversations to writing?

4 "A That's right, yes, sir.

5 "Q Now, before testifying here today
6 you have spoken with Mr. Bugliosi, is that
7 correct?

8 "A Yes.

9 "Q On how many occasions?

10 "A Going all the way back to the Grand
11 Jury."

12 So we have a situation where Mr. Manson is taken
13 into custody.

14 Mr. Jakobson, after Mr. Manson is taken into
15 custody, knows, is informed that Mr. Manson is in custody,
16 and we know that the Grand Jury indictment is December 8th,
17 that is the date that it came out in the court, although the
18 publicity on it was -- when Mr. Manson was arrested up north,
19 we know that -- we know that from the evidence in this court-
20 room, so that from the time of the Grand Jury going all the
21 way back to that time, Mr. Jakobson has spoken with people
22 from the prosecution:

23 "Q My question is merely on how many
24 occasions, Mr. Jakobson.

25 "A Do you want me to go that far back,
26 sir, to answer your question?

"Q Yes, in your lifetime how many times

1 "have you spoken with Mr. Bugliosi?

2 "A Six or seven.

3 "Q And during these conversations
4 with Mr. Bugliosi was there ever a court
5 reporter or court stenographer or stenographer
6 present taking down each and every word that was
7 uttered between yourself and Mr. Bugliosi?

8 "A I don't know.

9 "Q You don't remember?

10 "A No, I remember but I don't know.

11 "I don't know how to distinguish a court
12 stenographer; there were people around on different
13 occasions.

14 "Q Has any recording been taken of you?

15 "A Yes.

16 "Q On how many occasions was your voice
17 and Mr. Bugliosi's voice tape recorded?

18 "A One.

19 "Q And when was that?

20 "A Six months ago. It doesn't stand out
21 in my mind as to time very much. Six months ago."

22 That was six months before August 16, 1970,
23 Mr. Jakobson tells us.

24 "-- it doesn't stand out in my mind as to
25 time very much, six months ago.

26 "Q Have you spoken with any other law

1 "enforcement officers other than Mr. Bugliosi?

2 "A Oh, a great number, yes.

3 "Q Concerning this case?

4 "A Yes.

5 "Q Would you tell us the law enforcement
6 officers you have spoken to concerning this case?

7 "A Sergeant Gutierrez, Sergeant Patchet,
8 Lieutenant Halder and the other ones I really don't
9 remember their names."

10 Quite a few people, quite a few people that
11 Mr. Jakobson spoke to in connection with this case.

12 "Q Do you know what agencies or what
13 branches of law enforcement they were with?

14 "A Yes.

15 "Q What branches?

16 "A Detective Homicide, Robbery, Downtown
17 Division, as best as I can do with titles.

18 "Q Of what law enforcement agency?

19 "A Los Angeles Police force.

20 "Q And have you spoken to anyone in
21 the District Attorney's office other than
22 Mr. Bugliosi?

23 "A Yes.

24 "Q And who were the people you have
25 spoken to other than Mr. Bugliosi?

26 "A There was a fellow named Don there.

1 "There was a fellow named Howard, and a
2 fellow named Tim.

3 "That is all I can remember as far as
4 names go."

5 And for whatever it may be worth, those of us
6 on this side of the bench regret, I believe, we don't have
7 the resources that the District Attorney has in terms of
8 personnel, and the ability to do what perhaps should be done
9 in terms of work and effort.

10 Maybe that is not a big point, maybe it is.

11 But nevertheless, not only people from the
12 Los Angeles Police Department but also people from the
13 prosecutor's office, great numbers of them, have spoken to
14 Mr. Jakobson.

15 There are other points here that we will
16 eliminate out of expediency from reading any further.

17 Nevertheless, there is no question when we think --
18 maybe erroneously -- that time spent here is better spent
19 looking at the evidence in the transcript, because that
20 really is what we are supposed to use in deciding this case.

21 We are supposed to consider the evidence, and the
22 mechanical difficulty of remembering, many times, is such
23 that in a long trial, a trial as long as this, it becomes
24 physically impossible actually for us to remember some,
25 whatever it is, 19-20,000 pages of transcript.

26 There is a point, and this is at Page 14,264:

11a-1

1 "Q And directing your attention to your
2 conversation with Mr. Manson, were these conver-
3 sations such that you at any time directed any
4 police authority to the attention of Mr. Manson?

5 "A Would you rephrase that, please?

6 "Q Yes.

7 "At any time did you cause Mr. Manson to be
8 brought to the attention of any police authority?

9 "A No."

10 So it is clear that Mr., what we have been
11 talking about here, it is clear that Mr. Manson was not in
12 Mr. Jakobson's mind in connection with the matters that
13 happened on August the 8th and August the 9th, 1969:

14 "Q At any time did you cause Mr. Manson
15 to be brought to the attention of any police
16 authority?

17 "A No.

18 "Q At any time did you cause Mr. Manson
19 himself to go to any police agency?

20 "A In regards to what time?

21 "Q Well, I'm talking about time, let's
22 say in August of 1969.

23 "A No.

24 "Q Now, is it a fair statement,
25 Mr. Jakobson, that in August of 1969 you knew that
26 Mr. Manson had been arrested, August 16, 1969,

1 "right?"

2 The raid that we are speaking of here.

3 "-- right?

4 "A. Yes.

5 "Q And you say that -- when did you see
6 Mr. Manson in connection with August, 1969?

7 "A I saw him in the month of August,
8 and as far as any specific date goes, I cannot
9 say, I cannot put a date on it."

10 Right there it is conceivable that Mr. Manson saw
11 Mr. Jakobson on August 8th and 9th. He told us earlier that
12 he knows for certain that he did but query, it is certainly
13 not unreasonable with the frequency that Mr. Jakobson went
14 to the Spahn Ranch:

15 "You don't know when you saw him in August
16 of '69?

17 "A I know that it was later in August
18 of '69.

19 "Q So you saw Mr. Manson, looking at it
20 probability wise, you say, later, you mean after
21 the 15th of August, 1969, right?

22 "A I mean in the latter part of the month
23 of August, 1969.

24 "Q All right, would you say perhaps
25 between the 25th and the 31st?

26 "A Yes, perhaps."

1 On Page 14,266, beginning at Line 18:

2 "Q All you knew is what you read in the
3 papers. You mean you read about this raid on the
4 Spahn Ranch on August 6th, 1969?

