

DISTRICT ATTORNEY
SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff-Respondent,

vs.

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

Defendants-Appellants.

NO. 3078

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent:

THE STATE ATTORNEY GENERAL
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For Defendant-Appellant
Charles Manson:

IRVING KANAREK, Esq.

For Defendant-Appellant
Susan Atkins:

DAYE SHINN, Esq.

For Defendant-Appellant
Leslie Van Houten:

LESLIE VAN HOUTEN
In Propria Persona

For Defendant-Appellant
Patricia Krenwinkel:

PATRICIA KRENWINKEL
In Propria Persona

UME 78

es 23,101 to 23,400

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Q You have seen them before?

A Before this incident right now, yes. I saw him on August 8th.

Q Okay, now --

A Or it could have been the 9th, in between the 8th and the 9th at night.

Q When you saw him was he in this position or was he lying?

A No, he was not. The first time I saw him he was sitting on the edge of the bed.

Q Do you know who this is?

A Yes.

Q Who is it?

A It is Jay Sebring.

Q The head is covered, I mean you can tell --

A I remember the clothes.

Q You remember the clothes he was wearing?

A Yes, he had dark hair. He was small.

Q How tall was he?

A About five-eight, five-nine, five-ten.

Q And approximately how much did he weigh?

A Maybe 150, 160.

I am not too good at weights and heights.

Q I show you People's Exhibit 87, have you seen this?

A Yes, that is Sharon Tate.

Q Was that the way she was when you saw her last?

A Yes.

Q In this position?

A Yes.

Q Next to the couch?

A Yes. That is where I left her.

Q I show you People's Exhibit 88, have you seen this before?

Take it in your hand, have you seen that before?

A I saw this at a distance, as I was leaving the house.

Q Where was she when you were leaving the house?

A On the front lawn.

Q Was she in that position when you last saw her?

A Yes, about that position. I would imagine that position.

She was laying down. She seemed to be looking up at the sky.

Q I show you People's Exhibit 89, have you seen that person before?

A Yes, I had a fight with him.

Q Who is that person in the picture?

A I did not know who it was then. Later I

learned it's Voityck Frykowski.

Q Was he in that position when you saw him last?

A Yes.

Q Where was he located?

A In front of Abigail Folger by the lawn, closer to the front of the house.

Q Now, do some of these pictures refresh your memory now as to what actually happened in the house?

A As to what actually happened, yes, I do not wish to recall it, as I said it the first time at the Grand Jury, I want to recall it exactly as it happened.

And as I talk I am putting myself back in time to the time that it happened, and that is something that I am not used to doing.

Q I show you People's Exhibit 15, did you ever see that before?

A No, I did not.

Q It is a picture of a swimming pool and the house.

A I have seen the picture before but I have never seen the pool or the house.

Q I show you People's Exhibit 14, have you seen that before?

A Yes, yes, I have seen it before. I was there.

Q Now, when you say you was there, now, what did this picture depict?

A This picture shows a rope hanging over a beam.

1 It depicts a ladder going up that I remember running into.

2 It depicts things being knocked over, or
3 actually fallen over.

4 It depicts the couch that Voityck Frykowski was
5 lying on when I first saw him.

6 It depicts the fireplace.

7 Q ' Yeah, but what I'm asking you, Susan, is whether
8 or not you remember?

9 A Yes, I remember.

10 Q Where was this place located in the house?

11 A The living room, just to the left as you would
12 go into the house.

13 It is like there was a hallway, a very small
14 narrow hallway that went off to the left and off to the
15 right.

16 I think there was a kitchen.

17 Q How about this People's Exhibit 10, have you
18 ever seen that area before?

19 A I have seen the picture, I believe I was in the
20 room.

21 It looks to me like the room that I first saw
22 Sharon Tate in.

23 All I can really recall is seeing Sharon Tate
24 laying on the bed and Jay Sebring sitting on the edge of
25 the bed talking to her with his back to me, and his back
26 covered her face so she could not see me when I first saw

1 them.

2 Q I show you People's Exhibit 11, have you ever
3 seen that?

4 A This is the bed and the door is right to the
5 front, and right here is where Sharon Tate was laying,
6 and Jay was sitting on the edge of the bed.

7 Q Are you saying that this is Sharon Tate's
8 bedroom?

9 A I did not know at the time that it was Sharon
10 Tate's bedroom.

11 It could be Sharon Tate's bedroom, I don't
12 know. I just know she was lying on that bed.

13 I remember seeing the bassinette up at the
14 top of this, just flashing.

15 Q In other words, you saw this bedroom in the
16 Tate residence?

17 A Yes.

18 Q Did you walk into this room?

19 A Yes, I walked to the door and then I walked
20 away from the door.

21 And right before this door there was another
22 door and then there was another bedroom.

23 And there was a lady laying on the bed, and
24 she was -- I think she was reading, and she looked at me
25 and smiled, and I looked at her and smiled.
26

1 Q Now, when you first looked into Sharon's bedroom,
2 did you see anybody in the bedroom?

3 A Yes.

4 Q How many people?

5 A Two.

6 Q Was it a male or female?

7 A There was a male and female.

8 Q , And was someone in the bed?

9 A Yes, the female was lying in the bed.

10 Q And where was the man?

11 A The man was sitting next to her close to her on
12 the edge of the bed with his back to me kind of leaning.

13 He had almost one arm over her, straddled over
14 her waist, it looked like her waist or her thighs or some--
15 thing was underneath his arm.

16 Q So did you say anything to them?

17 A Not at first, I think I did later.

18 Q What did you say to them later?

19 A Come with me.

20 Q And did they respond?

21 A Yeah.

22 Q Did they say anything?

23 A "What are you doing here?"

24 Q What did you say?

25 A I said, "Be quiet and come with me."

26 Q And did you have your knife out?

A Yeah, I had it in my hand, and they saw it.

Q And you said, "Come with me," and where did you take them?

A To the living room.

Q Who was in the living room?

A A man on a couch, Tex, Linda and Katie.

Q Anyone else?

A I think before I got those two I went in and got Abigail Folger.

Q How, where was Abigail Folger?

A That was the first bedroom that I saw, the first person that I saw after I saw the man on the couch.

And she smiled at me and I smiled back at her.

Q In other words, you saw Miss Folger first, before you saw Miss Tate?

A Yes, I believe -- Yeah.

Q Is that what you remember seeing, Miss Folger first?

A Yes.

Where was Miss Folger when you first saw her?

A She was sitting up in a bed with her legs crossed, a cigarette either burning in the ash tray or in her hand.

I remember seeing the cigarette smoke.

And I looked at her and she smiled as if she knew me and I smiled back.

1 And I waved to her or gave her a peace sign --
2 I motioned to her with my hand and I moved on, and that is
3 when I saw the man and the woman on the bed.

4 Q Now, let's go back to Miss Folger.

5 Did you say anything to Miss Folger when you saw
6 her?

7 A No.

8 Q No words were exchanged between you and Miss
9 Folger?

10 A I think I just smiled, because as I remember
11 I think I just smiled.

12 Q Did you take her some place?

13 A Not at first. Can I go back to the living room?

14 Q Yes, please do.

15 A The man on the couch stretched like he was
16 waking up, and I was behind the couch and Katie was next
17 to the couch behind the couch next to me.

18 And Linda was at the man's head, and Tex was in
19 front.

20 Tex did have a gun, Tex did have a gun. I
21 saw the gun, yeah, he had a gun.

22 And he said something to the man, because the
23 man looked at him.

24 Q When you say "man," what man are you
25 talking about?

26 A The man on the couch, this big man, very big.

1 He almost fit the whole couch, the length of the couch. It
2 was a long couch.

3 And the man said something to Tex like, "What
4 are you doing here? What do you want?" or something to
5 that effect --

6 I could feel his fear building up.

7 And Tex pointed a gun at him and said something ---
8 what did he say? What did he say? "Shut up."

9 To shut up.

10 Tex was crazy. It was like -- I never seen
11 Tex like that before.

12 And everything seemed to be moving like an
13 electric current was moving me.

14 And the words came to me, whether they came to
15 me from my head, Tex's head, Linda's head, the words just
16 came to me, "Go see if there is anyone else," and that is
17 when I walked back through the hall and I walked back and
18 I saw the woman lying on the bed with her legs crossed
19 sitting --

20 She was not lying, she was kind of propped up
21 on pillows reading a book.

22 I stopped and I looked at her. She looked up
23 at me and she smiled, and that is when I smiled back.

24 I did something with my left hand. I either
25 waved or I said something with my hands to her, and I moved
26 on, and that is when I saw the woman lying on the bed.

1 I remember seeing blond hair and a man's back,
2 and the man had dark hair.

3 I could not see the woman's face at first, and I
4 looked at them and I kind of moved -- I think I moved back
5 so that they would not see me.

6 I remember seeing a basinette.

7 I turned around and I went back and I just walked
8 in and I looked at Tex and then I looked at Katie and the
9 man on the couch and I said, "There's three more."

10 And then I think Tex said, "Bring them here."

11 Q So did you?

12 A Yes, I went back to the first bedroom and I
13 just walked into the bedroom, looked at her and said,
14 "Get up."

15 Q You say, "I looked at her," you mean Miss Folger?

16 A Yes, the woman with the dark hair.

17 I said, "Get up, come with me."

18 And I brought my knife out and I pointed my
19 knife at her.

20 I said, "Come with me," and I made sure that
21 she walked in front of me.

22 I think I grabbed her arm and walked her into
23 the living room.

24 And then I went back to the other two, and I
25 looked at them and I said, "Come with me," and they looked
at me and said something about, "What do you want?"

1 I said, "Shut up, just come with me."

2 And like my voice came out of me was strange to
3 me. It was like I was angry. I didn't even know the people.

4 And I stepped backwards, I walked backwards,
5 and I stepped back into the doorway on the left-hand side,
6 and I let them walk in front of me, and then I walked behind
7 them and walked them out in the living room, and they just
8 went into the living room. They didn't put up any fight.
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1 I could feel their fear.

2 By that time the man on the couch was tied up.
3 I don't remember whether I tied him up or Katie tied him
4 up.
5

6 I know his hands were tied with a towel.

7 Q Okay, what was Linda Kasabian --

8 A Linda was standing there, and then she
9 disappeared for a minute. Time -- I don't know how long
10 she was gone. I think I saw her walk out the front door.

11 Q Well, did you see her do anything before she
12 walked out the front door?

13 A No, but she came back in.

14 Q Then she came back in?

15 A Yeah, she came back in later because she had
16 to, because I had exchanged knives with her.

17 Q Now, did you see what Linda Kasabian was
18 doing in the house?

19 A In the house?

20 Q Yes.

21 A I wasn't paying too much attention to what
22 Linda was doing in the house, I don't think.

23 Q Well, did she have a knife out?

24 A I remember seeing a knife in her hand.

25 Q Was she near anyone?

26 A She was standing at the head of the man on
the couch.

Q Did she say anything to him?

A No, not at first. She may have said "Be quiet."

And then the people -- the three people were standing at the hallway entrance to the bedroom and I had moved back behind the couch, and Tex had moved to the end of the couch, to the head of the couch with the gun, and the small man, the small man came and started walking to Tex, and approaching Tex.

I heard a shot.

It was a chair -- the man seemed to be approaching the chair, but at the same time he had to keep moving to Tex to approach the chair.

And that is when the shot happened, and the blonde woman screamed and then -- this all happened so fast.

The blonde woman screamed and then there was the rope -- I don't think the rope was there -- I think someone carried it, I haven't got together on who carried that rope.

The two women screamed, the man on the couch said something and I told him to shut up, and he shut up.

And the rope went around, I think Tex tied the rope around the people's necks.

The man on the floor was shot and the two women's necks -- then he threw the rope over the beam.

1 Q Do you recall what happened after that?

2 A I'm trying to remember so hard.

3 The man on the couch started to get up, and I
4 tried to stop him and he kept pulling my hair and I was
5 kicking at him and I was fighting him, it was like I was
6 fighting for my life, it was like I never fought before,
7 something I never experienced.

8 I just kept swinging, I kept swinging the knife,
9 I would swing the knife backwards, it was like --

10 I could feel the knife going into something,
11 but I didn't know what it was going into, because he had
12 ahold of my hair and he was pulling on my hair and I was
13 kicking and I kept saying, "Tex, help me, help me, Tex."

14 And the man let go of me and he started to
15 run, and I went to run after him, and then I looked over
16 and Katie was calling "Help."

17 She was fighting with the two women. And the
18 darkhaired woman had ahold of Katie's hair and was pulling
19 on it and Katie was fighting and she called for Linda,
20 and Linda came in, and I ran to the pregnant woman because
21 she was starting to take the rope off her of neck.

22 And I put my arm around her neck and I had
23 her head in my arms, and then I saw Tex come back to the
24 man on the floor with the rope around his neck and he
25 was stabbing the man.

26 I was still holding onto the woman.

And Linda came to help Katie. I dropped the knife.

So I asked Linda for her knife, and she handed me her knife.

Katie wasn't there any more. The woman with the dark hair wasn't there any more. I was alone.

Tex was gone and Linda was gone. I was alone with that woman. She was pregnant.

She kept pleading "Please don't kill me, please don't kill me, I'm not going to say anything."

I just looked at her like "Shut up."

I told her to shut up, I don't want to hear it.

She said "Please, let me sit down."

I said, "I'm not going to let you do anything, just be quiet."

Q Then what happened?

A I laid her down on the couch.

I threw her down, and held my knife at her, and I said, "Don't move, don't move."

She said "Please, all I want to do is have my baby."

I said "Don't move, don't talk to me, don't say anything to me. I don't want to hear it"

Tex came back in and he stood over and he looked at her and he said, "Kill her." And I killed her.

2 And I just stabbed her, and she fell, and
3 I stabbed her again.

4 She put her arms up, and then her arms fell.

5 I don't know how many times I stabbed her.
6 I don't know why I stabbed her.

7 There was nobody in the house. I remember
8 seeing Tex hitting that big man on the top of the head
9 in the doorway.

10 Then he came back in and he told me to kill
11 her, and I killed her.

12 Then I ran outside and Katie was just getting
13 up from in front of the woman on the grass.

Tex was crazy, he was just running and he was leaping.

Linda wasn't anywhere to be seen.

And I called for her and I called for her.

There was so much noise, so much noise.

And I ran back into the house. That is when I picked up the towel. Then I walked over to Sharon Tate. I looked at her stomach, and then I touched her stomach with the towel.

I walked to the door and I wrote "pig" on the door.

And then I threw the towel back into the house.

I ran outside and Tex and Katie were standing there.

Then we walked away from the house, so much fear, I was feeling so much fear.

I walked out of the gate, I walked past the car, and the man was in the car and he wasn't moving.

I walked down the hill and Linda was in the car, in the driver's seat.

Tex told her to move over. I got in the back seat and I closed my eyes and I remembered I did not have my knife.

And I told Tex, "I don't have my knife," and he said, "Where is it?"

And I said, "I don't know."

1 He said, "Oh, well, --"

2 Then we drove off. I changed my clothes. We
3 went up in the mountains.

4 Q You said that already, Susan. I want to get you
5 back in the house now.

6 You said you stabbed Sharon Tate?

7 A Yes.

8 Q Okay, now, just before you stabbed Sharon Tate
9 who was holding Sharon Tate?

10 / A I was.

11 Q You was holding Sharon Tate?

12 A In the beginning when I saw her getting loose
13 from the ropes --

14 Q Were her hands tied?

15 A No.

16 Q How did you hold Sharon Tate?

17 A I had her head in my headlock, like a headlock.

18 Q Her hands were free?

19 A Behind her.

20 Q Tied behind her?

21 A No.

22 Q Free?

23 A Yes.

24 Q Was she punching with her hands?

25 A No.

26 Q What was she doing with her hands?

A I wasn't paying any attention to what she was

1 doing. I had her so she couldn't move, and if I were --

2 Q Well, you had her in a headlock, correct?

3 A Yeah.

4 Q Right side or left side?

5 A I had her on my right side.

6 Q Were you holding her pretty tight?

7 A Yes.

8 Q She wasn't scratching you or kicking you with
9 her feet or hands?

10 A No, she was scared, scared as I was.

11 Q Okay, you got her in a headlock, correct?

12 A Yes.

13 Q And where was Charles Watson at that time?

14 A Outside, I guess, I did not see him.

15 Q Okay, now, did you stab Sharon Tate when no one
16 else was in the house?

17 A I don't remember if Tex was there or not.

18 Q Was anyone else in the house when you stabbed
19 Sharon Tate?

20 A I don't remember.

21 Q Oh, somebody could have been there. I know
22 Katie was not there.

23 Q Where was Linda?

24 A She could have been there, but I am not sure.
25
26

1 Q Now, how long were you holding Sharon Tate
2 in a headlock before you stabbed her?

3 A Not for very long. Long enough to restrain her,
4 to tell her to shut up.

5 Q Okay.

6 Now, where was your knife when you had her in a
7 headlock?

8 A My left hand.

9 I believe it was before that that I exchanged
10 knives with Linda.

11 Q Okay.

12 My question is: Where was this knife when you
13 had the headlock on Sharon Tate?

14 A Did I have a knife? (Pause.)

15 I could have had one in my left hand and holding
16 it away from her, and then I could not have had one in my
17 hand.