5 "A Yes, sir.

6 "Q It was after that that you saw
7 Mr. Manson?

8 "A Yes, sir.

9 "Q Now, when you spoke with Mr. Manson
10 on these many occasions, did you speak and take
11 notes?

12 "A No."

13 And Mr. Jakobson did nothing whatsoever in
14 connection with these matters after knowing about that
15 August 16, 1969 raid.

16 "Q And did Mr. Manson make any notes as
17 he spoke with you?

18 "A Not that I know of.

19 "Q So all of these conversations that you
20 tell us that you had with Mr. Manson were the types
21 of conversations that you have undoubtedly engaged
22 in many times in your lifetime, is that correct?

23 "A Yes.

24 "Q And you have engaged in discussions
25 with people concerning the forces around us, let's
26 say the Establishment, you have engaged in these

1 "conversations with many people, is that right?

2 "A Yes."

3 On Page 14,270:

4 "Q Well, you stated, Mr. Jakobson,
5 that up to a certain point you went up to a certain
6 point in the discussion, and you did not go any
7 further,

8 "A That's correct.

9 "Q Well, would you synopsize for us what
10 that portion of the discussion involved that you
11 have cut off with the words, it either went on or
12 went back, we never got into that, but life went
13 on.

14 "A We went to the point of discorporation.

15 "Q You went to the point of discorporation?

16 "A Yes, the physical end of the body.

17 "Q What do you mean by discorporation?

18 "A That is when, and I am using, I think,
19 I am trying to be as close to Webster's definition
20 as I can.

21 "It is when the spirit leaves the physical
22 body; when the essence of what was inside leaves
23 that which was on the outside.

24 "Q I see, and is there some reason you
25 did not go on any further?

26 "A Maybe we ran out of time, I don't know,

1 "Q I see, and who was present at the
2 discussion when you cut off at the point you are
3 telling us that you cut off?

4 "A There were many discussions and I
5 could not tell you who was present."

6 Then they talked about evolution, and in the
7 transcript here that is with a line across it.

8 Evolution, an ordinary e, without the line across
9 it, and devolution,

10 And they spoke about those matters, and he said:

11 "The difference between evolution and
12 devolution: Devolution is the antithesis of
13 evolution. It is the exact opposite.

14 Evolution, you would have to ask one of the
15 Beatles what he meant by that one.

16 "Q So, what it boils down to, you and
17 Mr. Manson were discussing the Beatles music,
18 is that right?

19 "A I don't think so, sir.

20 "Q Pardon?

21 "A Not in this particular instance that
22 you are speaking of.

23 "Q Well, was it just one instance?

24 "A Was it that?

25 "There were many singular instances that we
26 spoke of many things. Which specific one are you

1 "referring to now?

2 "Q I am not referring to a specific
3 one, I am just asking the question, if you would
4 please tell me.

5 "A I also am not referring to any
6 specific ones.

7 "There were many and they are cumulative;
8 they all go together.

9 "Q And actually you don't remember what
10 was said and who said it, do you, Mr. Jakobson?

11 "A I certainly don't remember all of what
12 was said and who said all of it, no, but I do
13 remember much of the essence of what was said."

14 And at this point Mr. Jakobson --
15 Mr. Jakobson has spoken to the prosecution in this case.

16 Mr. Jakobson is not sequestered; Mr. Jakobson is
17 out in the world, submitted to all of the horrendous publicity
18 against Mr. Manson.

19 And that is something to think of in connection
20 with these witnesses, as to what effect, -- what effect upon
21 their state of mind these witnesses -- the publicity that has
22 been generated in this case.

23 Is there any effect?

24 One of the factors -- that is one of the factors
25 of credibility we have to consider in connection with these
26 witnesses, as to what effects have been generated, what they

1 tell us here in this courtroom, and can we believe what they
2 tell us, the way Dr. Katsuyama and -- can we compare that
3 credibility with the credibility of Dr. Katsuyama and
4 Dr. Noguchi?

5 And here is a question and answer that we think
6 has significance as to this entire trial, as to all of the
7 types of witnesses like Linda Kasabian and other witnesses.

8 At Page 14,274:

9 "Q Do you remember, Mr. Jakobson, and
10 you only caused yourself to remember after you
11 spoke with Mr. Bugliosi, right?

12 "A In some instances there was no reason
13 to remember until someone gave me one, right."

14 That is a prosecution witness answering.

15 In other words, right there probably will be the
16 kernel of the prosecution.

17 In some instances there was no reason to remember
18 until someone gave me one.

19 In other words, we have the situation, we have
20 the situation of a witness like Dianne Lake where she somehow
21 or other, they recorded Dianne Lake, and we know for sure
22 that Officer Gutierrez threatened her with the gas chamber,
23 threatened her with what he called, "The crime of the century,"
24 and "You know who we want to get, we want to get No. 1,
25 Mr. Manson."

26 A 130-pound fellow; we have seen him here.

1 That is who we want to get.

2 In some instances there was no reason to remember
3 until somebody gave me one. Right.

4 And the prosecution has again -- Mr. Jakobson has
5 given Linda Kasabian many, many witnesses that we have here
6 a reason by talking and talking to them, programming them,
7 conditioning them to be consonant with the prosecution's
8 viewpoint in this case.

9 Do we have -- do we have credible evidence that
10 we can take from anyone, when they are given a reason, and
11 the reason is to get Mr. Manson, no matter what, no matter
12 what.

13 No matter what happens to our system of justice,
14 no matter what happens to fairness, no matter what happens
15 as far as fair play is concerned, just get Mr. Manson, that
16 is what we are after.

17 And that was the reason that the prosecution gave
18 Mr. Jakobson for the type of testimony that he gave, he says
19 in some instances.

20 MR. BUGLIOSI: That is a misstatement.

21 THE COURT: The objection is sustained.

22 The jury will disregard that last remark.

23 We will take our recess at this time, ladies and
24 gentlemen.

25 Do not converse with anyone or form or express
26 an opinion regarding the case until it is finally submitted

1 to you.

2 THE COURT: We will recess for 15 minutes.

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12-1

1 THE COURT: All counsel and jurors are present.

2 You may continue, Mr. Kanarek.

3 MR. KANAREK: Thank you, your Honor.

4 Ladies and gentlemen, we will remember that
5 Mr. Jakobson -- and I am sure the prosecution will argue
6 this -- that Mr. Jakobson testified that Mr. Manson was
7 like a caged animal. Various things like that.