18 All I know is that I ended up with a knife in
19 my hand.

20 I remember exchanging knives or getting a knife
21 from Linda Kasabian, because I looked at her and said,
22 "Help me. Give me your knife."

23 Q Will you demonstrate for us what kind of a head-
24 lock you had on Sharon Tate with your hands?

25 A Her head was right here, and I had my arm,
26 this part of my arm, and this part of my arm, around her

1 kind of in a V.

2 Q Were your hands together at that time?

3 A Here, Yes.

4 Q Just with your hands like that?

5 A It could have been like this, but I think it was
6 like this. And I was pushing up with this hand.

7 Q And what hand was your knife in, the left or the
8 right hand?

9 A I think it was my left hand.

10 Q So, you had her on your right in a headlock;
11 correct?

12 A Yes.

13 Q And you had your knife in your left hand;
14 correct?

15 A I believe so.

16 How I got the knife --- I know I dropped the
17 knife. I know I got another knife, and I know I got that
18 knife from Linda.

19 Whether I got that knife from Linda during the
20 time I had her in a headlock, after I had put her down on
21 the couch, exactly when I got the knife, it is very foggy.

22 Q Okay.

23 So, now, then, after you had her in a headlock,
24 then you stabbed her; correct?

25 A She asked me: "Let me sit down. All I want to
26 do is have my baby."

And I more or less threw her on the couch in a sitting position where I was facing her, and I told her:

"Shut up. I don't want to hear it."

Q So, now you are standing over her; correct?

A Yes.

Q And did you still have your knife in your hand at that time?

A Yes.

Q You did?

A, Yes.

Q Now, was anyone else in the room at that time now after you put her on the couch?

A I remember Tex coming in.

I don't remember seeing Katie. Katie had run out of the house.

Linda had come in to give me a knife, and just exactly when she gave it to me, I don't remember.

I just know that she gave me a knife during my battle with this blond-headed woman.

Okay. Now, she is on the couch and you are standing over here, and Linda came in and gave you a knife at that point?

A No.

She came in when Katie was battling with the dark-haired woman.

Q Then somebody else was in the room at that point?

correct?

A Yes.

And that is when I went over to grab the woman who was taking the rope off her neck with the blond hair.

Q Who was that?

A That was the pregnant woman, Sharon Tate.

1 Q Was Sharon Tate on the couch at this point?

2 You have got a headlock on her now and you put
3 her on the couch.

4 A Yes.

5 Q Right?

6 A Yes.

7 Katie had run out, and Tex had run out, and
8 Linda had run out after Katie had run out.

9 I think that is when she gave me the knife.

10 Q Linda gave you the knife at that point?

11 A Yes. I think that is when she gave me the
12 knife.

13 And everybody ran out, and I was alone with a
14 man on the floor and with the blond-headed woman. And I
15 just grabbed her and held her.

16 Q And you put her on the couch?

17 A I threw her on the couch after I held her for
18 a while.

19 - Then after Linda gave you the knife, did she
20 stay in the room or did she leave?

21 A I don't remember seeing her because I was
22 putting too much attention on to the blond-headed woman,
23 and I was paying attention to her.

24 I don't know if Linda was in there. She
25 could have been.

26 Q So, now you put this blond-headed woman on the

1 couch.

What did she do when you put her on the couch?

3 A She just looked at me and said: "Please let me
4 have my baby."

5 I said: "Shut up. I don't want to hear it."

6 Q Then you stabbed her; correct?

7 DEFENDANT MANSON: She said it four times.

8 THE WITNESS: I killed her.

9 DEFENDANT MANSON: She is your client. Lighten up.

10 MR. BUGLIOSI: Motion to strike the gratuitous
11 comment by Mr. Manson.

12 THE COURT: Mr. Manson's comment will be stricken and
13 the jury is admonished to disregard it.

14 DEFENDANT MANSON: Excuse me. I meant that to be
15 under my breath. I didn't mean it to be out loud.

16 THE WITNESS: What more can I say, Mr. Shinn?

17 I am remembering it as I saw it. Not the way
18 I said it before but as I saw it.

19 MR. SHINN: Okay.

20 Q Now, you are back at the ranch; correct?

21 The next night you went out again; correct?

22 A Yes.

23 Details in between going from the time I got
24 back to the ranch to the time I got back in the car.

25 I remember going to sleep in the bunk house.

26 I remember wiping off the car before I went to

1 sleep.

3 It is not even like it was asleep, it was like I
passed out.

4 My head was blank. There was nothing in me.
5 It was like I had given it all.

6 And I remember getting up in the morning,
7 walking around and wondering if it was real, if it really
8 happened.

9 And I didn't want to look at it.

10 I went into the trailer, and Barbara Hoyt was
11 sitting on the couch straining to see the television
12 because she didn't have her glasses on.

13 And I asked her to turn the channel.

14 She said: "what for?"

15 And I said: "Just turn the channel. I don't
16 want to watch that."

17 And she got up and she went over and she turned
18 the channel three or four times.

19 And it was there, and it was real, and I did
20 do it.

1 Q Then you went out that next night with Clem,
2 Tex, Linda, Katie and Leslie; is that correct?

3 A And myself.

4 Q And who was driving the car this time?

5 A Linda.

6 Q She took you someplace?

7 A She drove all around.

8 She went on freeways and came off freeways,
9 went through rural areas, then went back on freeways.

10 I remember seeing the sign saying Pasadena.

11 We went around a whole bunch of houses. Stopped
12 one time and started the car again, and went off.

13 And in between all of this travel I would fall
14 asleep. I was tired. I was exhausted.

15 I didn't want to be where I was.

16 Q Did you finally stop at a house or some place?

17 A Yes. In front of Harold True's house.

18 I remember the driveway. I had been there
19 before.

20 I had had an acid trip at Harold True's house,
21 a big party.

22 And Linda got out of the car.

23 Q Was anything said before Linda got out of the
24 car?

25 A "I am going to go talk to Harold True."

26 Q Did she, in fact, leave the automobile?

1 A I saw her walk away with Tex.

2 Tex got out of the car.

3 Q Now, did they finally come back?

4 A Yes.

5 Q Were they gone for a long time?

6 A Long enough for me to smoke part of a
7 cigarette.

8 And it was like I fell asleep with the cigarette
9 in my hand, but it was like I didn't fall asleep, but I
10 know I fell asleep, and I woke back up when I heard voices.

11 I'd fall asleep, I'd wake up, I'd fall asleep.

12 It was like I wasn't. I was not thinking.

13 Q When they came back, what happened after they
14 came back?

15 A Linda got back in the car, and Tex told Katie
16 and Leslie to get out of the car.

17 Q Then what happened?

18 A Katie and Leslie and Tex walked off.
19 Tex, Katie, Leslie.

20 Then after I was in the back seat alone and
21 Linda was in the passenger's seat, in the front seat.
22 Clem was in the driver's seat.

23 And Clem told Linda, "You drive."

24 And Linda said, "I don't want to drive."

25 Clem told her, "You drive."

26 So she drove.

1 They stopped at a gas station.

2
3 Now, when Tex and Linda came back to the
4 automobile, did they have any things in their hands?

5 A Not that I saw.

6 Q Did they say anything when they got into the
7 automobile?

8 A Tex just told Katie and Leslie to get out of
9 the car.

10 I really wasn't paying too much attention.
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1 Q So, now you drove away. And then you stopped at
2 a gas station?

3 A Right.

4 Q What happened at the gas station?

5 A Linda got out of the car.

6 Q Was anything said before she got out of the car?

7 A She said, "I will leave it here."

8 Q And did you see something in her hand at that
9 time?

10 A Yes. But I didn't know what it was.

11 Q Did you see something in her hand?

12 A Yes.

13 Q What did it look like to you?

14 A It looked like a small square of something.

15 She was in the front seat and I was very low
16 in the back seat, and I didn't see it until she got out of
17 the car, and I saw something in her hand as she walked into
18 the restroom.

19 Q When she left the car, did she say anything --
20 Linda?

21 A I think she said, "I will leave it here. This
22 is a good place."

23 Q That is all that was said?

24 A That is all that was said. That is all I can
25 remember her saying.

Did anyone in the car say anything?

1 A No.

2 I know I didn't say anything. I just sat back
3 in the back seat.

4 Clem got out. I think he bought some gas or
5 something, or got a pack of cigarettes or something.

6 Q Then you all drove off?

7 A Yes.

8 They got back in the car and drove off.

9 Q Who was driving this time?

10 A Clem.

11 Q Did you go some place else?

12 A Yes.

13 Q Where did you go?

14 A To the beach.

15 Q What beach was this?

16 A Oh, I don't know what beach it was. It was
17 like we drove a long, long, long time.

18 It was like I was going in circles.

19 I'd look and try to figure where we were going,
20 and it was just like I was moving in and out of traffic,
21 and I didn't know where I was going.

22 And we ended up parked on a hill at the beach,
23 and we got out.

24 Hermosa Beach? No.

25 What beach was it?

I don't remember the name of the beach.

1 I just know we got off at a beach and we all
2 walked around.

3 Q When you say we all walked around, who is we?

4 A Clem, Linda and myself.

5 We walked around, and Clem and Linda were holding
6 hands, and I was kind of walking behind them. Then I would
7 walk with them. Then we would split up.

8 And then we walked back to the car.

9 Q Was anything said between you and the other
10 persons?

11 A No.

12 Q While walking at the beach?

13 A No, uh-uh.

14 I remember seeing a police car, and I got
15 afraid.

16 Q Where was this police car?

17 A It was just driving around.

18 At the beach there was like a recreation area,,
19 and then there were houses on one side, and there was part
20 of a recreation area. Then the ocean on the other side,
21 and a big long wall, and a walkway between the houses and
22 the beach.

23 Q And did you talk to these police officers?

24 A I didn't.

1 Q Did anyone in your group talk to these police
officers?

2 A I remember I kind of hid behind a tennis court.
3 Linda and Clem may have spoken to them.
4 I remember seeing them walk by. And then I walked up
5 to them after the police were gone.

6 Q And what did you do after the police left?

7 A Walked back to the car and got in the car,
8 and Linda drove.

9 Q Did you go some place then at that time?

10 A Venice.

11 Q What did you do in Venice?

12 A Linda pulled up in front of a house, and she
13 says, "I know the man that lives up on the fourth floor,"
14 or "The fifth floor," "and he is a pig and he has some
money, and let's walk on up."

15 Q So, did Linda go up?

16 A Linda led the way up the stairs.

17 Q And did you all go up, you and Clem?

18 A Yes.

19 Linda told me and Clem to stay behind the wall.
20 Like as you walk down a corridor, you turn,
21 and I don't remember whether it was right or left, but I
22 remember walking up a lot of stairs.

23 And I heard Linda knock on a door, and somebody
24 said, "Who is it?"
25

1 And she said, "Linda."

2 And he says, "Well, I don't know a Linda."

3 And she said, "Excuse me."

4 And she went to another door and knocked on
5 another door.

6 Q Was she looking for somebody?

7 A Evidently this person she knew that had some
8 money.

9 Q Did she say what his name was?

10 A No. She just said he was a pig.

11 Q So, what happened after she knocked at the
12 second door?

13 A I don't know.

14 There was a hesitation.

15 I didn't see what went on, because I was behind
16 the hall and I was waiting for her, because she told me
17 to wait there.

18 She told me and Clem:

19 "Wait there and I will let you know if it is
20 okay."

21 And she just came back and she said, "Come on,
22 let's go."

23 So I walked back down the stairs with her,
24 and we walked along the beach for a while.

And Linda or Clem -- between Linda, Clem and
myself -- we decided that we didn't want to carry the

1 Clem had a gun.

2 So I took the gun and I put the gun in my
3 pants, put my sweater or my shirt over it so that you
4 couldn't see it, and I walked out, across the beach to
5 the pier.

6 I was going to hide it under the pier and
7 come back myself later and get it.

8 I walked up underneath the pier and I looked
9 underneath the pier, and it was very dark and very cold.

10 And I remember seeing shadows of people moving
11 back in there.

12 I remember seeing a man changing his clothes
13 back under there, and I was aware of people underneath the
14 pier, and I didn't want to be seen putting anything anywhere.

15 So, I walked back to Clem and Linda who were
16 waiting kind of like of in a circle of cement with, I
17 think, like an umbrella over it, and I said, "Well, we
18 can't put it there."

19 So we walked across the street over into the
20 rural district of Venice.

21 I don't know Venice very well. All I remember
22 is that I put the gun underneath some boards behind a house
23 and I buried it there.

24 And then I went and got Clem and I showed Clem
25 here the gun was.

26 We walked back to the car, we got in the car.

and we drove back to Topanga Canyon.

And I said, "Let's get high."

1 Q Did you stop some place else before you got
back to the ranch?

3 A Yes.

4 I knew some people, and I really wanted to get
5 high. I wanted to smoke some grass.

6 And I stopped at a house right next to the
7 Malibu Feed Store. I don't even remember the people's
8 names. They were just people that I had met in Topanga
9 Canyon.

10 And Clem and Linda and I sat down with an older
11 man and a young girl and we smoked some grass.

12 And then we left, and we drove through the
13 canyon.

14 And Clem and Linda let me off.

15 And I went to Devil's Canyon. I went the
16 back way to Devil's Canyon.

17 It took me about an hour and a half to walk to
18 the waterfall; an hour, an hour and a half to walk to the
19 waterfall.

20 And let's see. Who was there?

21 Stephanie was there --

22 Q Who else was there?

23 A There were like two areas. There were like
two campsites. There was one at the waterfall and one
around the corner.

I remember seeing Stephanie.

I think I

Snake.

I remember seeing Tanya. I think Tanya was there.

Zeezo was there.

Q Who is Zeezo?

A And I think Charlie was there sleeping.

It is very foggy who exactly was there because I just went there and fell asleep.

Q This place was about what, a mile away from the ranch?

A A mile and a half, two miles, maybe three miles back into the woods.

I don't know distances. I just know it was a long walk to me.

Q And you went to sleep that night?

A I went to sleep in Devil's Canyon, and I think I stayed in Devil's Canyon for two days. A day and a half, two days.

I don't know how long I stayed there.

I didn't ever want to leave.

Q You stayed at the Spahn Ranch until a later date, did you?

A Yes.

Q And you went to a place in Death Valley?

A Yes.

Approximately when was that?

1 A Oh, about three or four days after the raid
at the ranch. Maybe five days.

3 I just jammed. I got wind. I went to the
desert to run away.

4 Q Who else went to the desert with you?

5 A There were a lot of people that had left before
6 I left. I kind of stayed at the ranch for a little bit
7 and got things together at the ranch.

8 And then I left. And I know I traveled with
9 Leslie and, oh, there was another girl.

10 Which one was it that I went to the desert with?

11 (Pause.)

12 I remember Katie was at the desert when I got
13 there. Stephanie was at the desert when I got there.
14 Charlie was at the desert when I got there. Bruce was in
15 the desert. Ruth was in the desert, Ouish. Snake was in
16 the desert. Sherry was in the desert.

17 I remember when I got to the desert, I think I
18 went with Juan and Leslie. I am not sure.

19 There are so many times that I left for the
20 desert, I want to get it right, who was with me at this
21 particular time.

22 Everybody went out to the desert. It was like
the ranch was kind of vacated. Maybe one or two people

I don't recall exactly -- it was that

1 Q Why did you leave the Spahn Ranch?

2 A Oh, after that raid, after spending three days
3 in jail, knowing what I had done, knowing Bobby was arrested,
4 I had to get away. I had to get myself together.

5 The more I tried to get myself together, the
6 more untogether I got.

7 And then we were arrested in the desert, and
8 a bullet came about two inches away from my head when I
9 was arrested in the desert.

10 The man who shot the gun didn't know he was
11 shooting at people inside of a hole inside of a hill.
12 He just shot into it.

13 And I came out of the hole and I was arrested
14 and taken to Inyo County.

15 And when I was in Inyo County, I was there for
16 two or three days and didn't even know why I was arrested.

17 And then Mr. Gunther and Mr. Whitley came and
18 took me out of Inyo County jail, handcuffed me, didn't
19 say anything to me or where they were taking me. They
20 were in plain clothes.

21 They put me in a car with another man who was
22 a sheriff or a highway patrolman, and we drove out across
23 the desert.

24 And I knew one of them a gun, and I didn't know
25 was going to do with it.

1 contact with society's reality.

2 Q And they took you what, approximately 14 or 15
3 miles away?

4 A It took ten or fifteen minutes to get there.

5 Q Did these two persons identify themselves?

6 A After they took me out of the car, I looked at
7 them, and I was too afraid to say anything to them at first.

8 I felt they were police officers but I wasn't
9 sure, and I didn't want to say anything.

10 I didn't know my head, my state of mind at that time was that
11 I didn't know whether they were going to take me out and shoot
12 me, or what they were going to do with me.