8 As I say, rather than to try to make this --
9 trying to make this as expeditious as possible, rather
10 than read the exact language, I am sure that we will all
11 recall that, but we must remember that this subjective
12 consideration by Mr. Jakobson of Mr. Manson and his
13 demeanor, and so forth, and Mr. Watson, that this is a
14 reflection of the prosecution's viewpoint in this case.

15 For instance, at the top of page 14,275.

16 "Q And Mr. Bugliosi gave you a reason
17 to remember; right?

18 "A You can say that, sure."

19 In other words, this witness's subjective
20 determination about being caged, and all of that, is
21 conditioned not only by the horrendous publicity but
22 also upon the prosecution talking and retalking with
23 the witness.

24 And these are matters that we must consider
25 in determining the credibility of the witness.

26 The witness doesn't speak to us with the

1 authenticity, for instance, that Dr. Noguchi speaks with
2 us.

3 Now, in speaking to him concerning dates.
4 Page 14,287.

5 "What other dates can you tie down
6 for us other than a date that you read in the
7 paper and memorized, namely, August 16th,
8 1969?

9 "Thinking back freely over all of this,
10 none comes to mind.

11 "If you would give me a specific one,
12 I can tell you.

13 "I will make it even better. I will
14 let you pick the specific time and date as to
15 anything you have told us in this courtroom. You
16 pick the date and tell us.

17 "Well, then, I will let those -- I
18 can't think of any others than the two that we
19 just talked about."

20 And the two dates, so we have it tied down,
21 one is four days before Thanksgiving, 1968. He remembers
22 that specifically.

23 "What other date can you tie down for
24 us other than a date that you read in the paper
25 and memorized, namely, August 16th, 1969?

26 "Thinking back freely over all of

1 "them, none comes to mind."

2 So, he is telling us that those are the only
3 two dates that he really can tie down.

4 So, again, it is for us to consider as to
5 whether or not maybe, in fact, even it is possible that
6 Mr. Jakobson saw Mr. Manson on the two dates that we have
7 been talking about so extensively for the last six months.

12a fls. 8

12a-1

1 For instance, at Page 14,316. Mr. Jakobson says:

2 "I never heard Charlie Manson sing the song
3 Helter Skelter, right.

4 "You never heard him sing it?

5 "Right.

6 "Never?

7 "It is somebody else's song, the Beatles'
8 song.

9 "You have told us that Mr. Manson has used
10 some phrases, some words, some lines from other
11 songs; is that right?

12 "Yes.

13 "And you are now telling us that you never
14 heard him sing the song Helter Skelter?

15 "Right.

16 "Are you telling us -- in other words, there
17 is no question in your mind that Mr. Manson never
18 sang the song Helter Skelter?

19 "THE WITNESS: I never heard him."

20 And again:

21 "THE WITNESS: I have never heard Charlie
22 sing anybody's song but his own."

23 And again, Page 14,318.

24 "Are you telling us that you remember,
25 Mr. Jakobson, that Mr. Manson sang the song
26 Piggies?

1 "A. No.

2 "I told you that Charlie never sang anybody
3 else's song but his won.

4 "If you talk about specific words, I can be
5 much more -- I can answer you much better."

6 And then the question: "Well, would you just
7 answer this question, Mr. Jakobson: Did Mr. Manson
8 ever sing the song 'Piggies'?"

9 "No.

10 "Did he ever sing any Beatle song?

11 "You never heard him sing a Beatle song?

12 "From the beginning to the end, no.

13 "But he may have sung part of it?

14 "Oh, yes, part, yes.

15 "Words, yes. A song has a beginning and end,
16 and it has many verses and choruses.

17 "I see.

18 "It is a specific structure.

19 "Now, you are telling us that Mr. Manson has
20 sung part of Beatle songs?

21 "Absolutely, yes.

22 "Right?

23 "Right.

24 "All right.

25 "Will you tell us what part of Helter Skelter
26 Mr. Manson sang, that you heard him sing?

1 The title.

2 "You heard him say Helter Skelter?

3 "Right.

4 "Outside of the two words, Helter Skelter,
5 have you heard him say or sing any part of that
6 song?

7 "Not to my recollection, really."

8 And this testimony about Helter Skelter is after
9 the prosecution has informed Mr. Jakobson of the prosecution's
10 theory in this case.

11 MR. BUGLIOSI: That is a misstatement, your Honor.

12 MR. KANAREK: That is a fair inference, your Honor.

13 THE COURT: The objection is sustained.

14 The jury is admonished to disregard that state-
15 ment.

12b

12b-1

1 MR. KANAREK: Well, we can make the inference, if
2 I may put it that way, we can make the inference that the
3 prosecution has discussed the words Helter Skelter with
4 prosecution witnesses.

5 As a matter of fact, I believe it was the
6 witness Juan Flynn that jumped the gun with Mr. Bugliosi,
7 and Mr. Juan Flynn offered -- Mr. Juan Flynn offered --
8 he said "This is about the time" -- this is the effect
9 of his testimony -- "This is about the time that I talk
10 about Helter Skelter, isn't it?"

11 He used something like "Are you speaking in
12 relation to Helter Skelter?" And Helter Skelter hadn't
13 even been spoken of previously.

14 So, we can make the inference that when this
15 witness, Mr. Jakobson, talks about Helter Skelter, he
16 is paraphrasing, repeating, there is no particular way of
17 saying it, the witness has been conditioned, programmed,
18 by the prosecution.

19 This is something for us to consider as to
20 whether this is true or whether it is untrue.

21 We think there is great evidence in this case
22 that it is true.

23 For instance, page 14,326.

24 "And did Mr. Manson participate in this
25 group singing?

26 "I don't remember any group singing that

12b2

1 Charlie did not participate in.

2 "So you are saying he participated in
3 group singing all along with everyone else, is that right?

4 "Right.

5 "And was the song, Blackbird, sung at
6 Spahn Ranch by people who lived there at the Spahn
7 Ranch?

8 "No.

9 "Was the song, Revolution 1, sung at
10 the Spahn Ranch?

11 "No.

12 "That was never sung by the group?

13 "No.

14 "Was it ever sung singly?

15 "No.

16 "Were any of these Beatles songs that
17 you have testified to sung singly, that is, by one
18 person at the Spahn Ranch?

19 "Never."

20 I will go on.

21 Now, here again, we have the evidence from
22 which we can infer the programming that the prosecution
23 accomplished in connection with, to say the least, some
24 of these witnesses.

25 Page 14,328.

26 "Mr. Jakobson, referring to the words

12b - 3

1 "'ripping off' --

2 "Yes.

3 "-- would you tell us what words did

4 Mr.Manson actually utter concerning ripping off?

5 "If I may just have a moment.

6 "(Pause.)

7 "As close as I can come, they were going
8 to go into some white families' homes and rip them
9 off really good.

10 "My question is, would you tell us the
11 words that Mr. Manson uttered, Mr. Jakobson.

12 "Those are they, 'they are going to go
13 into some white families' homes and rip them off
14 really good.

12c fls.

12c - 1

1 "In other words, Mr. Manson used the
2 words 'They're' they are going to go in --

3 "As far as I can remember he used the
4 word 'they're.'

5 "Who was he referring to when he said
6 'they're'?

7 "The blacks.

8 "The blacks?

9 "That's right.

10 "I see, and when did he utter these
11 words?

12 "This would have been late spring,
13 '69, springtime of '69.

14 "In the springtime of '69?

15 "Yes.

16 "No later than April or May of '69,
17 is that right?

18 "No later than May.

19 "Of '69?

20 "Right."

21 Now, in connection with that language, is
22 that spontaneous, that Mr. Jakobson remembers that
23 independently, or is that language that has been suggested
24 to him by means of having conferences with the prosecution,
25 remembering that he was in intimate contact with the
26 police, he knew about the events at the Tate residence and

12c-2

1 at the La Bianca residence, he made no equation to any
2 kind of ripping off, despite the words Helter Skelter,
3 especially the words Helter Skelter, he made no connection
4 between that and Mr. Manson.

5 Is this significant? Or is it not significant?

6 And here is something -- here is something --
7 this is not entertaining, but we think it is significant,
8 and maybe sometimes the most significant of matters are
9 not necessarily always the most entertaining, but at
10 page 14,329:

11 "Q Now, would you tell us when you were
12 caused to recollect first the fact that Mr. Manson
13 uttered those words that you have just told us
14 that he uttered?

15 "A It was probably -- I had probably first
16 cause to recollect those words when news reached
17 us that there may have been an involvement there
18 with Charlie."

19 In other words, when Charlie Manson -- Mr.
20 Jakobson is informed that Charlie Manson is arrested
21 in connection with this case, and that Mr. Jakobson is
22 speaking with whoever he is speaking with, then he is
23 connecting Mr. Manson with these events.

24 "I see, and will you tell us when that
25 was?"

26 Now, again, thinking of when does he make the

12c-3

1 equation between Mr. Manson and these events.

2 "That would have been ten days --
3 seven days before Thanksgiving of 1969."

4 Which is after the time that Mr. Manson is
5 arrested.

6 "That is when you were caused to
7 remember?

8 "That's right.

9 "And directing your attention, when you
10 were caused to remember this, whom did you first
11 talk to?

12 "Concerning --

13 "-- those words?

14 "I am not sure, probably the police."

15 Probably. I will say that again:

16 "I am not sure, probably the police.

17

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26

2 d fls.

12d - 1

1 "Well, which police officers?

2 "Sergeant Patchett, Sergeant Gutierrez,
3 Lieutenant Helder."

4 These are the police officers who have
5 suggested to Mr. Jakobson that Mr. Manson has an
6 involvement here. Mr. Jakobson makes no such equation.

7 He makes no such conclusion himself.

8 But the police come to him, and then Mr.
9 Jakobson is programmed for what occurs in this trial.

10 "And where were you when you spoke
11 with them concerning these words?

12 "My home.

13 "And how did they happen to come to
14 your home?"

15 He is not seeking them out, but the police
16 are seeking him out.

17 "I don't know what led them to my
18 home, really.

19 "Now, when they came to your home
20 you had already known for some period of time
21 about Mr. Manson being arrested, is that right?

22 "I don't think so. I think it was
23 the other way around.

24 "Which way was it?

25 "It was the other way around.

26 "Well, would you tell us, when you say

12d-2 1

"the other way around, can you tell us when --

2

"I was contacted by the police before any news to that effect broke."

3

4

He was contacted by the police.

5

6

"Well, you were contacted by the police concerning this case?

7

"Right.

8

"Is that right?

9

"Yes.

10

11

"And you were contacted by the police- - when were you first contacted by the police?

12

13

"About ten days before Thanksgiving, 1969.

14

"And was that while you were at home?

15

"Yes.

16

"They came to your door?

17

"Yes.

18

19

"These three police officers that you mentioned?

20

21

"They called first and made an appointment.

22

23

"I see, and how long before they came did they call and make an appointment?

24

25

26

"The following day, they called in one evening, or late one afternoon, and it came out the following day.

12d-3

1 "And did they tape record any statement
2 by you?

3 "No."

4 Do we know -- there is another situation where
5 there is no tape recording. There is no original confron-
6 tation or no original statement. So, we don't have the
7 benefit of that in this courtroom.

8 We have the fact that people have been killed
9 at the Tate house, we have the fact that Mr. Jakobson,
10 that he has some kind of relationship with that Tate
11 house. We don't know what Officer Gutierrez said, the
12 same officer who told Dianne Lake that unless --that
13 threatened her with the gas chamber in connection with
14 "getting the man you know we want."

15 That is the same kind of situation where the
16 police officers are talking to Mr. Jakobson.

17 And how do we know, how do we know, I mean,
18 Mr. Jakobson has candidly said that in some of these
19 discussions he did consume marijuana, in some of the
20 discussions that he has spoken about, and how do we know --
21 we don't know, we don't know the relationship between
22 Mr. Jakobson and the people at the Tate house and whatever
23 involvement there may be there in connection with marijuana
24 or whatever.

25 So, we have the relationships between people
26 coming into play, these relationships being much more

12d -4

important than the mere words that are uttered.

These are the circumstances, these are the types of things that we must consider in connection with whether or not, in connection with whether or not we can use the evidence that comes from this witness stand, and whether we can use it and believe that it is credible.

13 fls.

13-1

1 "Did they stenographically record any
2 statement by you?