13 So I just kind of was quiet.

14 And one of them offered me a cigarette,
15 and I said, "Thank you."

16 THE COURT: Mr. Shinn, we will adjourn at this time.

17 Ladies and gentlemen, do not converse with
18 anyone or form or express any opinion regarding penalty
19 until that issue is finally submitted to you.

20 The court will adjourn until 9:00 o'clock
21 tomorrow morning.

22 MR. KANAREK: Your Honor, may we approach the
23 bench a moment?

THE COURT: Very well.

Mr. Fitzgerald

1 the bench.)

2 MR. FITZGERALD: We would like to confer among
3 ourselves for five minutes, if we might.

4 THE COURT: Very well, you may.

5 Anything else?

6 MR. KANAREK: Yes.

7 Mr. Crow ~~is~~ here. I wonder if you would now
8 order him back for tomorrow morning.

9 THE COURT: The court is adjourned.

10 (Whereupon at 4:25 o'clock p.m. the court was
11 in adjournment.)
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LOS ANGELES, CALIFORNIA, WEDNESDAY, FEBRUARY 10, 1970

9:45 A.M.

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THE COURT: People versus Manson.

In the matter of motion to quash subpoena.

Mr. Kanarek, have you been served with a copy of the motion to quash the subpoena?

MR. KANAREK: Yes, your Honor, I have.

THE COURT: Are you ready to proceed?

MR. KANAREK: Yes, your Honor.

Mr. Pete Miller, is Mr. Pete Miller here?

THE COURT: This apparently was filed late yesterday afternoon. I did not receive it until this morning, Mr. Warren, and it is obviously too big to digest in a few minutes.

I was only able to glance at it, not even able to read it thoroughly, let alone check the citation.

MR. WARREN: I anticipated that would be the case. Obviously it took us approximately a day to get it out.

I did not anticipate the Court would have time to analyze it thoroughly, even if it had been received by yesterday/the Court.

I will say that one reason for its length is that the constitutional aspects of the problem were so ruled, that the 9th Circuit decision was deemed most important. Some of the other decisions simply are not in

1 published Reporters, so we had to detach them as they were
2 turned out by the Court, in other words, copies of the type-
3 written opinion.

4 For example, one of our exhibits is the Caldwell
5 vs. United States case involving the New York Times reporter
6 that was called in connection with the Federal Grand Jury
7 that was seated up in San Francisco.

8 That decision was rendered by the Ninth Circuit
9 Court in November of 1970, and the lag in the Federal
10 Reporter System is such that it has not as yet found its
11 way into the public volumes. So that in some respect
12 accounts for the length.

13 Our actual written material or brief is more
14 like on the order of 10 or 11 pages.

15 We are either prepared to go ahead or, if the
16 Court would prefer to have the matter argued on another date,
17 if there is enough remaining evidence on the penalty phase,
18 why, that would be fine with us.

1 THE COURT: Well, we are obviously going to be going
2 over into next week, and I would prefer to have read the
3 cases before I hear the argument.

4 MR. WARREN: That will be perfectly satisfactory to
5 us, your Honor.

6 MR. KANAREK: I have no objection, your Honor.

7 THE COURT: All right.

8 Monday is a legal holiday.

9 What about next Wednesday, a week from today?

10 MR. WARREN: Wednesday will be fine.

11 THE COURT: 9:00 o'clock.

12 MR. WARREN: Fine.

13 THE COURT: February 17th.

14 MR. KANAREK: May I check that just a moment, your
15 Honor?

16 (Pause.)

17 That is agreeable, your Honor.

18 MR. WARREN: It is agreeable to the moving party.

19 THE COURT: All right.

20 Then the motion will be continued for hearing
21 until Wednesday, February 17th, at 9:00 a.m.

22 MR. KANAREK: Thank you, your Honor.

23 MR. WARREN: Thank you.

24 THE COURT: The Court will recess at this time.

25 MR. KANAREK: Would your Honor order Mr. Einstoss
26 back on that date?

1 THE COURT: I don't think that is necessary.

2 MR. ANDERSON: David H. Anderson, assistant United
3 States Attorney, representing Samuel Barrett, representing
4 Samuel Barrett, Federal Probation Officer.

5 MR. KANAREK: Is he here?

6 MR. ANDERSON: Yes, but in view of the prohibition
7 against witnesses, I didn't have him come into the courtroom.

8 MR. KANAREK: May we have him back?

9 THE COURT: All right. Have him come in and I will
10 order him back for next Tuesday.

11 (Mr. Samuel Barrett enters the courtroom.)

12 THE COURT: Is Tuesday realistic, Mr. Kanarek?

13 MR. KANAREK: I don't think so, because Linda
Kasabian is coming back.

15 Mr. Barrett has a calendar. I don't want to
16 interfere with it any more than necessary.

17 THE COURT: What is a convenient date for you,
18 Mr. Barrett?

19 MR. BARRETT: Your Honor, any day during the first
20 part of the week would be convenient, like a Monday or a
21 Tuesday, or even a Wednesday.

22 THE COURT: Wednesday?

23 MR. KANAREK: Yes, certainly, your Honor.

24 THE COURT: All right.

25 Then you are ordered to return to this court,
26 Mr. Barrett, on Wednesday, February 17, at 9:00 a.m.

1 MR. BARRETT: Very well, your Honor.

2 MR. KANAREK: Thank you.

3 MR. ANDERSON: Thank you.

4 THE COURT: The Court will recess until we are ready
5 to resume with the Manson case.

2 THE COURT: All defendants, counsel and jurors are
3 present.

4 You may continue your examination, Mr. Shinn.

5 MR. SHINN: Thank you.

6 SUSAN DENICE ATKINS,
7 the witness on the stand at the time of the adjournment,
8 resumed the stand and testified further as follows:

9 THE CLERK: Would you state your name, please.

10 THE WITNESS: Susan Atkins.

11 THE CLERK: You are still under oath.

12
13 DIRECT EXAMINATION (CONTINUED)

14 BY MR. SHINN:

15 Q Sadie, yesterday I believe we were talking about
16 when you were arrested in Inyo County.

17 A Yeah.

18 Q And then I believe you stated that two officers
19 in plain clothes took you to a spot about 14 or 15 miles
20 away from Inyo County Jail?

21 A Yes.

22 Q Now, they picked you up in Inyo County Jail?

23 A Yes.

24 Q Before they took you out of your jail cell --

25 A Yeah.

26 Q -- did these two officers say anything to you?

1 A Before they came to me I was taken out and had my
handprints taken.

3 I was taken away from the other girls and I was
4 put in a room all by myself, I imagine it was a receiving
5 tank because there was a little room; I could look right into
6 the police station's office, where policemen were walking
7 around.

8 I saw a whole bunch of men running around, and I
9 saw the two men that came and took me away, but before they
10 came and took me they left me sitting there for about two
11 hours.

12 Then they came and they just called me out and
13 handcuffed me.

14 Q Well, did they -- did they identify themselves?

15 A No.

16 Q Did they have any guns on them?

17 A No, but I saw a bulge on the taller one, the
18 dark-haired one, Mr. Whiteley.

19 Q Do you know the name of the other officer?

20 A Mr. Guenther.

21 Q Did they say anything to you when they took you
22 out of this jail?

23 A "Put your hands out in front of you."

24 Q They handcuffed you?

25 A Yes.

26 Q Now, did they take you some place at that point?

1 A One took me by my arm and took me outside and I
asked him where I was going.

3 They didn't say anything.

4 He said, "You're going for a ride."

5 And then they took me and they said, "Walk over
6 to that car," and they walked me over to a marked car and
7 I got in the back seat with Mr. Whiteley and Mr. Guenther
8 was in the front seat on the passenger side, and the Highway
9 Patrolman was on the driver's side and he drove.

1 Q Okay.

2 Now, before you left the Inyo County Jail,
3 did they ask you whether or not you had an attorney?

4 A No.

5 Q Did they ask you whether or not you wanted to
6 talk to an attorney?

7 Did they ask you if you wanted to talk to an
8 attorney?

9 A No, they didn't ask me anything. They just
10 told me what to do.

11 Q Did they give you any type of constitutional
12 rights?

13 A No.

14 Q They didn't tell you that you had a right to
15 remain silent?

16 A Not then.

17 Q So they put you in this automobile and they
18 drove you some place?

19 A Yes.

20 Q And approximately how far was this other
21 place that they drove you to?

22 A You know, like I just come out of the desert,
23 and I don't know how far.

24 It was far. We just drove, and we were
25 driving fast.

26 I looked at the speedometer. It said about

95.

Q Were you driving for a long time?

A No.

Q About how long, approximately?

Ten minutes? Fifteen minutes? Twenty minutes?

A It sounds about like that is what it would have been.

Q So, now, they took you to another -- what was it, another jail, or house, or what?

A They took me into a small town and they drove around, they made a couple of turns, and by that time I had had a cigarette.

I was trying to roll my own, and Mr. Whitely said, "Here, take this," and they gave me a cigarette.

And they pulled up in front of what was a substation. It said "Substation of Independence," or something like that.

And they told me to get out.

Q Then where did they take you from there?

A They walked me into a door. They had to unlock the substation door.

They walked me like into a hallway. There was a door to the left, and a big room and a desk on the right, and other doors. But it was like empty. It was almost like a storage place.

1 And I just didn't say anything, I just did
2 what they asked me to do.

3 And they told me what to do. And they walked
4 me into a small room. It was long and narrow and it had
5 a couple of desks and chairs, with a heater on one side.

6 And I was cold. So I walked over to the
7 heater and turned on the heater with my foot, because the
8 heater was down low. It was built in the wall. It was
9 like an electric heater that switched on and off, and I
10 could turn it on with my foot. I was handcuffed and I
11 didn't have no shoes, so I used my toes.

12 Then they told me I could sit down.

13 And I told them I was cold, I wanted to stand
14 up.

15 Q Now, were you afraid at that time?

16 A My awareness was up. I didn't know what they
17 wanted. I didn't know who they were, what they took me
18 away from everyone else for.
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1 Q So, you were out here in this lonely spot with
just two police officers and yourself; correct?

3 A Correct.

4 Well, I didn't even know they were police
5 officers.

6 Q Well, did they later identify themselves as
7 police officers?

8 A Yes. When they sat down.

9 Mr. Gunther sat on my right and Mr. Whiteley
10 sat on my left, and there was like a desk in front of us,
11 and there was a briefcase on the table, on the desk.
12 And they had pads out, and I believe it was --

13 I said: "Well, what is it? Who are you?"

14 MR. BUGLIOSI: This is hearsay, your Honor, and I
object on that ground.

15 THE COURT: Sustained.

16 BY MR. SHINN:

17 Q So they had a conversation with you; correct?

18 A Correct.

19 Q They took a statement from you?

20 A What is that?

21 Q They took a statement from you?

22 A Yes.

23 Q Now, did they bring anything into the little
24 room?

25 A briefcase, or a --

1 A There was a briefcase, it was a black briefcase.
2 Mr. Whiteley carried it.

3 Q All right.

4 Now, did they, at any time, state that they
5 were going to tape your conversation?

6 MR. BUGLIOSI: It is irrelevant.

7 THE WITNESS: No.

8 THE COURT: Sustained.

9 The answer is stricken.

10 The jury is admonished to disregard it.

11 Wait for the ruling.

12 BY MR. SHINN:

13 Q Now, did you see them with a tape recorder?

14 MR. BUGLIOSI: Irrelevant.

15 MR. SHINN: Why is it irrelevant, your Honor?

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: Later, after I gave them the statement.

19 BY MR. SHINN:

20 Q In other words, where was this tape recorder?

21 A I saw it being taken out of the briefcase.

22 Mr. Whiteley told me he wanted to tape what
23 I said.

24 And I told him: "No, put it away."

25 Q Now, did these two officers give you any kind
26 of rights at that time?

1 A They had given me rights before they ever took
2 a statement from me, and I looked at them, and this is when
3 they had identified themselves as two homicide detectives
4 from Los Angeles.

5 And I just looked at them, and I said "Okay."

6 And they said: "We are here on Gary Hinman."

7 And I said, "Okay."

8 And they said, "Do you know him?"

9 And I said, "No."

10 They said, "Don't play games."

11 And I said, "Okay."

12 And they said, "Do you know him?"

13 And I said, "Yes, I knew him."

14 Q Okay.

15 Now, my question was: Did they ever give you
16 your constitutional rights when you went into that little
17 room?

18 A Yes.

19 And when I asked for a lawyer, they told me
20 they wouldn't get me a lawyer until I told them what they
21 wanted to hear.
22
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26

1 Q Okay.

2 So now, when they gave you these rights, did you
3 see them turn on the tape recorder?

4 A No.

5 Q In other words, when they gave you the con-
6 stitutional rights, and when you stated that you wanted an
7 attorney, that wasn't recorded; is that correct?

8 A That is right.

9 Q You didn't see them --

10 A I didn't see them touch anything, other than their
11 pencils to their paper.

12 Q From there they took you back to Inyo County Jail?

13 A Yes.

14 They told me -- Mr. Guenther kind of looked at
15 me and smiled, and said, "How do you like to fly?"

16 And it was a strange question, and I told him,
17 "High."

18 Q So then they took you back to the Inyo County
19 jail; is that correct?

20 A Right.

21 Q Then did someone later bring you down to
22 Los Angeles?

23 A Yes.

24 That same -- about an hour after I got back to
25 Inyo County, Mr. Guenther and Mr. Whiteley told the matron
26 at the jail to give me my clothes so that I could get
dressed -- my clothes, my jail -- not my jail clothes, but

1 my desert clothes -- so I could get dressed. And then they
2 handcuffed me and they drove me to an airport, and we got
3 in a little four-passenger plane and flew to L.A.

4 But we didn't fly to the L.A. Airport. I believe
5 we flew to the Oxnard Airport.
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1 Q Okay, now, just before they flew you down here
2 from Inyo County, did anyone tell you why you were going
3 down to Los Angeles?

4 A Mr. Whiteley told me I was being arrested for
5 first-degree murder.

6 Q Now, did he at that time ask you whether or not
7 you wanted an attorney, or did you have an attorney?

8 A No, not at that time.

9 I had stated previously that I did not have a
10 lawyer; that I wanted to talk to a lawyer before I ever
11 talked to him, and Mr. Guenther got -- got really like a
12 detective, like a homicide detective.

13 You have seen them in the movies, that is what he
14 was like.

15 MR. BUGLIOSI: Motion to strike, your Honor.

16 THE COURT: The answer is stricken, the jury is
17 admonished to disregard it.

18 Q BY MR. SHINN: So then you came down to
19 Los Angeles?

20 A Uh-huh.

21 Q And you were placed in the women's jail, Sybil
22 Brand?

23 A The first jail I was taken to was a little
24 station where I was booked in.

25 Q What town was this?

26 A Oxnard, I believe.

1 But before we went there Mr. Guenther and
2 Mr. Whiteley drove me directly to Mr. Guenther's house, and
3 Mr. Guenther got out of the car.

4 Actually, Mr. Guenther's wife came and picked us
5 up from the airport, and Mr. Guenther drove -- Mrs. Guenther
6 drove us back to Mr. Guentner's house and they exchanged
7 cars and drove me to the police station and booked me on
8 first-degree murder and asked me what name I wanted to be
9 booked under.

10 Q Now, when you say police station, where was this,
11 Los Angeles?

12 A It was in the Los Angeles area but it was like a
13 substation.

14 It was -- I don't recall exactly what station it
15 was. I was only there for about 10 or 15 minutes.

16 Q So then, later you got to Sybil Brand, correct?

17 A Correct, I was booked in at 8:53.

18 Q So when was the next time you went to court?

19 A Oh, about three days later, about three or four
20 days later, I don't remember exactly. It's in the records.

21 Q And then you went -- do you know what court you
22 went to?

23 A Santa Monica.

24 Q Okay now, at that time did you have an attorney?

25 A No, I was told I would get a Public Defender.

26 Q Okay, then did you subsequently get a Public

Defender to represent you?

2 MR. BUGLIOSI: This is all irrelevant, your Honor.

3 MR. SHINN: What is it ^{that's} irrelevant?

4 MR. BUGLIOSI: It's all irrelevant.

5 THE COURT: Do you wish to approach the bench?

6 MR. BUGLIOSI: Yes, your Honor.

7 MR. SHINN: Yes, your Honor.

8 THE COURT: All right.

1 (The following proceedings were had at the
2 bench out of the hearing of the jury:)

3 MR. BUGLIOSI: Mr. Shinn, I think, Mr. Shinn I
4 think wants to bring in all of the legal procedures and the
5 mechanics and the representations by attorneys and all that
6 that occurred prior to her testimony at the Grand Jury.

7 This is all totally irrelevant.

8 This is the penalty phase of the trial. This
9 has absolutely no bearing on any issue whatsoever, your
10 Honor.

11 There is no issue that the prosecution raised,
12 and the defense cannot raise this issue.

13 It is strictly a straw man issue that is
14 being introduced, I don't know for what reason, but it
15 has no applicability to the penalty phase of this trial.

16 We never introduced her testimony at the
17 Grand Jury. If we did, then I think there would be a
18 valid reason for Mr. Shinn going into the background.

19 We never introduced it during this trial.

20 THE COURT: It would seem to be premature, Mr. Shinn.

21 MR. SHINN: Your Honor, this is just all background
22 history of the defendant, your Honor.

23 THE COURT: We are not interested in just background
24 history unless it has some relevance in this case. The
25 fact she was arrested and flown in an airplane hardly has
26 relevance.

1 MR. SHINN: The background up to the time she was
put in the County Jail.

3 THE COURT: What background? It is not every fact
4 that occurred every day that is relevant.

5 MR. SHINN: It is leading up to it. It is foundational.
6 I cannot just jump ahead --

7 THE COURT: What is it leading up to? Let's get to the
8 point.

9 MR. SHINN: What?

10 THE COURT: What is it leading up to?

11 MR. SHINN: It is leading up to her representation
12 and her Grand Jury testimony.

13 She is going to testify she cooperated with --

14 THE COURT: Are you going to elicit from her what she
said before the Grand Jury?

16 MR. SHINN: Maybe, your Honor.

17 MR. BUGLIOSI: That is hearsay.

18 MR. SHINN: Wait a minute, she testified -- to
19 corroborate her testimony.

20 MR. BUGLIOSI: It's hearsay, what she testified to at
21 the Grand Jury, or what she told me the previous night,
22 that is all hearsay.

23 What exception to the hearsay rule is there,
24 a prior consistent statement?

25 We are not attacking. It is what the Court
26 said, it's premature. We are not attacking her testimony

1 on the witness stand yet.

MR. SHINN: I may want to impeach her, I don't know.

3 MR. BUGLIOSI: You may want to impeach your own
4 client?

5 MR. SHINN: Yes.

6 MR. BUGLIOSI: Ah, come on.

7 MR. SHINN: Under the new Evidence Code anybody can
8 be impeached.

9 MR. BUGLIOSI: You can't put on a prior consistent
10 statement, your Honor, it's hearsay and no exceptions to
11 the hearsay rule, certain conditions must be present before
12 a prior consistent statement can be offered.

13 THE COURT: At the moment, Mr. Shinn, I fail to see
14 any relevancy of the present line of questioning to this
15 phase of the trial.

16 MR. SHINN: You won't even let it in as foundation,
17 your Honor?

18 THE COURT: Foundation to what? Show me some relevance.

19 MR. SHINN: Well, I thought past history of a
20 defendant, it's relevant in the penalty phase, your Honor,
21 that is what it is leading up to, your Honor.

22 THE COURT: This has nothing to do with the defendant's
23 past history. It is a chronological series of events.

24 It has no relevance to any penalty issue.

25 MR. BUGLIOSI: I think you have already shown her
26 past history, Daye, San Francisco --

1 MR. SHINN: Where is the cutting off point? Where
2 is the cutting off point, overnight, and all that?

3 THE COURT: It is one thing for her to testify she
4 did certain things.

5 It is another thing to elicit hearsay, conversa-
6 tion from her. That is what you are doing.

7 MR. SHINN: Is Mr. Bugliosi objecting to the hearsay,
8 what the officers told her?

9 THE COURT: Also on the grounds of relevancy.

10 Let's get on with the examination.

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

13 BY MR. SHINN:

14 Q Now, directing your attention to December 5th,
15 1969, did you testify in the Grand Jury hearing?

16 MR. BUGLIOSI: It's irrelevant.

17 THE WITNESS: Yes.

18 THE COURT: Overruled.

19 THE WITNESS: Yes, I did.

20 BY MR. SHINN:

21 Q And this testimony was pertaining to this case?

22 A Yes.

23 Q Is that correct?

24 A Yes.

1 Q Now, did you have an attorney at that time?

MR. BUGLIOSI: Irrelevant.

3 THE WITNESS: Yes, I did.

4 THE COURT: Overruled.

5 Q BY MR. SHINN: You did have an attorney?

6 A Yes, I did.

7 Q And what is his name?

8 A His name is Richard Caballero.

9 Q And he represented you at the Grand Jury hearing,
10 is that correct?

11 A Yes, he was a court-appointed lawyer.

12 Q Okay, now, when did you first meet Mr. Richard
13 Caballero?

14 A I met Mr. Caballero in court in Santa Monica,
15 after my case had been transferred from Malibu to Santa
16 Monica, and I think it was the day after it hit the news
17 that they had a break in the case.

18 I am not sure exactly what day it was.

19 Q Okay, so did he later see you at the women's
20 jail?

21 A He talked to me for about a half hour, an hour,
22 about a half hour at Santa Monica in a little room.

23 He told me he would come up and see me at the
24 jail.

25 And I told him okay.

26 Q Okay, now, when he saw you was there any

1 discussion about this case?

2 MR. BUGLIOSI: Irrelevant, your Honor.

3 THE WITNESS: Yes.

4 THE COURT: Overruled.

5 Q BY MR. SHINN: There was a discussion about this
6 case with your attorney, Mr. Caballero, at that time?

7 A Yes, there was.

8 Q Is that correct?

9 A Yes.

10 Q And in this conversation about this case did you
11 tell Mr. Caballero that you knew something about this case?

12 A Mr. Caballero told me he knew that I knew some-
13 thing about the case.

14 Q Now --

15 A And I just looked at him.

16 Q Yes. Now, before that did you tell anyone at
17 Sybil Brand about this case, your cellmates or roommates?

18 A I told them what I wanted them to know.

19 Q And you talked about this case to other people,
20 other inmates at Sybil Brand?

21 A I talked to two girls about it.

22 Q What are their names?

23 A One was named Virginia Graham who was not the
24 woman who came here to testify, and I know that for sure.

25 And the other one was Roni Howard.

26 Q And you did relate to them some of the facts
27 about this case, is that correct?

A I related to them my imagination.

There were basic facts that I put into it,
and over 60-70 per cent of it was imagination.

Q When you say imagination, are you saying that some
of the things that you told your two cellmates were not true?

A That is correct.

Q Just speculation?

A If it's speculation --

Q I mean, was it speculation, imagination on your
part?

A It was imagination on my part at the time I was
telling them.

It was very real to me what I was telling them;
I was magical mystery touring in the jail.

And they scared me, so I threw up a wall of fear.

I did not think it would be that frightening to
them after what they had told me about themselves.

Q So then did your attorney tell you that he heard
that you told these cellmates about the case?

A Yes.

MR. BUGLIOSI: This is all hearsay and it is
irrelevant.

MR. SHINN: She can answer yes or no, your Honor.

THE COURT: The objection is sustained.

Q BY MR. SHINN: Now, in your conversation with
Mr. Caballero, your attorney at that time, did he mention

2 that someone said something about this case that you told
3 them?

4 A Yes.

5 MR. BUGLIOSI: Hearsay.

6 THE COURT: Sustained. The objection is sustained.
7 The answer is stricken. The jury is admonished to disregard
8 it.

9 Q BY MR. SHINN: You had a conversation with
10 Mr. Caballero about this case, correct?

11 A Correct.

12 Q This conversation took place at Sybil Brand?

13 A Yes.

14 Q Now, approximately what month was it in 1969?

15 A It was, I believe, a day or two days after
16 Thanksgiving, three days after Thanksgiving.

17 Q 1969?

18 A Yes.

19 Q Now, how many times did you talk to Mr. Caballero
20 concerning this case?

21 A That one time, and he told me he did not want
22 to talk to me about it at the jail; that he wanted to take
23 me out to his office.

24 And I said, okay, I thought it would be a nice
ride.

25 Q In other words, he wanted to talk to you
26 further on this matter?

1 A Yes, but he did not want to talk to me about it
2 in the jail. He wanted to take me out of the jail and take
3 me to his office and talk to me.

4 Q Okay, now, at that time he was not representing
5 you in this case, was he?

6 A No.
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1 Q He was representing you in another case in
2 Santa Monica, is that correct?

3 A Correct.

4 Q Now, during your discussions with Mr.
5 Caballero, did he mention anything about you testifying
6 before the Grand Jury?

7 A Not in the jail.

8 When he got me out to his office, the first
9 time I believe it was the last of November, 1969, right
10 around the first of December --

11 Q Let me ask you this.

12 A -- the records are clearer.

13 Q Let me ask you this:

14 How many times were you taken out of the
15 women's jail to go some place else?

16 A Three times.

17 Q Three times?

18 A Three times that I can remember distinctly.

19 Q And how many times did they take you down to
20 Caballero's office?

21 A Two times.

22 Q Now, let's go back to the first time you went
23 to Caballero's office, is that located in Los Angeles?

24 A Yes, on Beverly Drive, I think.

25 Q Now, I want to take you back to the first
26 time you were taken to his office, approximately what time

1 did you leave Sybil Brand?

2 A It was after lunch.

3 Q Was it in the afternoon?

4 A No, the first time it was after lunch, but it
5 was close to dinner, and lunch is at 11:00 and dinner was
6 at 3:00, so somewhere in between there.

7 Q Now, prior to Mr. Caballero taking you to his
8 office, did he say that he was going to take you some
9 place?

10 A Yeah, he came out the night before, the day he
11 took me out there the first time, and told me he had a
12 court order signed by Judge Lucas to have me removed.

13 Q Did he show you this court order?

14 A No. Judge Lucas -- Judge Dell -- Judge Keene,
15 one of the three of them.

16 Q He said that a judge had signed this removal
17 order to take you to his office?

18 A Yes. He did show it to me, but it didn't mean
19 anything to me at the time.
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1 Q Now, did Mr. Caballero give you a reason for
2 taking you to his office?

3 A So he could talk to me about what Virginia
4 Graham and Roni Howard had said that I had said.

5 Q Any other reason for taking you out of the
6 women's jail to his office?

7 A No, not the first time.

8 Q I'm talking about the first time, now.

9 A No.

10 MR. BUGLIOSI: Calls for a conclusion, your Honor,
11 motion to strike.

12 THE COURT: I don't understand your objection.

13 MR. BUGLIOSI: Motion to strike Mr. Caballero's
14 reason for wanting to take her out. Only he would know.

15 MR. SHINN: If Mr. Caballero told Miss Atkins, she
16 would know.

17 THE COURT: Overruled. Motion denied.

18 BY MR. SHINN:

19 Q Did he tell you any reason?

20 A Just he wanted to talk to me out of the jail,
21 he did not want me in the jail.

22 He said there were bugs in the jail, which
23 there are, and there were too many police around, which
24 there are.

25 Q Well, at Sybil Brand, don't they have a cubicle
26 where you could close the door and have a private conversation?

1 A Yes, but he did not trust the cubicle.

2 Q When you left Sybil Brand the first day, now,
3 were you escorted by someone?

4 A There was a female officer and a male officer
5 and I was taken out, and I'm not sure if it was a marked
6 car, but I was dressed in street clothes.

7 Q Were you handcuffed?

8 A The first time, yes.

9 Q And did they take you directly to Mr. Caballero's
10 office?

11 A Yes.

12 Q And when you got to Mr. Caballero's office you
13 saw somebody there?

14 A Yeah, Mr. Caballero.

15 Q He was waiting for you?

16 A Yes.

17 Q Did you see anyone else there?

18 A His secretary and people running in and out
19 of that office.

20 Q Did you meet any other attorney there?

21 (No response.)

22 Now, this is the first time you were in the
23 office?

24 A The first time I was told his partner --

25 Q Don't tell me what someone told you.

26 A Did I see another attorney?

1 Q Yes, did you see or meet another attorney there?

2 A No, I don't think it was the first time.

3 Q The first time you saw Mr. Caballero in his
4 office?

5 A Yes, I did see Mr. Caruso the first time, but it
6 was just before I left.

7 Q Okay, now, just before you left you saw Mr.
8 Caruso.

9 So did someone introduce you to Mr. Caruso?

10 A Mr. Caballero.

11 Q Is his full name Paul Caruso?

12 A Yes.

13 Q Did you have a conversation with Mr. Paul
14 Caruso?

15 A I told him he looked like my grandfather.

16 Q Any other conversation? This is the first
17 time now.

18 A I was somebody else.

19 Q Okay.

20 Then, let's go back to when you went to Mr.
21 Caballero's office the first day, now, okay? The first
22 time.

23 A Yes, uh-huh.

24 Q Did he take you to an office some place?

25 A Yeah, he took me in and showed me all around
26 his office.

1 He really seemed proud of it. He showed me
his new carpeting and his new phony fireplace.

3 - MR. BUGLIOSI: All irrelevant, your Honor.

4 THE COURT: Sustained.

5 BY MR. SHINN:

6 Q Okay, so now did you stay in the office with
7 Mr. Caballero at that time?

8 A Yeah, he locked the door.

9 Q Where was the police officers?

10 A Outside the door.

11 Q And you were alone in this office with Mr.
12 Caballero?

13 A Yeah.

14 Q Approximately how long did you stay in his
15 office with Mr. Caballero?

16 A It was kind of in and out because he kept
17 giving me Coca-Cola, 7-Up, coffee, so I had to go to the
18 bathroom, so I had to go out of the door.

19 MR. BUGLIOSI: All irrelevant.

20 MR. SHINN: She is only describing what went on in
21 the office.

22 MR. BUGLIOSI: All irrelevant to the issues in this
23 case.

24 MR. SHINN: I don't know why Mr. Bugliosi is
25 objecting.

26 MR. BUGLIOSI: On the grounds of irrelevancy, your

1 Honor.

2 THE COURT: Overruled, the answer is in.

3 Ask your next question.

4 BY MR. SHINN:

5 Q Will you finish that answer.

6 A I believe I left the room three times to go to
7 the rest-room, to come back in, and every time I would go
8 out he would unlock the door, and then I would come back
9 in and then he would lock the door, and told me not to
10 tell anybody at the jail -- the police told me not to tell
11 anybody at the jail, and I never told nobody at the jail
12 the door was locked, because they were supposed to be in
13 the room where they could hear and see, but they wasn't.

14 Q Okay, now, you went to the rest-room, you say?

15 A Yeah.

16 Q Did the Sheriff escort you:

17 A Yeah, the female deputy did.

18 Q And then you went back into Mr. Caballero's
19 office, correct?

20 A Correct, and he wished --

21 Q What?

22 A Go ahead.

23 Q Now, at that time did you have a conversation
24 regarding this case?

25 A Yeah, he sat me down across from him and he
26 sat at his big desk, and I was going to light a cigarette and

1 he reached over and he lit the cigarette for me and he
said "You are in so much trouble!"

3 I said "Okay." I said, "What kind of trouble?"

4 Because I didn't know.

5 Well, all he told me was two girls said that I
6 said something to them, but he had not told me what it was,
7 and I said, "Who was it?"

8 And he held up two big transcripts about an
9 inch thick, an inch and a half thick each one, and he
10 flipped for me very dramatically, and he said "These two
11 girls can put you in the gas chamber, can put Charles
12 Manson in the gas chamber, can put Linda Kasabian in the
13 gas chamber, they can put Patricia Krenwinkel in the gas
14 chamber, and Leslie Van Houten in the gas chamber and they
15 can put Tex Watson in the gas chamber, if you don't do
16 what I say."

1 Q Now, he was talking about this case now; right?

2 A Yes.

3 Q And you didn't know whether or not -- you didn't
4 know what he was going to talk about when you went to his
5 office; right?

6 A No.

7 I had a feeling, but I didn't know for sure.
8 I had a feeling.

9 Q Okay.

10 So what did Mr. Caballero say after that?

11 A I told him: "Well, that is hearsay."
12 Because that is what it was, hearsay: I heard she said.

13 Q Tell me what Mr. Caballero said to you.

14 A He said: "No, it is not hearsay," that the police
15 know more than I think they knew.

16 And I said: "Well, there is nothing to know.
17 There is nothing to know."

18 And he said, "Oh, yes, there is."

19 I said, "Tell me what they know if they know so
20 much."

21 He said, "I can't tell you what they know. I
22 can only tell you what I know. I can't tell you what they
23 know."

24 And he took me around in circles.

25 And I just looked at him and said, "Okay."

26 I want to carry you back a couple of days now,

1 Susan.

2 Did Mr. Caballero talk to you in the County Jail?

3 A We were first talking about the Hinman case.

4 Q Before going to Mr. Caballero's office. This
5 was on or about September the 1st, 2nd, 3rd, when he told
6 you that he was going to take you to his office.

7 Did he tell you, at any time, that he was going
8 to take you to his office to prepare for testimony for the
9 Grand Jury?

10 A He broke that to me like lightning and thunder in
11 his office the first time.

12 Q My question is:

13 A But not at the jail.

14 Q My question is: Before taking you to his office,
15 he never told you that the only reason he is taking you to
16 his office was to prepare for your testimony at the Grand
17 Jury?

18 A Not that I can recall.

19 Q You don't recall him saying that to you?

20 A I don't recall him ever saying that.

21 If he did, he did, but I do not recall him
22 saying that at the jail.

23 Q Okay.

24 Let's get back to his office now.

25 A Okay.

26 Q So, you had a conversation now, right, about this

1 case?