3 "A They wrote down in their notepads with
4 a pencil.

5 "Q My question is, like this court
6 reporter here is taking down word for word everything
7 that is being uttered here, hopefully.

8 "A No.

9 "Q Pardon?

10 "A No, stenographically they did not take
11 any statement from me.

12 "Q Who was present at this conversation?

13 "A Other than the three officers I
14 mentioned?

15 "Q Yes.

16 "A My wife.

17 "Q Your wife, yourself and the three
18 police officers?

19 "A Yes.

20 "Q And they came to you and they asked
21 you what you knew about Mr. Manson, is that correct?

22 "A Yes.

23 "Q And you spoke to them concerning Mr.
24 Manson?

25 "A Yes.

26 "Q Now, at the time that you spoke with

13-2

1 "them did you tell them about your having lived
2 at the Tate residence?

3 "A I never lived at the Tate residence.

4 "Q You never lived there. Did you stay
5 there overnight?

6 "A Yes..

7 "Q Was there a discussion concerning your
8 presence at the Tate residence?"

9 And then that was repeated:

10 "Q Was there a discussion concerning your
11 presence at the Tate residence?

12 "A I don't think so.

13 "Q When they came in, what did they tell
14 you concerning Mr. Manson if anything?

15 "A Why they were there?

16 "Q Yes.

17 "A They had just talked to Terry, I
18 believe.

19 "Q And what did --

20 "A And they wanted to know everything I
21 knew in the remotest sense to the most specific
22 sense, they wanted to know everything and anything
23 I could think of.

24 "Q That you knew concerning Mr. Manson,
25 right, Mr. Jakobson?

26 "A Right.

13-3

1 "Q And at that time you knew you were
2 being interrogated, Mr. Jakobson, at that time you
3 knew you were being interrogated concerning the
4 events at the Tate home, is that right?

5 "A Yes.

6 "Q I mean, they did not then from the
7 instant they came into the door, you knew you were
8 being interrogated concerning this?

9 "A Yes.

10 "Q And is it a fair statement you knew
11 they were interrogating you concerning Mr. Manson?

12 "A Yes.

13 "Q And did they tell you that Mr. Manson
14 was under arrest?

15 "A Yes.

16 "Q And so you knew at that time that
17 Mr. Manson was from the police viewpoint arrested
18 in connection with this case, right?

19 "A Right.

20 "Q And you then told them whatever you
21 told them?

22 "A Yes.

23 "Q Now, did you ask at all that everything
24 that you said be reduced to writing?

25 "A No.

26 "Q Stenographically recorded?

13 -4

1 "A No.

2 "Q Did you tell the police, now, let
3 me withdraw that and ask you:

4 "In connection with this ripping off
5 that you have spoken of, did you tell them, did
6 you tell them when that was stated?

7 "A I don't think so.

8 "Q In other words, you did not tell them
9 when in time previous to the time you spoke with
10 them it was stated, right?

11 "A I don't even know if I told them any-
12 thing about ripping off."

13 In other words, even at this time there is
14 nothing about this so-called ripping off -- the ripping off
15 doesn't occur until there had been several more interroga-
16 tions, undoubtedly we can infer from this evidence, by
17 the prosecution, and also by law enforcement officers:

18 "Q Oh, you might not even have stated it
19 at that time, right?

20 "A Right, I was only answering questions.
21 They asked, and I answered.

22 "Q I see, and you knew they were there
23 on a criminal investigation?

24 "A I sure did.

25 "Q And you knew that Mr. Manson was
26 arrested, as you say, in connection with this case,

13-5

1 "and you are not sure that you even mentioned about
2 this ripping off, right?

3 "A Right."

4 And so forth and so on.

5 Going further now:

6 "Q Now, the word 'ripping off,' Mr.
7 Jakobson, is a word that is used -- it is part of
8 the current jargon among people that you might call
9 hippies or nomadic people or people in some parts
10 of the movie industry and the music industry?

11 "This word, 'ripping off,' is a very
12 very common word, is that correct, Mr. Jakobson?

13 "A It is now.

14 "Q Well, are you saying it was not a
15 common word in Thanksgiving of 1969 or thereabouts
16 when you spoke to the police officers?

17 "A Yes."

18 And so, Mr. Jakobson, under the guidance of
19 the prosecution becomes somewhat of an expert on semantics,
20 or becomes an lexicographer or something like that, telling
21 us that "ripping off" had a different meaning at the time
22 we are talking, than it did in 1969:

23 "A Yes.

24 "Q It was not a common word?

25 "A Yes, it was not a common word.

26 "Q I see, when did it become a common word?

13-6

1 "A I don't know."

2 For instance, page 14,339:

3 "Q Well, have you discussed the
4 word, 'ripping off' with Mr. Bugliosi?

5 "A Discuss the word?

6 "I told him of the incident that it
7 was used.

8 "Q You told him after he spoke to you,
9 right?

10 "You did not mention it before he spoke
11 to you, is that correct?

12 "A Right, yes.

13 "Q So Mr. Bugliosi is the first person
14 you used the word, ripping off, to, is that
15 correct?

16 "A I believe so, yes.

17 "Q You did not use it with any other
18 law enforcement officer?

19 "A I believe so.

20 "Q I see, so you actually did not use
21 those words that you are attributing to Mr. Manson
22 until February of this year, or December of last
23 year, let's put it that way?

24 "A As to the time I am --

25 "Q -- hazy?

26 "A -- hazy.

13-7

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"Q You are guessing?

"A I am not even going to guess, it is too hazy for me to guess. I don't know."

For instance, the question on page 14,341:

"Q When you first talked to a police officer concerning Charlie Manson, you never mentioned it, right?

"A Right.

"Q But when you talked to Mr. Bugliosi, it came out?

"A Right."

He makes a point in connection with all of this. There is no question from what we have here that Mr. Jakobson, and what he has told us, has been covered, to say the least, as a result of being interrogated by the police officers and by -- and also by the prosecution.

Now in connection with -- there are some details concerning --

You remember the same type of programming that we have been speaking of in connection with Mr. Jakobson occurred in connection with Linda Kasabian.

13a fls.

13a-1

1 Now, we have seen Linda Kasabian testify in
2 this courtroom and we have -- we can editorialize, and
3 we can give some broad-brush statements concerning Linda
4 Kasabian.

5 But we can see a pattern, admittedly it is
6 the kind of thing, the only way we can get it is by
7 studying this transcript.

8 We find the same kind -- the same kind of
9 programming in connection with Linda Kasabian.

10 Page 4947, by the prosecution:

11 "Q When did you have this discussion with
12 Mr. Manson about the Beatles?

13 "A I don't know the time.

14 "Q Okay. Within the one-month period?

15 "A Yes.

16 "Q Who was present at the time?

17 "A I don't really recall who was present.
18 It seems that all the faces were the same way back
19 then."

20 Now, Linda Kasabian testified in this
21 courtroom at a time when Mr. Jakobson was not present.
22 They testified outside of each other's presence.

23 Maybe this is not significant, but when we
24 decide this case we have to -- we cannot just take the
25 words that are uttered by the particular witnesses, if
26 we do, if we do then we just accept the prosecution's

13a-2

1 viewpoint, and that then becomes --that then becomes the
2 end of it.

3 The fact of the matter is, in studying over
4 Linda Kasabian's testimony we find the same programming,
5 the same suggestion and the questions that we have gone
6 into in connection with Mr. Jakobson.

7 We find that Linda Kasabian, as far as, for
8 instance, this kind -- this by Linda Kasabian:

9 Question by the prosecution, page 4968:

10 "Q Did Charles Manson ever speak to you,
11 Linda, about the unity of the black man as opposed
12 to the white man?"

13 Linda Kasabian answers, and of course Linda
14 Kasabian is granted immunity and she is an accomplice for
15 seven counts of murder and one count of conspiracy, but
16 she is still Linda in this courtroom:

17 "THE WITNESS: Yes, he used to say that
18 blackie was much more aware than whitey and super
19 together, and whitey was just totally un-together,
20 just could not get together; they were off on these
21 side trips, and blackie was really together."

22 And then by the prosecution on page 4972:

23 "Q What did he say about bringing the
24 white man together to be more like blackie?

25 "A He said he had a way to do it and
26 his way was the only way to bring the white man

13a-3

1 "together."

2 These are statements that are attributed to
3 Mr. Manson by Linda Kasabian after many many many many
4 interrogations by both Mr. Bugliosi, Mr. Stovitz and other
5 prosecutors.

6 Linda Kasabian was taken out of the Los
7 Angeles County Jail on several occasions and taken over
8 to the Tate residence, and elsewhere in connection with
9 this prosecution.

10 What is the reason? What is the necessity to
11 take Linda Kasabian out of jail, take her over there on
12 several different occasions? What is the reason, if not
13 for programming her, if not to have her adopt the viewpoint
14 of the prosecution?

15 We have never been there! The rest of us have
16 never been to the Tate residence. But Linda Kasabian has
17 been there on several occasions.

18 The question is a matter of credibility. The
19 question is the detail that we have spoken of. Is it
20 important?

21 It is not very romantic; it is not very --
22 maybe it's not very dynamic, but in the posture of
23 deciding a lawsuit, the credibility of witnesses is almost
24 the whole story, and if you don't look at these details
25 then we have a result which does not reflect --I'd better
26 not say what I was going to say.

13a-4

1 Anyway, at page 5029, at lines 18 and 19, and
2 the only way you can -- the only way you can get this is
3 by going through it word for word.

4 We hope that what the court reporter does
5 here, in connection with these transcripts has some
6 significance. They work here until 8:30, sometimes 8:00
7 o'clock, 8:30, 9:00 o'clock every night.

8 Anyway -- beginning at the bottom of page
9 5029, lines 18 and 19, here is an example, again it is
10 an example which we think would be lost if we did not
11 look at the transcript.

12 We feel that this is true. I stand up here
13 and become Horatio at the bridge and give you the
14 Gettysburg address and all kinds of things, and become
15 an orator and speak eloquently.

16 But I think the eloquence in this transcript
17 tells the story.

18 Here is the most typical -- page 5029, we
19 are talking about conspiracy; we are talking about
20 supposedly somebody who is there, who is going to tell us
21 the way it was, the way it happened.

22 We have a question asked, and this is the
23 prosecutor asking the question:

24 "Q Did they indicate to you in any
25 fashion what they were going to do?"

26 If you didn't look at the transcript, we suggest

13a-5

1 we would never get this passage, which is so significant.

2 The witness answers:

3 "A Yes, Tex said we were going to a house--"

4 And then the prosecutor interrupts:

5 "Q Well, now, did they indicate what you
6 were going to do is what I am concerned with."

7 She is telling him; she is telling him what
8 Tex said they were going to do, and the prosecutor doesn't
9 want to hear that because she has missed her cue.

10 She is not supposed to know what they are
11 going to do the first night.

12 So then after this interjection by the
13 prosecutor:

14 "Q Well, now, did he indicate what you
15 were going to do is what I am concerned with.

16 "A No."

17 The answer is no, after she started off
18 telling us that, "Yes, Tex said we were going to a house."

19 Does that have any significance?

20 Then the prosecutor goes on at page 5030,
21 beginning with line 7:

22 "Q The question, Linda, is: Did Tex,
23 Sadie or Katie tell you what they were going to
24 do that night?

25 "A No, they didn't."

3b fls.

13b1

1 She started to tell;

2 "Tex said we were going to a house."

3 But that would be inconsistent; that would be
4 inconsistent because the prosecution, they cannot do
5 anything with Linda Kasabian on the second night because,
6 my God, she's been at a place where there were five murders,
7 so there is nothing they can do about that.

8 But the first night they want her as clean
9 as possible and they don't want her, they don't want her
10 to know anything. She gets in the car with guns, with
11 a gun and knives and all of this.

12 They want her to look clean in this courtroom
13 and so the prosecutor interrupts her. He interrupts her
14 when she says "Yes, Tex said we were going to a house."

15 The prosecutor interrupts her because that is
16 not consistent; that is not what she has been programmed
17 for, and she went a little bit off schedule.

18 At the bottom of page 5048, lines 25 to 26.

19 "Q Did you have any idea whatsoever that
20 the knives and the gun might be used to kill people
21 with?

22 "A No."

23 Now, why would a prosecutor ask that question?

24 We are in a case where this lady is a
25 defendant. She is supposed to be there. She is supposed
26 to be there because she is part of this group they allege

13b-2₁

originally, but they change it around.