2 A Yes, uh-huh.

3 Q Then what did he say?

4 A Then he said: "The only thing that will save
5 your life and have a chance on saving everyone else's life
6 is for you to go to the Grand Jury and testify."

7 And I said --

8 Q Before he said that, did he say he made a deal
9 with the District Attorney's Office to save your life?

10 A No.

11 Q He didn't say that?

12 A No.

13 He said he would do everything in his power to
14 make sure that there was an agreement made.

1 Q With the District Attorney's Office?

2 A With the District Attorney's Office.

3 And I said, I told him, you know:

4 "Don't make deals. For what?"

5 Q Okay. So then -- now, before I go any further,
6 was there any type of recording device in his office that
7 you observed?

8 A Not the first time that I saw.

9 Q Well, did he say to you the first time --

10 A He said he wanted to tape record what I had to
11 say.

12 And I said, "For what?"

13 Q What did he say?

14 A "My own personal references because I don't
15 take shorthand."

16 And I said, "Who do you want to sell to?"

17 And he said, "Nothing, nothing, nothing," and
18 he got very defensive with me.

19 He said, "All I want to do is use it for my
20 personal reference, you know."

21 And he really got defensive with me.

22 And I said, "Hey. I am just asking you a
23 question."

24 Q So, ^{what} did you discuss about this case the first
25 day then that he mentioned it?

26 A I discussed with him what I had told Virginia

1 Graham and Roni Howard.

2 Q About this case?

3 A About this case.

4 Q Was he taking any notes at that time?

5 A No.

6 Q Was there any tape recorder working at that time?

7 A Not the first time I ran through the story.

8 Q Well, did you run through the story twice for
9 Mr. Caballero?

10 A Yes.

11 He wanted to tape record it, and I told him,
12 "Okay, you can tape record it. But I want only one copy
13 made, and as soon as you get your personal notes taken,
14 I want it destroyed."

15 And he told me, he promised me he would destroy
16 it.

17 He never did. He sold it.

18 MR. BUGLIOSI: Motion to strike, your Honor.

19 THE COURT: That portion of the answer wherein the
20 witness stated, "He never did, he sold it," will be
21 stricken.

22 The jury is admonished to disregard that
23 portion.

24 MR. SHINN: Q Well, did you later find out that
25 he sold the story then?

26 A Yes.

1 He never told me he was going to sell that until
2 after I signed something.

3 Q In other words, he brought you a contract to sign
4 later; is that correct?

5 A After I went to the Grand Jury.

6 Q Okay.

7 But he did, in fact, later have you sign an
8 agreement to sell your story; is that correct?

9 A Yes.

10 Q Okay. We will get back to that later.

11 Now, approximately how long did you stay in
12 Mr. Caballero's office?

13 A Long enough to tell him the story twice, to/him have
14 light me cigarettes, to have him get me dinner, and to talk,
15 just talk.
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1 Q He got you dinner?

2 A Yes.

3 Q Did he take you out to dinner or did he --

4 A No. He was kind of hung up on Hamburger
5 Hamlet, so he sent over to Hamburger Hamlet to get me
6 a vegetarian chef's salad, a hot fudge sundae, sweet milk
7 and bread.

8 Q So then you had dinner and you told the story
9 twice.

10 Approximately how long did you stay there?

11 A He had a six or eight-hour release for me,
12 so it was within the six to eight hours.

13 Q Okay.

Now, when you left the office, was it dark?

15 A Yes. About 10:00 o'clock; 9:30, 10:00 o'clock.

16 Q So then, most of your conversation with Mr.
17 Caballero in his office was about this case?

18 A Correct.

19 Q And what you told Roni Howard and Virginia
20 Graham at Sybil Brand?

21 A Correct.

22 And about me.

23 Q And about you?

24 A Yes.

25 Q Okay.

26 So now, after this date, did you see Mr.

1 Caballero again?

2 A Yes.

3 He came out to see me the next day in jail.

4 He came out to see me every day.

5 Q Now, did he say anything concerning this case
6 when he saw you the next day?

7 A He told me, "Think about going to the Grand
8 Jury."

9 And I just told him, "I don't want to testify
10 to the Grand Jury. I have nothing to say to those people.
11 Let the prosecution put on the best case it has."

12 Q Did he explain to you what the Grand Jury was?

13 A He explained to me that it was a whole bunch
14 of people that sat down and listened to what someone had
15 to say about a crime that had been committed, whether it
16 was from armed robbery to marijuana.

17 It is to indict people.

18 Q Okay.

19 So what did you say to that?

20 A I told him that I didn't want to testify.

21 He told me, "But you have to."

22 I said, "I don't have to do anything."

23 He said, "You have to."

24 I said, "Why?"

25 He said, "To save your life."

26 Q Okay.

1 At that point did he say that he had worked out
2 a deal with the District Attorney's office to save your
3 life at that time?

4 A He told me that he would try to make a deal.
5 I didn't know of any deal until I met Mr.
6 Bugliosi.

7 Q We will get to Mr. Bugliosi later. Don't jump
8 ahead of the gun.

9 So then he talked to you and talked to you
10 about going to the Grand Jury?

11 A Yes.

12 That was the thing that he talked to me most
13 about was going to the Grand Jury.

14 He not only said it would save my life, but
15 it would put a better chance on saving everyone else's
16 life involved.

17 Q You mean the other defendants?

18 A Correct, the other defendants.
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1 Q In case of an indictment?

2 A Right.

3 And I didn't want to, you know.

4 Then I looked at him. I was so tired of him
5 pounding and harping on me. I just gived up to it and said,
6 "Okay."

7 Q In other words, you were so emotionally upset
8 that you finally gave in?

9 A Well, he had put me incommunicado. He had me taken
10 out of the regular housing area and put in a lock-up with a
11 bunch of crazy people. And believe me, they are really
12 crazy. They scream and yell and throw all kinds of things
13 in every direction.

14 And he left me down there for two weeks.

15 Q In other words, you were in isolation?

16 A Isolation, solitary confinement.

17 Q In other words --

18 A In the M.O. tank. That is the mental
19 observation tank, and it is not very pretty.

20 Q In other words, you were in a cell by yourself?

21 A Right.

22 Q And you couldn't talk to other inmates?

23 A If I would talk to any of the other inmates,
24 it wouldn't be like talking sense because they were all
25 crazy.

26 Q Okay.

1 So then you couldn't have any visitors?

2 A The only person that ever come up to see me was
3 Caballero.

4 And I kept telling him, "Would you get ahold of
5 Squeaky for me? I want to talk to her."

6 "Well, that will come a little later," he would
7 say.

8 I said, "I want to talk to her."

9 He said, "Not right now."

10 I said, "Can't you get her in to see me?"

11 And he said, "No. I don't want you to have
12 no visitors."

13 I said, "I want to have visitors."

14 "No," he said. "I have discussed this with the
15 jail, and we feel that you are not to have visitors, and
16 we want to keep you away from the flow of everything."

17 Q Okay.

18 Now, after you told this story to Mr. Caballero,
19 did you, at any time, tell him that the story may be true,
20 or the story may not be true?

21 A No. Because I just didn't. To me the story that
22 I had told to Virginia Graham and Roni Howard was very real
23 to me at the time. I would not look at reality at that time.

24 Q Okay.

25 Now, you finally decided to testify before the
26 Grand Jury; is that correct?

1 A About, oh, it was touch and go, because when they
2 had taken me out to the Grand Jury and they had me up on the
3 floor, I would sit there and I would go, "No, I don't want
4 to go in there."

5 And then he said, "It is all right. Everything is
6 going to be all right. Everything is going to be all right."

1 Q You are jumping ahead of yourself.

2 I mean when Caballero talked you at Sybil
3 Brand, after the day you went to his office.

4 He came out and talked to you; correct?

5 A Correct.

6 Q Now, at that time, did he convince you to
7 testify to the Grand Jury?

8 A Yes.

9 Q Okay.

10 Now, did he tell you at that time that he was
11 going to take you down to his office again?

12 A Yes.

13 Q Did he tell you for what purpose?

14 A To go over what I would say at the Grand Jury,
15 and to go over the procedure of the Grand Jury, to go over
16 the story again.

17 Q Okay.

18 So then, were you, in fact, removed from
19 Sybil Brand again?

20 A Yes.

21 Q On or about December 4th?

22 A Yes.

23 Q Now, when I say December the 4th, that is
24 one day before the Grand Jury, before you testified on
25 December 5th?

26 A Correct.

1 Q That was at night?

2 A In the afternoon and night before.

3 Q Now, what time did they take you out of Sybil
4 Brand?

5 A About the same time that they had taken me
6 out the last time.

7 Q Who was present?

8 A When they took me out?

9 Q Yes.

10 A A female deputy and a male deputy.
11 Miss Mitchell -- no, it wasn't Miss Mitchell.
12 I don't know which one it was.

13 Q Was Mr. Caballero there?

14 A Not at first.

15 Mr. Caballero wasn't in his office, and I was
16 taken upstairs to Mr. Caruso's office.

17 And Mr. Caruso gave me a 7-Up.

18 Q Okay.

19 Now, you talked about Mr. Caruso.

20 Did you meet Mr. Caruso for the second time?

21 A Yes.

22 Q And did you have a conversation with Mr.
23 Caruso?

24 A He told me that everything was going to be
25 all right, and that everything they were doing was to
26 benefit me, to get me out, to save my life, to do whatever

1 they were going to do with me.

2 Q Did he at any time ask you whether or not
3 he could be your literary agent?

4 A No, not at that time.

5 In fact, Mr. Caruso never asked me that question
6 that I can recall.

7 Q Well, did you know that they were going to sell
8 your story?

9 A No.

10 Q When did you first find out?

11 A About three days after the Grand Jury. Mr.
12 Caruso came up and told me.

13 Q Okay.

14 So, you were down at Mr. Caballero's office
15 and you talked to Mr. Caruso.

16 How long did you talk to Mr. Caruso?

17 A About 15 or 20 minutes.

18 Q Was Mr. Caballero there?

19 A Mr. Caballero came in after about 15 or 20
20 minutes, and we went back down to Mr. Caballero's office.

21 Q When you say we, did Mr. Paul Caruso and
22 Mr. Caballero and yourself go?

23 A Mr. Caballero, myself, the two deputies walked
24 back and the secretary walked back down the stairs, and
25 walked into Mr. Caruso's office.

26 Q Mr. Caruso was there too?

27 A Correct.

1 Q Then, in his office, did you have a conversation?

2 A Yes.

3 Q With Mr. Caruso and Mr. Caballero?

4 A Mr. Caruso, I believe, stayed up in his office.

5 I am not sure. I think he did.

6 Q So, when did they first start talking to you
7 about a book that they were going to publish?

8 A This was after I had gone to the Grand Jury
9 that they started talking to me about the book.

10 Q But did they discuss something about a book at
11 that time?

12 A No.

13 Q Okay.

14 Now, then, did later someone leave, or did you
15 stay alone with Mr. Caballero and Mr. Caruso?

16 A By this time, Mr. Caballero couldn't lock the
17 door. The police had to sit right outside the door and over
18 a little ways, just so they could see in, because they were
19 two different police, they had two different orders, and
20 all the police none of them really know what they are doing.
21 Everything is down, what they are doing.

22 Q Then you finally talked to Mr. Caballero and
23 Mr. Caruso alone, or did you just talk to Mr. Caballero?

24 A I just talked to Mr. Caballero alone. Mr. Caruso
25 wasn't there.

26 Q He left then; right?

1 A Yes.

2 Q What did he say to you when he got you alone?

3 A He talked to me about going to the Grand Jury.

4 And I was still battling with him on whether I
5 should go or not.

6 And he said he wanted me to meet someone.

7 And I said, "Who?"

8 And he said, "Mr. Bugliosi."

9 And I said, "Mr. Bugliosi?"

10 And he said, "No, it is Bugliosi."

11 And I said, "Who is that?"

12 He said, "He is a District Attorney."

13 I went, "What?" And I froze.

14 Q Susan, before we get to that, did you have a long
15 conversation with Mr. Caballero before you met Mr. Bugliosi?

16 A Yes.

17 Q You went to his office and --

18 A Yes. I got kind of angry.

19 Q So, you had a conversation the second time now,
20 correct, in Mr. Caballero's office, before Mr. Bugliosi got
21 there; correct?

22 A Yes.

23 Q How long did you talk to Mr. Caballero?

24 A About 15 -- about an hour; a half hour, an hour.

25 Q In this conversation was anything said about this
26 case?

1 A Yes.

2 Q Was this conversation taped at this time, do you
3 know?

4 A Not that I know of.

5 Q When was it taped?

6 A I don't know that it was ever taped at the second
7 meeting. I don't know that it was ever taped.

8 I don't recall ever seeing a tape recorder at the
9 second meeting in his office.

10 Q Well, did Mr. Caballero mention to you
11 that he may be taping your conversation?

12 A No.

13 Q So far as you know, then, your statements about
14 this case were taped the first time that you went to his
15 office; is that correct?

16 A Correct.
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1 Q Now, let's get back to when Mr. Caballero said
he wanted you to meet Mr. Bugliosi.

3 A I told him, "The District Attorney? Have you
4 been talking to the District Attorney?"

5 And Mr. Caballero said, "Yes. Well, of course."

6 I said, "I don't want to talk to no District
7 Attorney. I haven't got nothing to say to that man."

8 "But he is a very nice man." Mr. Caballero
9 was trying to explain to me that Mr. Bugliosi was a very
10 nice man.

11 I said, "I don't care if he is a nice man or
12 not. I don't have anything to say to him."

13 He said, "All he wants to do is run over what
14 you are going to say to the Grand Jury."

15 I said, "I still don't want to talk to him.
16 Let him ask the Grand Jury.

17 "And didn't you tell me that the Grand Jury
18 was a spontaneous reaction, that when the witness got
19 up there the questions were spontaneous?"

20 And he said, "Yes."

21 And I said, "Then I have nothing to say to
22 the man. Let him ask me the questions from the witness
23 stand."

24 And he said, "No. Mr. Bugliosi wants to talk
25 to you first."

26 So I said, "Okay."

1 You know, there was no sense in arguing. The
2 man was going to do what he was going to do anyway.

3 Q Now, was this the first time you found out that
4 you were going to testify at the Grand Jury hearing?

5 A This is the first time that I found out that
6 it was for real. I mean, I really looked at it for real.

7 Q That Mr. Caballero was going to push you into
8 the Grand Jury hearing?

9 A Yes.

10 Q And you didn't want to testify at the Grand
11 Jury?

12 A No.

13 Q Now, did Mr. Caballero explain to you that if
14 you go to the Grand Jury and you testify that they may
15 indict you?

16 A Yes. He mentioned that they would probably
17 indict me.

18 Q He told you that?

19 A Yes. If the Grand Jury believed what I said.
20 I didn't think they would believe what I said.

21 Q Did he also explain to you that in the event
22 that you get convicted, you may get the gas chamber?

23 A He said that I might get convicted and get
24 the gas chamber, but he was going to do everything in his
25 power, along with Mr. Bugliosi, to make sure I didn't get
26 the gas chamber.

But I just said, "Well."

1 Q Did Mr. Caballero, at that time, tell you that
2 he had already talked to the District Attorney?

3 A Yes.

4 I asked him if he had talked to the District
5 Attorney, and that is when he told me that he had been a
6 District Attorney himself quite a few years and that he was
7 in the District Attorney's Office, or was a D.A., or some-
8 thing like that.

9 Q Mr. Caballero told you that he was once a District
10 Attorney for the County of Los Angeles?

11 A Right.

12 And he had a lot of influence with the District
13 Attorney's Office.

14 Q But did he tell you, before you testified at the
15 Grand Jury, that he had made a concrete deal for you?

16 A He didn't show me no papers signed, nothing.

17 Q I mean, did he tell you that?

18 A He told me -- he could not personally guarantee
19 it, but he would do everything in his power, and he felt
20 morally obligated -- which are also someone else's words --
21 to save my life and do everything he could do to help my
22 co-defendants, if I was indicted.

23 Q Well, did he explain to you what he meant by
24 doing everything to help?

25 A Get me out of it.

26 He asked me if I would want to plead insanity.

I said, "Insanity? No. Just plead me not guilty."

Q All right.

Did he tell you that he had talked to --

A Yes, he told me that he had talked to Mr. Bugliosi.

Q Just to Mr. Bugliosi?

Did he talk to some other District Attorney?

A He didn't say any other name but Mr. Bugliosi.

Q That was the first time that you had met Mr.

Bugliosi?

A Yes.

He walked in. I think he was dressed similar to the way he was dressed now, gray suit, vest.

Q This was back in 1969; right?

A Right.

He looked a lot younger then.

Q Now, Miss Atkins, you saw Mr. Bugliosi.

Did he introduce himself?

A Yes.

Q What did he say?

A "Hello."

Q What else did he say besides "Hello"?

A "How are you? I am Mr. Bugliosi."

He had a whole bunch of papers, and rolls, big rolls of diagrams, and pictures, and all kinds of crazy things.