The prosecutor becomes someone who is advocating the impossible, and so the prosecutor is advocating that Linda Kasabian knows nothing about what is going to happen the first night.

Page 5072.

Speaking at the Tate house, Kasabian says -- the question is asked:

"Q What is the next thing that happened, Linda?

"A I came around from the back and Tex was standing at a window, cutting the screen, and he told me to go back and wait at the car, and he may have told me to listen for sounds, but I don't remember him saying it."

And that is pregnant with what is important here because Linda is walking a tight rope.

Mr. Watson probably said "If anything happens and we need you," or something or other, "Come on in," or whatever it may be.

But she doesn't really want to say it. She does not want to say it for sure.

But Mr. Watson, we believe, had an arrangement with Linda Kasabian that Linda Kasabian was to do certain things.

Why would she weasel on it:

13b-3

1 "He may have told me to listen for
2 sounds, but I don't remember him saying it."

3 Because in the workings of her mind she does
4 not want to be inside of that house where we suggest she
5 was, where her knife was found, and so she words it that
6 way. She words it that way.

7 That particular detail is there in this
8 transcript.

9 Later on at page 5084, Linda Kasabian tells
10 us about the sound that she heard:

11 "Q Did you hear what the people were
12 screaming?

13 "A No, just at one point in the beginning
14 I heard a man say 'No, no.'

15 "Screams, and the screams were as if
16 pleading for their lives, but I heard no actual
17 words.

18 "Q How long did the screaming continue?

19 "A Oh, it seemed like forever, indefinite.
20 I don't know.

21 "Q Was the screaming constant or was it
22 in intervals?

23 "A It seemed constant. I don't know.

24 "Q Now, what did you do when you heard
25 these screams?

26 "A I started to run towards the house.

13b-4

"Q Why did you do that?

"A Because I wanted them to stop, because I knew what they had done to this man, that they were killing these people."

But Mr. Watson hadn't told her anything. Mr. Watson hadn't told her anything.

The prosecutor interrupted her. The prosecutor interrupted her.

13c fls.

13c-1

1 How did she know? How did she know that they
2 were killing these people?

3 She tells us they were on a creepy-crawley
4 mission. She tells us that she was listening for sounds,
5 and she ran to the house because she wanted it to stop.

6 Do we believe that? Do we really believe
7 that, at the time there when part of Linda Kasabian's
8 vocabulary was "pig"?

9 She has had a resurrection that she has told
10 us about, supposedly in this trial.

11 Immunity from seven counts of murder and a
12 count of conspiracy. Do we believe that?

13 Page 5894, where Linda is interrogated, she
14 testifies, at page 5094, speaking about Mr. Frykowski:

15 "Q You say he eventually got up and moved
16 to a different place?

17 "A Yes."

18 That is confession of murder. That is Linda
19 Kasabian confessing to the murder of Mr. Frykowski.

20 "Q You say he eventually got up?"

21 And this is after she knew, she says, that
22 the people inside the house were being killed, she knew
23 that.

24 Page 5236, the most incredible -- and the
25 reason that we are comparing Linda Kasabian with
26 Mr. Jakobson is because, is because we think there is a

1 credibility comparison that is valid.

2 A person like Mr. Jakobson, who is a person
3 who is not an accomplice, his testimony in this case is
4 testimony which is --

5 Mr. Bugliosi speaking, which is the prosecu-
6 tion speaking on page 5236; is this the prosecution speak-
7 ing on behalf -- on behalf of what the California
8 Constitution stands for;

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

11 "A No.

12 "THE WITNESS: No, I did not want to go.
13 My intentions were to go to the waterfall with
14 Gypsy.

15 "Q Why did you go along with Mr. Manson
16 and the others?

17 "Why did you go along if you did not
18 want to?

19 "A Because Charlie asked me and I was
20 afraid to say no."

21 Now, do we believe that? Do we believe that?

22 Remember -- remember that Linda Kasabian --
23 Linda Kasabian at this time has already seen the light.
24 She received this light, she says, at the Tate residence,
25 and we look at the words that she utters here in the
26 courtroom and compare these words with the words that she

1 utters later on that she says describes her feeling as
2 she walked hand in hand with Mr. Manson, offering peanuts,
3 and she felt so good at the beach, and all of this.

4 Do we believe that? Do we believe that that
5 happened?

6 She supposedly had left the La Bianca
7 residence.

8 She had left the La Bianca residence thinking
9 that two people were going to be -- were going to be
10 destroyed, and she goes to the beach with something like
11 that, she is afraid of when the prosecutor asks the question,
12 was she supposed to answer that she is afraid of --
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14 fls.

4-1

1 And she goes to the beach. Supposedly she has
2 just avoided someone being killed, and then she walks hand
3 in hand, and tells Mr. Manson she is pregnant, and they share
4 peanuts, and "It felt so good."

5 The question is do we believe that?

6 Can a person, in the light of what has been por-
7 trayed in this courtroom, can a person believe, can we use
8 that type of testimony in connection with judging this case?

9 If Linda Kasabian wanted to, there were several
10 different places that Linda Kasabian could have gotten
11 evidence, very critical evidence, in connection with this
12 case, after she supposedly had seen the light concerning
13 Mr. Manson.

14 Linda Kasabian could have gotten the license number
15 of that white Falcon. She could have gotten the license
16 number of other automobiles at the beach. She supposedly
17 hitchhiked.

18 I mean, it is just filled -- I mean, this testimony
19 is filled with places where the slightest motivation whatso-
20 ever on the part of Linda Kasabian would give us something.

21 The question is: Can this witness be believed?

22 That is what it boils down to, when she tells us,
23 when she utters words from her mouth, and then we look at
24 what we know of certain facts that come from people that are
25 not accomplices.

26 Now, she was driving the car. She was driving the

1 car when the car went and stopped at Harold True's place in
2 the exact same spot as we recalled.

3 "Had you ever been parked in front of that home
4 before?"

5 Page 5277 of the transcript.

6 "Yes. In the exact same spot before."

7 And we are referring to the transcript
8 because this is sort of like, if I can get poetic a little
9 bit and maybe invoke Mr. Lincoln, didn't he say something in
10 the Gettysburg Address: They won't remember much what we
11 say here, but they will remember what they did here; meaning
12 the people in the Battle of Gettysburg.

13 They are not going to remember, surely, what we
14 say here, I suppose, but they certainly are going to remember
15 throughout the world what we do in this courtroom, what the
16 result is in this courtroom. What happens here is going to
17 be remembered.