Q Okay.

1 Let's start from the beginning, Susan.

2 I am trying to take you from the beginning to the end now.

3 A Okay.

4 Q When you saw Mr. Bugliosi, he walked in, he
5 said, "Hello" to you?

6 A Yes.

7 Q Did he show you his badge?

8 A No.

9 Q Any identification that he was a District
10 Attorney?

11 A No.

12 Q So you just took it for granted that he was a
13 District Attorney?

14 A Yes.

15 Q At that time, you didn't know him from Adam,
16 did you?

17 A No.

18 Q Was Mr. Caballero in the office?

19 A Yes.

20 Q Did he, at any time, leave when Mr. Bugliosi was
21 in the office?

22 A Did Mr. Caballero leave when Mr. Bugliosi was
23 in the office?

24 Q Yes. Did he leave?

25 A I think he may have gone to the door for some-
26 thing, to ask one of the deputies something.

1 I don't remember him ever leaving per se, leaving.

2 Q Okay.

3 A He seemed to be there all the time.

4 Q Okay.

5 Do you recall the conversation that you had with
6 Mr. Bugliosi now, from the beginning?

7 A Word for word?

8 Q No. Just give me the substance of it.

9 A The substance of the conversation was that he
10 wanted to talk to me about what I had said to Virginia
11 Graham and Roni Howard.

12 And I told him, "Okay. I have nothing to hide."

13 And I talked to him.

1 And I talked to him.

2 Q Okay, before you told him the story about this
3 case did Mr. Bugliosi advise you of any constitutional
4 rights?

5 A I don't remember if he did or not.

6 Q Did he say to you, "Now, Susan Atkins, you are
7 going to tell me this story; you know you are in big
8 trouble if you tell me this story"?

9 MR. BUGLIOSI: Leading question.

10 THE COURT: Sustained.

11 BY MR. SHINN:

12 Q Okay, did Mr. Bugliosi give you any advice,
13 any warnings before you talked with him?

14 A Warnings?

15 Q Yes.

16 A Not that I can recall. That is a long, you
17 know, it's a long time ago.

18 Q He did not give you any advice at all?

19 A Not that I recall. He may have, I don't
20 remember.

21 Q Did he ask you why you were doing this?

22 A No.

23 Q Did he tell you that you were going to testify
24 at the Grand Jury hearing?

25 A He told me he wanted to go over some questions
26 he was going to ask me at the Grand Jury.

1 Q What did you say?

2 A I don't remember what I said, all I know is
3 that I went over the questions with him and they were
4 pretty far out questions.

5 Q Did you want to discuss the case with Mr.
6 Bugliosi?

7 A No.

8 Q Did you tell Mr. Bugliosi that?

9 A I think I did. I think I told him I did not
10 have anything against him personally, but he was District
11 Attorney and I did not want to talk to him.

12 He was going to prosecute me if I got indicted,
13 and I had nothing to say to him.

14 Q Did Mr. Bugliosi say "Don't worry"?

15 A He told me he felt that if I talked to him and
16 cooperated with him and the District Attorney's office,
17 and testified at the trial against everyone, that I would
18 be granted immunity.

19 Q Did Mr. Bugliosi use the word, immunity, at
20 that time?

21 A I think so, but he did not stress the point.
22 He did not go on any further with immunity.

23 Q Now, I want you to remember back now.

24 THE COURT: We will take our recess at this time,
25 Mr. Shinn.

26 Ladies and gentlemen, do not converse with

2 anyone nor form or express any opinion regarding penalty
3 until that issue is finally submitted to you.

4 The court will recess for 15 minutes.

5 (Recess.)
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1 THE COURT: All defendants, counsel and jurors are
present.

3 You may continue, Mr. Shinn.

4 MR. SHINN: Thank you.

5 Q Sadie, you stated just before the recess you
6 met Mr. Bugliosi --

7 A Correct.

8 Q -- in Mr. Caballero's office?

9 A Correct.

10 Q Now, you stated that he said something to you
11 before you told him about the facts about this case, correct?

12 A Yes.

13 Q Now, do you recall anything else he said to you?

14 A In substance what he said was he was offering
15 me life.

16 He would do everything he could do to get out
17 of it for me, to get me out of the mess that I was in.

18 He said it really didn't matter if I testified
19 against them at the trial, if I turned state evidence. He
20 wanted me to turn state's evidence.

21 I told him "No, I couldn't turn state's
22 evidence at the trial."

23 He said "Well, as long as you testify at the
24 Grand Jury everything will be done that can be done to
25 get you life, including the other defendants."

26 Q Did he say life for the other defendants, did

1 you say?

2 A Life for me and everything he could do to get
3 life for the other defendants.

4 Q So what did you say?

5 A Okay.

6 Q You finally gave in and he started to testify
7 to the Grand Jury?

8 A Yes.

9 Q So then what did Attorney Caballero say at
10 that point?

11 A "Good girl," something like that.

12 Q And did he say something about representing you
13 in the Tate-La Bianca matter?

14 A Yeah.

15 Q At that point you did not have an attorney
16 for that case, did you?

17 A No, I did not.

18 He said he would represent me at the Grand
19 Jury trial; that if I wanted him to represent me at
20 the trial that he would be available for me.

21 Q When he said "available," --

22 A That he would make arrangements through the
23 courts to be court appointed.

24 Q In other words, you did not have any money
25 at that time to retain Mr. Caballero?

26 A No, I did not.

Q So he was going to get court appointed?

A Right.

Q The courts would pay his fee, right?

A Correct.

Q Okay, so now when you decided to talk to Mr. Bugliosi about the case, did he ask you any questions before he started to ask you about the facts of the case?

A He wanted to know what Charlie was like.

Q Charles Manson?

A Yeah.

Q Did he say anything about Charles Manson?

A In essence he said he felt that Charlie had control over me and control over a whole bunch of people, and I looked at him like he was crazy.

And Mr. Caballero, before then, had mentioned to me that he felt that Charles Manson was similar to Svengali.

And the defense he would put on, he would put the defense that Charles Manson was Svengali.

I told him I didn't even know what Svengali was.

Q This was long before Charles Manson was ever arrested for this case, isn't that correct?

A That's correct, before I ever went to the Grand Jury.

Q So did Mr. Bugliosi or Mr. Caballero tell you

1 how they knew about Mr. Manson?

2 MR. BUGLIOSI: All hearsay, your Honor. I object
3 on that ground.

4 THE COURT: Sustained.

5 BY MR. SHINN:

6 Q Well, did they indicate to you that they knew
7 Mr. Manson?

8 MR. BUGLIOSI: Same objection.

9 THE COURT: Sustained.

10 BY MR. SHINN:

11 Q Did they talk about Mr. Manson?

12 MR. BUGLIOSI: Same objection.

13 THE WITNESS: Yes.

14 THE COURT: Sustained.

15 MR. SHINN: Your Honor, that would be a yes or no
16 answer, if they talked about Mr. Manson.

17 THE COURT: Irrelevant.

18 MR. SHINN: It's irrelevant?

19 Q Now, after they talked about Mr. Manson, did
20 Mr. Bugliosi say "Now I am going to ask you some questions?"

21 A Yes, something like that.

22 Q Now, did he indicate to you that he heard a
23 tape recording -- did he indicate to you that he heard a
24 tape recording which Mr. Caballero took --

25 MR. BUGLIOSI: It's all hearsay.

26 THE COURT: Sustained.

1 BY MR. SHINN:

2 Q Did Mr. Bugliosi state to you that he knows
3 something about the case?

4 MR. BUGLIOSI: All hearsay, your Honor.

5 MR. SHINN: State of mind, your Honor.

6 THE COURT: Sustained.

7 BY MR. SHINN:

8 Q Now, did Mr. Bugliosi take notes that day when
9 he had a conversation with you?

10 A He had all his notes all ready and prepared.

11 Q Did you see these notes?

12 A Yes, I did.

13 MR. SHINN: May I approach the witness, your Honor?

14 THE COURT: You may.

15 BY MR. SHINN:

16 Q I show you some notes -- did you see these
17 type of notes before?

18 A I did not actually look at what it said, but
19 this is about the size of it and it was on yellow tablet
20 and he ran through it.

21 Q It was a yellow tablet you saw him write on?

22 A Yes.

23 MR. SHINN: Your Honor, Mr. Bugliosi will stipulate
24 that this is a photostatic copy of his notes that he took
25 on December the 4th.

26 MR. BUGLIOSI: December 4th, 1969.

1 MR. SHINN: In Mr. Caballero's office.

2 MR. BUGLIOSI: So stipulated, that is a photostatic
3 copy.

4 MR. SHINN: A photostatic copy.

5 MR. BUGLIOSI: Correct.

6 MR. SHINN: These are the notes you took when you
7 were talking with Miss Atkins?

8 MR. BUGLIOSI: Correct.

9 MR. SHINN: Correct?

10 MR. BUGLIOSI: Correct.

11 MR. SHINN: Thank you.

12 Q Now, when you saw this yellow piece of paper
13 Mr. Bugliosi had, were there any notes or questions on it?

14 A Yeah.

15 Q It was not blank, was it?

16 A No.

17 Q Okay, so then he asked you these questions right
18 down the line?

19 A Yeah, every one of them.
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1 Q And then you gave him the answers?

2 A In the question he implied the answer he wanted
3 me to hear -- wanted me to say.

4 MR. BUGLIOSI: Motion to strike as conclusionary.

5 THE COURT: The answer is stricken. The jury is
6 admonished to disregard it.

7 THE WITNESS: Well, that was my state of mind.

8 Q BY MR. SHINN: Now, were these questions that
9 Mr. Bugliosi asked you, did they kind of infer the answer?

10 MR. BUGLIOSI: Calls for a conclusion, also irrelevant,
11 your Honor, all hearsay.

12 THE COURT: Sustained.

13 Q BY MR. SHINN: Now, were these questions that
14 Mr. Bugliosi asked you, were they about the same as the
15 statement you made in Mr. Caballero's office?

16 MR. BUGLIOSI: Same objection.

17 THE COURT: Sustained.

18 THE WITNESS: I understood what he is saying.

19 THE COURT: Ask your next question, Mr. Shinn, if you
20 have one.

21 Q BY MR. SHINN: Now, all these questions that
22 Mr. Bugliosi asked you, was it substantially the same as the
23 statement you made to Mr. Caballero?

24 MR. BUGLIOSI: The same objection.

25 THE COURT: Sustained.

26 Q BY MR. SHINN: Okay, now, approximately how long

1 did he talk to you about this case, Mr. Bugliosi?

2 A About two hours.

3 Q And he was going now from question to question?

4 A Yeah.

5 Q Now, if you did not know the answer to a question
6 what would you do?

7 MR. BUGLIOSI: It assumes a fact not in evidence;
8 also calls for a conclusion, and it is irrelevant.

9 THE COURT: Sustained.

10 MR. SHINN: Your Honor sustained the objection?

11 THE COURT: Yes.

12 MR. SHINN: I did not hear you.

13 Q BY MR. SHINN: Okay, now, if you did not know the
14 answer to a question, what would you do?

15 MR. BUGLIOSI: Same objection.

16 THE COURT: Sustained.

17 Q BY MR. SHINN: Now, did you know the answers to
18 all the questions that he asked you?

19 A No.

20 Q Some you did not know the answers, correct?

21 A Right.

22 Q So what did you do?

23 MR. BUGLIOSI: Irrelevant, your Honor,

24 Same objection. It is all irrelevant.

25 THE COURT: Sustained.

26 Q BY MR. SHINN: You say you did not answer some of

1 the questions that Mr. Bugliosi asked you.

2 A Right, I did not know the answers.

3 Q You did not know the answers.

4 A Right.

5 Q Did you sometimes guess at the answers?

6 A Like I said before, where my head was at when he
7 would ask me the question, I could see that he had read,
8 heard, listened to Mr. Caballero.

9 I knew he had listened to the tape recording.
10 There was no doubt in my mind about that.

11 I knew he read the transcripts from Virginia
12 Graham and Roni Howard. That is where he got his questions.

13 MR. BUGLIOSI: Move to strike.

14 THE COURT: The answer is stricken. The jury is
15 admonished to disregard it.

16 THE WITNESS: Strike the truth.

17 THE COURT: That comment will be stricken. The jury
18 is admonished to disregard that.

19 Q BY MR. SHINN: Okay, now, some of these answers
20 you gave Mr. Bugliosi, some of these answers you gave
21 Mr. Bugliosi, were they all true answers in your opinion?

22 A In my opinion at the time?

23 Q Yes.

24 A Yeah, and a lot of them were imagination.

25 Q In other words, you are saying some were true
26 and some were not true?

1 A Yeah, all I had to go by is what I told Virginia
2 Graham and Roni Howard, and I repeated that to Mr. Caballero
3 is where Mr. Bugliosi got his questions from.

4 MR. BUGLIOSI: Motion to strike, your Honor, conclu-
5 sionary.

6 THE COURT: The last portion of the answer will be
7 stricken. The jury is admonished to disregard it.

8 Q BY MR. SHINN: Now, after you had this conver-
9 sation with Mr. Bugliosi regarding this case, was anything
10 said by Mr. Caballero or Mr. Bugliosi after he finished
11 talking with you?

12 A "Go home, we are going to send you back to the
13 jail, get a good night's sleep and be ready in the morning."

14 Q - What did you say?

15 A I don't remember what I said, I think I said,
16 "I still don't want to testify."

17 Q Was that your state of mind at that time?

18 A Yeah.

19 Q That you did not want to testify at the Grand
20 Jury?

21 A Right.

22 Q What was the reason for not wanting to testify at
23 the Grand Jury at that time?

24 A My reason for not wanting to? I did not feel
25 it was right.

26 Down inside I felt that I knew what I was going

1 to say at the Grand Jury was not true.

2 The offer of life, not only for myself but for
3 the rest of the defendants, the opportunity to get my
4 child back had a lot to do with what I did.

5 Q Okay, now, was one of the main reasons you
6 testified at the Grand Jury because you wanted to get your
7 child back?

8 A That was one of the reasons.

9 Q Was that one of the reasons?

10 A Yes.

11 Q At that time where was your child?

12 A My child had been placed in a foster home and
13 no one told me where or what or how or when.

14 They wouldn't give me any information on where
15 my child was.

16 Q Okay, now, who left first? Did Mr. Bugliosi
17 finally leave?

18 A Mr. Bugliosi left, to my knowledge he walked out
19 of the room.

20 Q Did he say something about seeing you the next
21 day or something like that?

22 A "See you tomorrow; it was nice meeting you,"
23 et cetera, et cetera.

24 Q Now, ^{did} /Mr. Bugliosi at any time ask you whether or
25 not you had an attorney for this other case, the Tate-
26 LaBianca case?

1 A It was mentioned either by Mr. Bugliosi or
2 Mr. Caballero in conversation together, that Mr. Caballero
3 would be my attorney in this case.
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1 Q In the event that you got indicted, correct?

2 A Correct, in the event that the Grand Jury would
3 believe me.

4 One of the big things that Caballero pushed
5 on me that was important, that I was the first one to
6 testify at the Grand Jury; that I be the first one to step
7 before the Grand Jury, it would have/^{more impact,} I believe, are his
8 words.

9 Q So, in other words, when you were talking to
10 Mr. Bugliosi and making the statement to Mr. Bugliosi,
11 you are not hiring an attorney to represent you in that
12 portion of the proceedings?

13 A No, I didn't have no money to hire an attorney.

14 Q So, Mr. Caballero was just helping you, or
15 what was Mr. Caballero doing?

16 A I don't know what he was doing. I don't even
17 know how he got involved in it.

18 He said it had something to do with the Hinman--
19 and as long as he was defending me in the Hinman, he felt
20 he wanted to stick by me and stand by me and defend me in
21 this case.

22 Q Now, before meeting Mr. Bugliosi for the first
23 time was there any conversation with Mr. Caballero indicating
24 that he has already talked to the District Attorney's office
25 and that ; Mr. Bugliosi was going to be in the office that
26 day?

1 A Would you repeat the question?

2 Q Before meeting Mr. Bugliosi now, you met Mr.
3 Bugliosi the second time you went to Mr. Caballero's office,
4 right?

5 A Right.

6 Q Did Mr. Caballero at any time prior to you
7 meeting Mr. Bugliosi tell you that he was talking to the
8 District Attorney's office and that Mr. Bugliosi will be
9 down at the office to talk to you?

10 A I don't recall if he did. I don't think so.

11 Q Did Mr. Caballero tell you at any time before
12 you met Mr. Bugliosi that he talked to the District
13 Attorney's office?

14 A Yeah, the second time I was in Mr. Caballero's
15 office he told me he talked to the District Attorney's
16 office.

17 Q That was the first time Mr. Caballero told you
18 he talked to the District Attorney's office?

19 A Yeah, he had mentioned before that he would talk
20 to them.

21 Q About this case?

22 A About this case.

23 Q And your testimony at the Grand Jury?

24 A Right. I think it was the night before I met
25 Mr. Bugliosi and I -- you know --

26 Q But he did tell you?

1 A I think he did. I know he eventually did.

I don't know if it was before I met Mr.

3 Bugliosi, while I met Mr. Bugliosi --

4 I know for sure Mr. Caballero had told me that
5 he wanted to talk to the District Attorney's office; that
6 he had a lot of influence with the District Attorney's
7 office because he was a District Attorney for so many
8 years.

9 Q And then did he tell you at any time that Mr.
10 Bugliosi would be in his office on December 4th, 1969?

11 A No, not until he introduced me to Mr. Bugliosi,
12 about five minutes before he introduced me to Mr. Bugliosi
13 he told me Mr. Bugliosi from the District Attorney's office
14 was there to talk to me about my testimony, and ask me
15 questions.

16 Q And what was your state of mind at that time
17 when you found out that Mr. Bugliosi was going to talk
18 to you?

19 A It was angry. I did not want to talk to Mr.
20 Bugliosi.

21 I did not want to talk to anybody. I was
22 going through a lot of changes.

23 Q Would you say that you were pressured, influenced?

24 A Yes.

25 Q To talk to Mr. Bugliosi?

26 A Yes.

1 Q Now, after Mr. Bugliosi left did you have a
2 conversation with Mr. Caballero?

3 A No, it was just that he kind of patted me on
4 the back and said "Go home, get a good night's sleep and
5 I will see you tomorrow."

6 Q And what did you say?

7 A I just looked at him, I don't think I said
8 anything. I may have said "Okay, I'll see you tomorrow."

9 And I think I said "I don't want to testify."

10 He said, "Don't worry about it, it will be
11 all right."

12 Q At that point did he say anything to you about
13 that he had made arrangements with the District Attorney's
14 office?

15 A As to --

16 Q -- to you testifying?

17 A As to me testifying?

18 Q And what benefit you would receive?

19 A Yeah, both Mr. Bugliosi and Mr. Caballero
20 talked to me about that. I thought I made that clear.

21 Q What did Caballero say about that after Mr.
22 Bugliosi left?

23 A After Mr. Bugliosi left?

24 Q Yes.

25 A He said "Don't worry, it will be all right,
26 things will work out and everything will be done."

1 Q And what did you think when he said everything
2 will be done, everything will be all right, what did you
3 think in your mind at that time?

4 A I thought the man was sincere.

5 Q And that you would get what, immunity, life?

6 A I felt he would do everything he could to
7 defend not only myself but the co-defendants that were
8 involved.

9 Q In what manner?

10 A As to giving them life as opposed to death.

11 Q How about yourself, your testimony at the
12 Grand Jury?

13 A For my testimony at the Grand Jury, my state
14 of mind was that if I testified at the Grand Jury that
15 not only would I get life, but everyone else would get
16 life, and I would get my child back.

17 Q So that was the reason you testified at the
18 Grand Jury?

19 A Yes, because he did not say anything about
20 natural life.

21 He mentioned seven years in the penitentiary
22 and meeting the Parole Board, maybe 12 or 13 years after
23 that I would be out and I would still be a young woman.

24 He went into all kinds of crazy things.
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1 Q Is there anything else he said that you would
2 receive as a benefit for testifying at the Grand Jury besides
3 seven years in the penitentiary?

4 A Not before the Grand Jury.

5 MR. KANAREK: Your Honor, may we approach the bench?

6 THE COURT: Very well.

7 (The following proceedings were had at the bench
8 out of the hearing of the jury:)

9 MR. KANAREK: Your Honor, I am sure, agrees with me.

10 I ask for a mistrial in this penalty phase,
11 especially as regards Mr. Manson.

12 What they have portrayed Mr. Manson in the minds
13 of these jurors, I move that the Court admonish the jury not
14 to consider that for any purpose.

15 That was improper argument; that cannot be made.

16 THE COURT: What are you talking about?

17 MR. KANAREK: The argument that they would be out in
18 seven years. That argument is improper.

19 THE COURT: Nobody has made any argument.

20 MR. KANAREK: I know. If the jury hears it, your
21 Honor, and it comes from the District Attorney or ex-
22 District Attorney --

23 THE COURT: The jury will be given the Morse
24 Instruction, Mr. Kanarek.

25 MR. KANAREK: I move the jury be admonished not to
26 consider this last statement for any purpose and mere

1 admonishment not sufficing, I ask for a mistrial in the
2 penalty case.

3 It is clearly prejudicial in the minds of the
4 jurors as to Mr. Manson who had been portrayed as a raving --
5 no need to belabor that.

6 THE COURT: This is a defense witness.

7 MR. KANAREK: That does not make any difference. If
8 this type of material comes in, this evidence comes in,
9 it doesn't matter where it comes from if it prejudices the
10 minds of the jurors.

11 THE COURT: Yes, it does.

12 MR. KANAREK: I did not call this witness, your Honor.

13 THE COURT: The defense called her.

14 MR. KANAREK: There is no such thing as defense.
15 Each person has an individual lawyer.

16 THE COURT: You put on a joint defense. You examine
17 the witnesses seriatim as they testify.

18 MR. KANAREK: That is not the point.

19 THE COURT: The point is I am confident you knew
20 what this witness would say long before she took the witness
21 stand.

22 MR. KANAREK: I will ask to be sworn on that.
23 May I be sworn on your Honor's allegation?

24 THE COURT: I am not making an allegation. I am
25 just saying this is a defense witness.

26 MR. KANAREK: And based on the Constitution of the

1 United States --

2 THE COURT: The jury will be given the Morse
3 Instruction.

4 Now, what sort of admonishment at this point
5 would you suggest?

6 MR. KANAREK: Well, I would ask your Honor to
7 admonish that this last statement of the witness --

8 THE COURT: What specifically?

9 MR. KANAREK: About the seven years.

10 THE COURT: She made a lot of statements.

11 Now, you have to be specific, Mr. Kanarek, if you
12 are requesting that the jury be admonished.

13 MR. KANAREK: I am speaking about the aspect she is
14 a young woman, she will be out in seven years; that life
15 means something to that effect.

16 I ask the jury be admonished and mere admonish-
17 ment not sufficing, I ask for a mistrial of the penalty phase.

18 I ask for an evidentiary hearing, based on
19 equal protection clause of the 14th Amendment, based on
20 your Honor's allegation that I knew what this witness will
21 say.

22 That is untrue.

23 THE COURT: What I said was, the defense is putting on
24 a joint defense and calling the witnesses. I assume you
25 gentlemen know what these witnesses are going to say.

26 MR. KEITH: This witness is not Miss Van Houten's

1 witness, may the Court please. I am not putting on any
2 joint defense.

3 MR. KANAREK: There is no joint defense here, your
4 Honor.

5 THE COURT: There has been up until now.

6 MR. BUGLIOSI: Haven't you heard of the umbrella
7 defense?

8 MR. KANAREK: There is no umbrella defense.
9 Each litigant has his or her own lawyer. There is no
10 umbrella defense, no joint defense here at all.

11 THE COURT: I have warned you gentlemen all throughout
12 this defense, whenever I saw danger approaching in the
13 sense that it appeared to me that a witness either was
14 so irresponsible that he or she might say something that
15 would damage any of the defendants in advance I have warned
16 you.

17 Now, I cannot warn you about this type of thing.
18 This is one of the dangers when you call your own witnesses.

19 But you are not going to create your own mis-
20 trial by calling your witnesses and having them testify to
21 inadmissible matters.

22 MR. KANAREK: I did not create the mistrial, your
23 Honor. I did not ask this witness the question.

24 THE COURT: This witness was answering a question
25 that was directed to her; she was being responsive, and I
26 have to assume that counsel knew what he was doing when he

1 asked the question.

MR. KANAREK: I did not ask the question.

3 THE COURT: The witness' testimony obviously is helping
4 Mr. Manson. I find it unbelievable, Mr. Kanarek, that you
5 don't know what this witness is going to say.

6 MR. KANAREK: Then may I be sworn, based on your
7 Honor's allegation?

8 THE COURT: What would that accomplish?

9 MR. KANAREK: We would have a hearing, your Honor,
10 and your Honor -- if, if, if error comes in, you have a
11 mistrial regardless.

12 MR. BUGLIOSI: May we be heard, your Honor?

13 I don't think it would hurt for the Court to
14 admonish the jury to disregard the last statement.

15 THE COURT: I will just strike the answer in its
16 entirety and admonish them to disregard it.

17 You can reframe your question again and tell her
18 not to make that kind of statement. Mr. Shinn may consult
19 with his attorney.

20 MR. FITZGERALD: I don't want a modified Morse
21 Instruction given to the jury at this time.

22 MR. KEITH: I agree with that.

23 THE COURT: I will strike the answer.

24 MR. BUGLIOSI: All the Court has to do is strike the
25 entire answer without reference to the language.

26 MR. KANAREK: May I have a ruling on my motion for a
mistrial?

1 THE COURT: Denied, Mr. Kanarek. It is denied.

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

4 THE COURT: The witness' last answer will be
5 stricken. The jury is admonished to disregard it.
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(Mr. Shinn confers with the witness.)

BY MR. SHINN:

Q Did Mr. Caballero inform you or tell you what benefits you would receive if you testified at the Grand Jury hearing?

A Yes.

Q What did he say?

A He mentioned life imprisonment. He mentioned possible immunity if I went on further to testify for the prosecution. Immunity.

He mentioned not only life for myself but life for the other defendants, if in case I was indicted and anyone else was indicted.

This was all just for the Grand Jury.

Q Now, did Mr. Caballero state to you that after you testified at the Grand Jury hearing that you may be indicted for murder too?

A Yes. But that if I went ahead and testified for the prosecution in the trial, I would be granted immunity.

And I told him no.

Q Well, now, you say that in the event that you didn't testify at the trial but testified at the Grand Jury.

Did he say anything about that? If you just testified at the Grand Jury and not testified at the trial?

1 A Yes.

2 If I just testified at the Grand Jury and
3 did not testify at the trial, that everything would be
4 done to insure life for not only myself but for the
5 other defendants.

6 Q That is, if you just testified at the Grand
7 Jury?

8 A That is just if I testify at the Grand Jury.

9 And if I went on and testified for the prosecu-
10 tion at the trial, I would be granted immunity. And that
11 it was not -- that that would be taken care of if I
12 decided to do that.

13 And that it was a moral obligation. These are
14 Mr. Bugliosi's words. A moral obligation on his part,
15 because I would testify at the Grand Jury. Life.

16 Q Now, when Mr. Bugliosi said to you that he
17 had a moral obligation to keep you out of the gas chamber --
18 is that what you said?

19 A Yes.

20 Q What did you think he meant? What was your
21 interpretation, your state of mind, at that time, when he
22 said that to you?

23 A That he wouldn't ask for the death sentence
24 on myself or anyone else involved.

25 Q And this was just for yourself at the Grand
26 Jury hearing; is that right?

1 A Right.

2 Q That is what you thought he meant, and that is
3 the way you interpreted his statement?

4 A Yes.

5 Q So, now, they took you back to your -- I mean,
6 to the woman's jail that same night?

7 A Yes.

8 Q Approximately how many hours did you stay out
9 that day?

10 A About six and a half hours, maybe seven hours.
11 I had dinner.

12 Q You had dinner again?

13 A Yes.

14 Q The same hamburger, or something else?

15 A Yes, the same thing.

16 Q The next day -- that is December the 5th.

17 A Yes.

18 Q Now, that is the day of the Grand Jury hearing.

19 A Yes.
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1 Q Now, did you see Mr. Caballero at Sybil Brand
2 at that time?

3 A No. I saw him in this building, on whatever
4 floor the Grand Jury is on.

5 Q Was that in the morning?

6 A Yes.

7 Q And when they took you out of your cell, did
8 someone say anything to you at Sybil Brand Jail about where
9 you were going, what you were going to do?

10 A No. Just that I was going to court.

11 Q Did some police officer escort you to the Hall
12 of Justice?

13 A Yes.

14 Q Was it a detective?

15 A No. It was a female deputy and a male deputy
16 in a private car, a Sheriff's car, or whatever.

17 Q So, you came down here to the Hall of Justice to
18 testify before the Grand Jury; correct?

19 A Yes.

20 Q Now, did you, at that time, see Mr. Caballero?

21 A Yes.

22 Q Where was Mr. Caballero at that time?

23 A He came into the room that I was waiting in
24 before I went into the Grand Jury.

25 Q Was he with someone else?

26 A No. He was by himself.

1 And he just sat down and talked to me.

2 And I looked at him and I said, "I don't want
3 to do it."

4 Q Okay.

5 What did he say when he talked to you?

6 A He asked me: How do I feel?

7 And I said, "I don't want to do it."

8 Q When you said you don't want to do it, what did
9 you mean? You didn't want to go and testify in the Grand
10 Jury?

11 A Yes.

12 Q What did he say?

13 A He said, "It is better for you and everyone
14 else involved."

15 Q So, how did you interpret that, at that time, when
16 he said that to you? What did it mean to you?

17 A What did it mean to me?

18 Q Yes.

19 A Exactly what he said. It was the best thing for
20 me and everyone else involved.

21 And I believed him.

22 Q So, you thought that was the best thing for you
23 to do then?

24 A Yes.

25 Q Then you went into the Grand Jury room?
26

1 A Yes.

2 Before we went into the Grand Jury room,
3 Mr. Stovitz introduced himself to me.

4 Q That is the first time that you met Mr. Stovitz?

5 A Yes.

6 Q And he is a Deputy District Attorney?

7 A Yes.

8 Q What was said by him?

9 A He just introduced himself and said that he
10 would also be in the room and he would be helping Mr.
11 Bugliosi to ask me questions. That he would see me in the
12 room.

13 Q Did he ask you anything about the questions that
14 were going to be asked?

15 A No.

16 Mr. Stovitz didn't ask me anything other than
17 how do I feel.

18 Q Okay.

19 Now, did Mr. Bugliosi, when he left Mr.
20 Caballero's office with his notes, did he tell you that,
21 "These are the questions that I may ask you at the Grand
22 Jury hearing?"

23 A He told me that those are the questions he was
24 going to ask me at the Grand Jury.

25 Q In other words, these questions and answers
26 that he took the night before?

1 A He had all the questions and the answers down
2 before he ever asked me. I saw them.

3 MR. BUGLIOSI: Motion to strike.

4 THE WITNESS: Vince, I saw it.

5 THE COURT: The answer is stricken.

6 The jury is admonished to disregard it.
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1 BY MR. SHINN:

2 Q So, when you went to the Grand Jury hearing, you
3 knew just about what you would be asked and your answer?

4 A Yes.

5 We had gone over every single question the
6 night before.

7 Q How many times did you go over the questions
8 and answers before?

9 A Some questions once, some questions more than
10 once.

11 Q During that two, two and a half hour conversa-
12 tion with Mr. Bugliosi?

13 A Yes.

14 Q So, in other words, you knew what they were,
15 what you were going to be asked, and you knew what the
16 answers were going to be; is that correct?

17 A Yes. Basically I knew what he was going to
18 ask me.

19 Q So did you, in fact, see Mr. Bugliosi at the
20 Grand Jury hearing?

21 A Yes.

22 Q And did he, in fact, ask you substantially the
23 same question that he asked the night before?

24 A Yes.

25 Q And did you answer these questions substantially
26 the same as the way you answered the night before?

1 A Yes.

2 Q So you had no difficulty, then, at the Grand
3 Jury hearing?

4 A No.

5 Q Now, did Mr. Stovitz talk to you about your
6 constitutional rights before you went into the Grand
7 Jury hearing?

8 A They asked me if I understood my constitutional
9 rights when I was in the Grand Jury, and I said, "Yes."

10 Q Did Mr. Stovitz --

11 A I think Mr. Stovitz was the one that asked
12 me.

13 Q Did Mr. Stovitz ask you whether or not you
14 had an attorney to represent you at this hearing?

15 A Yes.

16 Q What did you say?

17 A Yes.

18 Q That was Mr. Richard Caballero?

19 A Yes.

20 Q Now, prior to going into the Grand Jury
21 hearing, did Mr. Caballero sit you down and explain
22 what you were going to do at the Grand Jury?

23 A He just explained to me that they were going
24 to ask me a whole bunch of questions, and I was to give
25 them the answers. The same answers that I had given Mr.
26 Bugliosi the night before.

1 Q Now, did Mr. Caballero tell you, before
2 you went into the Grand Jury hearing, did he tell you
3 didn't have to go and testify?

4 A Not in those words.

5 Q Well, what did he tell you now?

6 A In essence that is what he said. I believe
7 that is what he said to me.

8 Q He said that you didn't have to testify at
9 the Grand Jury hearing?.

10 A Right.

11 But he said that it is the best thing for
12 me and everyone else involved, and that he felt, as an
13 attorney, that it was the best thing to do.

14 Q Okay.

15 Now, did he tell you that you may be indicted
16 because of your testimony at the Grand Jury hearing?

17 A Yes.

18 Q And did he also tell you that everything you
19 said in the Grand Jury hearing could be used against you
20 at a later date?