18 Page 5286, Line 15.

19 "How long after he left the car did he
20 return to the car?" Meaning Mr. Manson, supposedly,
21 at the La Bianca residence.

22 "I remember we all lit up cigarettes, and
23 we smoked about three-quarters of a Pall-Mall
24 cigarette, however long that takes.

25 "Several minutes?

26 "Yes,

1 "When Mr. Manson returned to the vicinity
2 of the car did you observe whether or not he
3 still had the leather thongs around his neck?

4 "I don't really think I noticed at that
5 point.

6 "Did you at any later time in the evening
7 notice whether or not he still had the leather
8 thongs around his neck?

9 "Yes, I did.

10 "When was that?

11 "When walking on the beach.

12 "Several hours later?

13 "Yes."

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15 14a
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14a-1

1 And here we have something that is significant.
2 Linda Kasabian, at Page 5288 of the transcript, saying,
3 among other things:

4 "What happened after Mr. Manson returned
5 to the car?

6 "He called Leslie and Katie and Tex out
7 of the car.

8 "Was he out of the car at that point, too?

9 "Yes.

10 "What happened next?

11 "Sadie -- excuse me -- Clem jumped in the
12 back seat with Sadie, and I pushed over on the
13 passenger's side, and I heard bits and pieces of
14 the conversation that he had with Tex and Katie."

15 Bits and pieces.

16 Now, then, we have the bits and pieces.

17 "I heard him say that there were a man and a
18 woman up in the house and that he had tied their
19 hands, and that he told them not to be afraid, that
20 he wasn't going to hurt them."

21 We then have Linda Kasabian testifying exactly on
22 behalf of the prosecution, exactly what the prosecution
23 presents to us in terms of the pictures. And this is after
24 Linda Kasabian has been spoken to and respoken to concerning
25 this case.

26 This is what we have to decide in this case. We

1 have to decide whether, in several minutes, whether in
2 several minutes, it would be physically possible.

3 She says a Pall Mall cigarette. She says the time
4 it takes for a Pall Mall cigarette. This is what she tells
5 us is what happened.

6 So, the question is, the question is: Can we
7 believe?

8 The prosecution hopes by the sheer, by the sheer
9 force of those words, the prosecution hopes that we won't
10 look at the circumstances, the prosecution hopes that we
11 will just remember the words uttered, just remember the words
12 uttered and forget all of the surrounding circumstances in
13 connection with what has been presented here.

14 In connection with -- I will try to cover some
15 of it -- some of it I will just leave out because of time,
16 but I will try to go through this.

17 Now, directing our attention to the wallet.

18 She says: "I picked the top of the toilet
19 bowl, the cover, I lifted it up and placed it on
20 a bulb, or some sort of thing that is in the
21 toilet that helps you flush the toilet, and put
22 the lid back down."

23 Those words, standing by themselves, are
24 just meaningless, unless we integrate those words with the
25 fact that despite -- despite -- the importance of the wallet,
26 supposedly in this case, Linda Kasabian has nothing to do, as

1 far as identification or anything concerning this wallet,
2 until, I think the transcript reveals, April of 1970.

3 It isn't until April of 1970, notwithstanding the
4 fact that she is in the County Jail all this period of time,
5 notwithstanding that, the prosecution is asking us to accept
6 these words as gospel, as what actually happened in
7 connection with that wallet.

8 That is something that we have to consider.

14b

14b-1

1 In connection with this wallet, Linda Kasabian
2 -- in connection with the control that these people had over
3 Linda Kasabian, they could have, it would seem like, it
4 would seem like, if anybody really believed, really
5 believed that Linda Kasabian had any connection with that
6 wallet, it would seem like you wouldn't wait until April,
7 you wouldn't wait until April to discuss it or whatever
8 as far as Linda Kasabian is concerned, as far as that
9 wallet is concerned.

10 It would seem like, it would seem like that
11 would be the first thing that would be done.

12 But something about that wallet, there is
13 something about that wallet that doesn't smell right, and
14 the fact of the matter is that on August -- that on
15 December the 8th, as we know, the Grand Jury indictment
16 came in. On December 10th, the wallet is found while
17 Linda Kasabian is nowhere around.

18 Linda Kasabian is nowhere around that gas
19 station on or about December the 8th or December the 10th
20 of 1969.

21 These are circumstances. These are circum-
22 stances. Maybe what we are saying, maybe what we are
23 saying is something that doesn't have any significance.
24 Maybe what we are saying does.

25 The question that we have to resolve is:

26 Are we going to accept the bare words of

14b-2

1 Linda Kasabian, or are we going to look at that, what is
2 reasonable, when a wallet is put in a toilet near operating
3 mechanism, that toilet, it is about a couple of days
4 maybe that that toilet would last without running over.
5 A couple of hours maybe. It is not going to sit on the
6 operating mechanism for four months. It is not going to
7 sit there for four months and not interfere with the
8 operation of that toilet.

9 So, with the Grand Jury indictment coming about
10 December the 8th, and December 10th being the time when the
11 wallet is supposedly found, a couple of days is about the
12 time you would have.

13 So, Linda Kasabian has to be programmed into
14 putting the wallet where Mr. Koenig found it, and Mr. Koenig
15 found it on the operating mechanism. Right on it.

16 Look at the picture. Look at the picture.
17 Forget about Linda Kasabian. Look at that operating
18 mechanism. See if we can make some reasonable inference
19 as householders and as people that are familiar with this
20 type of mechanism. Would that wallet be there for four
21 months?

22 It is a circumstance, it is a circumstance that
23 is unbelievable, especially when you consider, especially
24 when you consider that all the prosecution has given us --
25 all the pictures that they have taken -- all the
26 prosecution has given us in connection with that toilet

1 is just the tank. Just the tank.

2 They haven't seen fit, they haven't seen fit
3 to give us the detail of the rest-room. Was it, in fact,
4 the women's rest-room as compared with the men's rest-room
5 as compared with the men's rest-room?

6 They haven't seen fit. They had plenty of
7 pictures here concerning that, but they didn't see fit to
8 introduce those pictures.

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

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

13 The court will adjourn until 9:00 a.m. tomorrow
14 morning.

15 (Whereupon at 4:29 o'clock p.m. the court
16 was in recess.)
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