21 A Yes.

22 Q Did he tell you that you would have to answer
23 every question put to you at the Grand Jury hearing?

24 A No, I don't think he did.

25 Q Did he say that you could refuse to answer
26 some of the questions that may incriminate you?

1 A No.

2 He told me to answer each question as best
3 I could and not to stand on the Fifth.

4 Q When you say the Fifth, what does that mean?

5 A The Fifth Amendment of the Constitution.

6 Q What does the Fifth Amendment mean to you?

7 A To me?

8 Q Yes.

9 A Nothing.

10 At the time --

11 Q Well, did Mr. Caballero explain what the
12 Fifth Amendment meant to you?

13 A He explained to me that if you stand on
14 the Fifth, you say "I refuse to answer on the grounds
15 that it might incriminate me."

16 And he said I was there, and whatever I said
17 would incriminate me.
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1 Q So, did he advise you to take the Fifth or not
2 to take the Fifth?

3 A I believe he advised me not to.

4 Q Not to take the Fifth?

5 A It wouldn't do me any good. In essence, that is
6 what he said.

7 It is like -- you know, it is hard for me to
8 remember everything, but especially what was said before I
9 went to the Grand Jury.

10 Q Okay.

11 Now, was your state of mind such that when you
12 testified at the Grand Jury hearing that it was not freely
13 and voluntarily -- your testimony was not freely and
14 voluntarily given?

15 A No, it wasn't freely and voluntarily given
16 because --

17 Q In what sense?

18 A I didn't want to do it, but I had so much pressure
19 coming from so many different directions. A very strong
20 man telling me, "But you have to do it, you have to";
21 and another man, saying, "It is the best thing," and
22 "We will give you life," and, "We will make sure that you
23 and all of your co-defendants will get life out of this,"
24 and "We will do this for you and we will do that for you,
25 if you just do this for us."

26 And "If you don't do it, I will make sure I see

1 you in the gas chamber."

2 Q Who said that?

3 A Mr. Bugliosi.

4 Q Was this at Mr. Caballero's office or was this
5 before the Grand Jury hearing?

6 A Mr. Caballero's office.

7 Q Did he mention the word "gas chamber" to you?

8 A Yes.

9 He told me that I could get the gas chamber if
10 I didn't do it.

11 Q Now, was Mr. Caballero in the office when
12 Mr. Stovitz -- I mean, when Mr. Bugliosi made that statement?

13 A I believe so. I am not sure.

14 It could have been when he was walking out the
15 door to go see some -- talk to a deputy or something.
16 I don't know for sure whether Mr. Caballero was there.

17 Q Are you saying, Susan, that you were alone with
18 Mr. Bugliosi at one time in Mr. Caballero's office?

19 A I remember seeing Mr. Caballero walking
20 towards the door, and it was like a good 20 feet --
21 10 or 15 feet to the door.

22 I remember seeing his back to the door, and
23 Mr. Bugliosi looked at me and said, "If you don't testify
24 at the Grand Jury and you don't cooperate with us, you
25 will probably get the gas chamber. So will everyone else."

26 Q And how far away was Mr. Caballero at that time

1 when he made that statement?

2 A At the door, the doorway, talking to the police
3 officers.

4 Q Approximately how many feet away, if you know?

5 A About from where I am to about where you are,
6 or maybe from where I am to where Mr. Keith is.

7 Q Approximately 15 feet?

8 A Maybe 15 feet. I don't know how many feet.

9 Q Did Mr. Bugliosi talk in a normal tone of voice
10 or did he shout?

11 A Well, I was sitting in the chair kind of facing
12 him, and he was kind of facing me, and we really didn't
13 talk in a very loud voice at all during our whole thing.
14 It was all very soft.

15 THE COURT: We will recess at this time.

16 Ladies and gentlemen, do not converse with
17 anyone or form or express any opinion regarding penalty
18 until that issue is finally submitted to you.

19 The Court will recess until 1:45.

20 (Whereupon, at 12:00 p.m. the court was in
21 recess.)
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, FEBRUARY 10, 1971

2 1:55 P.M.

3 ---o---

4 THE COURT: All parties, counsel and jurors are
5 present.

6 You may continue, Mr. Shinn.

7 MR. SHINN: Thank you, your Honor.

8 Q Now, Susan, we were talking about you testifying
9 before the Grand Jury just before lunch, correct?

10 A I believe so.

11 Q And did you testify before the Grand Jury?

12 A Yes.

13 Q And Mr. Bugliosi asked you questions?

14 A Yes, he did.

15 Q And you answered the questions?

16 A Yes, I did.

17 Q Now, after you finished testifying at the Grand
18 Jury did you again talk to Mr. Bugliosi or Mr. Caballero?

19 A Mr. Caballero, not Mr. Bugliosi.

20 Q Was he waiting for you outside of the Grand
21 Jury hearing room?

22 A Yes.

23 Q What did he say at that time?

24 A He said he wanted -- he had a press conference
25 that he wanted me to go speak to all set up for me.

26 Q You mean a press conference, you mean in front of

1 the TV, television cameras and all that?

2 A Yeah, lots of them.

3 Q In fact, did you see these television cameras?

4 A Yeah.

5 Q Were they there in the Grand Jury hearing room?

6 A Out the door and down the hall about 50 feet.

7 Q Did you in fact go and make a television
8 appearance?

9 A When I first saw all of the lights I turned
10 around and started to walk away, and my lawyer took me by
11 my hand and told me, "That's all right," and led me out in
12 front of the cameras.

13 Q So, when you were in front of the cameras did you
14 say anything?

15 A No.

16 Q Who did all the talking?

17 A My lawyer.

18 Q Do you recall what he said?

19 A "She doesn't want to talk about that."

20 "We are not discussing that."

21 "She doesn't want to talk about that."

22 To almost every question that was asked.

23 Q But you did get in front of the TV?

24 A Yeah, there was lots of them --

25 Q So then --

26 A Vultures.

1 Q So then did he escort you back to Sybil Brand?

2 A Did my lawyer escort me back to Sybil Brand?

3 Q Yes.

4 A No.

5 Q Did he go back with you?

6 A No.

1 Q Then Mr. Caballero left you there after the
2 TV interview? He left you there?

3 A At the Grand Jury room?

4 Q Yes.

5 A Yes.

6 And the police took me back to Sybil Brand.

7 Q Did you see Mr. Bugliosi again after the
8 Grand Jury hearing?

9 A No.

10 Q You never saw him and talked to him again
11 after the Grand Jury hearing before this trial?

12 A No.

13 Q I'm directing your attention to December the
14 14th, 1969.

15 This is after the Grand Jury hearing.

16 Were you removed from Sybil Brand Institute
17 for Women again?

18 A Yes, I was.

19 Q By whom?

20 A I don't know if that is the exact date.
21 I know I was removed from the jail.

22 As a matter of fact, I was removed, yes,
23 three times.

24 I don't know if that was the date. By a
25 Mr. Whiteley, an officer of the law, and one of the men
26 that has been in the courtroom all the time. I don't

1 recall his name.

2 Q Susan, I am directing your attention to
3 December -- around December, after the Grand Jury hearing.
4 Not January, 1970.

5 A December?

6 Q Let's see. The Grand Jury hearing was
7 December the 8th --

8 A The 4th.

9 Q I mean, December the 5th.

10 A The 5th?

11 Q Now, about a week later, were you again taken
12 out of the women's jail?

13 A Yeah.

14 I was either to go look for something or to
15 go to my lawyer's office.

16 Q Okay.

17 Now --

18 A Maybe there were four times I was taken out
19 of the jail.

20 Q Okay.

21 Now, directing your attention to around
22 December the 14th. This is after the Grand Jury hearing.

23 Do you recall being taken out again?

24 A Yeah.

25 Q Okay.

26 Now, at this time, was Mr. Caballero present?

1 A I believe so. He was present every time I
2 was taken out of the jail.

3 Q Okay.

4 Now, before you were taken out the second
5 time, did Mr. Caballero say you were going to be taken
6 out for a certain purpose?

7 A Yes. To go to his office.
8 Before the second time?

9 Q No. Wait. .
10 We have been to Caballero's office twice.

11 A Twice, right.

12 Q Then you went to the Grand Jury hearing?

13 A Right.

14 Q A week or seven or eight days after the
15 Grand Jury hearing, which was December the 5th, 1969,
16 you were taken out again; is that correct?

17 A I believe so.

18 Q Okay.

19 Now, at this time, was Mr. Caballero there?

20 A I believe he was.

21 I know of one time for sure that I was
22 taken out, and in my mind right now, as I am looking at
23 it, that one time could have been two times because a
24 lot happened.

25 I know there was a definite time I was taken
26 out and taken for a ride all over and did all kinds of
things.

Q Yes. Now, let's talk about that time now.
You say that Mr. Caballero was with you at
that time?

A Yes.

Q Was anyone else with Mr. Caballero and yourself?

A Mr. Katz, Mr. Whiteley, a homicide detective,
and a female deputy.

Q Now, when you say Mr. Katz, is he from the
District Attorney's office?

A Yes.

Q Did he introduce him to you as Mr. Katz?

A I believe so.

But he didn't introduce himself to me. Mr.
Whiteley introduced him to me and Mr. Caballero introduced
him to me.

I don't know if this is the time on the 14th
though.

Q We will get to the next one later. A step
at a time, okay?

A All right.

Q So this time they took you some place?

A Yes.

Q Do you recall, did anyone explain to you the
purpose of this trip?

A Yes, Mr. Caballero.

Q Do you recall what he said to you?

1 A They asked me if I knew where some clothes
2 and some knives were, because I had related it at the
3 Grand Jury and to Virginia Graham and Roni Edward.

4 Days, I am really not sure if this is the time
5 that you are talking about on the 14th. It is not clear
6 in my mind whether that was the 14th or a later date.

7 THE COURT: Read the answer.

8 (The record was read by the reporter.)

9 THE COURT: Go ahead.

10 MR. SHINN: Okay.

11 Q You recall that you were taken out of jail
12 one time; right?

13 A Yes.

14 Q And you recall that the purpose of this trip,
15 you said, was to look for some what, clothes?

16 A Some clothes.

17 Q And what else?

18 A A knife and a dead body that didn't exist as
19 a dead body.

20 Q So now, Susan, did you, in fact, go on this
21 trip?

22 A Sure.

23 Q Okay.

24 Now, do you recall who led the way?

25 A They asked me to lead the way and give
26 directions.

1 The first place they stopped at was the bottom
2 of the hill at Cielo Drive, and then they asked me which
3 direction I went.

4 And I explained to them that it was late at
5 night and I wasn't sure, but I think it was that way.

6 And I took them whatever way I took them.

7 And I told them that I was pretty, you know,
8 I didn't remember exactly where we stopped. And we
9 stopped at way up in the mountains at almost like a
10 fire station, like a fire camp, right close to a helicopter
11 landing port, and a whole bunch of young boys got in a
12 bus and drove off and followed us.

13 And I stopped and I showed them, well, this
14 could be the hill, I don't know if that is the hill,
15 but it could be the hill.

16 And all the young boys got off the bus, got
17 ropes, and were climbing up and down hills and looking
18 for clothes and knives.
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1 Q In other words, you were cooperating with the
2 police in attempting to locate certain articles, is that
3 correct?

4 A Yes.

5 Q Now, how long did you stay out?

6 A All day, and got back in the evening.

7 Well, actually, we left early -- yeah, it was
8 all day, and they left in the early morning, but not real
9 early in the morning, left in the morning hours, and got
10 back to the jail, I believe in the late afternoon.

11 Q Okay, now --

12 A Or evening.

13 Q All during this trip Mr. Casallero was in the
14 automobile with you?

15 A Yes.

16 Q Did he say anything to you?

17 A Oh, we just talked. I don't even remember what
18 we talked about.

19 I don't remember our conversation. I don't
20 recall what it was, it wasn't important; just he wanted me
21 to remember where Linda had thrown these things out of the
22 car.

23 Q Okay, now, did you discuss with him about your
24 taped statement that he took at his office?

25 A No, I don't think I did.

26 I may have talked to him about "How many copies

1 did you give out?"

2 "How many people have got copies of that tape
3 recording?"

4 And he said he was the only one.

5 Q Well, was there any discussions as to what he
6 was going to do with this statement of yours?

7 A By then we had already discussed that.

8 Q When did you discuss that?

9 A About -- I think it was the day after the
10 Grand Jury or two days after the Grand Jury, he came out
11 and talked to me and said that he wanted to sell my life
12 story, just my life from the time I was born up to the time
13 I was arrested in Inyo County, and no further.

14 Q You mean that was your state of mind, that he
15 was going to sell your story just of your early life?

16 A From my early life, from the time I was born,
17 and it went right on through to the time I was arrested in
18 Inyo County.

19 Q And nothing about the crimes?

20 A And nothing about the crimes, or the case.

21 Q Now, this discussion took place after the Grand
22 Jury hearing?

23 A About a day or so after.

24 Q Was he all alone when he came in to talk to
25 you?

26 A Yes.

1 Q And at that time he did not have your life story,
2 did he?

3 A In bits and pieces he would ask me through all the
4 times that he would come to see me to tell him about myself,
5 and I would tell him about myself.

6 And he wanted to sell the story.

7 Q Okay, so did he later come back?

8 A The next day, I think three or four days after
9 the Grand Jury, the date is on the contract, the date I
10 signed the contract.

11 Q Okay, so he came back again, maybe the next
12 couple of days?

13 A Right.

14 Q And did he bring somebody with him?

15 A There was two notaries, two notarians, there,
16 I guess the people that notarize things and make the witnesses
17 to signatures.

18 Q Before that time, Miss Atkins, did he bring
19 someone else, a court reporter with a little machine like
20 this court reporter has?

21 A That came later, after I signed the contract.

22 Q What kind of a contract are you talking about
23 when you say you signed a contract?

24 A A contract to tell my life story, and that was
25 it.

26 MR. SHINN: May I approach the witness, your Honor?

1 THE COURT: You may.

2 MR. SHINN: I have a document here, your honor,
3 entitled "Attorney-in-Fact, dated December 3, 1969.

4 Q I show you this --

5 MR. SHINN: May this be marked for identification next
6 in order, your Honor?

7 THE COURT. It will be marked P-88 for identification.

8 What is the description, one page document?

9 MR. SHINN: One page document. The title is
10 "Attorney-in-Fact," dated December 3, 1969.

11 MR. BUGLIOSI: There is a question, your Honor, from
12 a juror.

13 JUDGE NO. 3: Sorry, I did not hear the description of
14 the number.

15 THE COURT: P-88.

16 Q BY MR. SHINN: I show you this document, have you
17 seen that document before?

18 I mean, the original of that document before.

19 A Yes.

20 Q Now, is that your signature at the bottom,
21 Susan Denise Atkins, is that your signature?

22 A Yes, it is, and I would like to clarify something
23 about this document.
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1 Q Yes, go ahead.

2 A Well, he handed me the document to read; there
3 was no writing from pen, and I read it, and it was all
4 typewritten. There were no signatures on it.

5 Immediately after I signed it, I signed it and
6 I turned it around and I faced it to him.

7 He took it and he wrote, "And tape recording
8 is my attorney's possession."

9 Q Are you saying when he handed this document to
10 you at first there was no signatures and there was no
11 handwriting?

12 A There was no handwriting; it was all typewritten.

13 Q It was all typewritten?

14 A Yes.

15 Q And the other writings or scribbings were put
16 on after you signed this contract?

17 A Correct.

18 Q Before you signed this contract did he explain
19 what it was?

20 A He told me that was just a contract to allow
21 Mr. Schiller to come out and interview me on my life
22 story, and it would be put into a book, and just my
23 life's story would be sold.

24 Q Now, I noticed on the left-hand top corner
25 of this document it says "SDA."

26 A Yes.

1 Q Did you put that there?

2 A Yes, I did.

3 Q And it says "25 percent to Schiller."

4 A Yes.

5 Q Now, that was written after you signed the
6 contract?

7 A Yes.

8 Q And the next line written in is "SDA."
9 Did you write that?

10 A Yes.

11 Q And "Of balance."
12 Now, is this your handwriting or his hand-
13 writing?

14 A The SDA is my handwriting.

15 Q But the 25 percent to Schiller?

16 A Is Mr. Caballero's handwriting.

17 Q Do you know Mr. Schiller's first name?

18 A I believe it's Lawrence, I never met the man.

19 Q Lawrence Schiller?

20 A Yes.

21 Q Okay, now, this is your signature?

22 A Just SDA.

23 Q Now, "Of balance" is written by Mr. Caballero?

24 A Yes.

25 Q And the next line, SDA?

26 A Is my three initials, Susan Denice Atkins.

1 Q Now, what is that 60 percent or 65 percent?

2 A 60 percent to undersigned, written by Mr.
3 Caballero.

4 Q 60 percent to undersigned, okay.

5 Next did you sign this fourth line, SDA?

6 A Yes.

7 Q It says 40 percent to attorneys?

8 A That was written by Mr. Caballero.

9 Q Now, did you read this contract before you
10 signed it?

11 A I read it but I really did not understand it
12 and I asked him about it, and he explained it to me before
13 I signed it, that it was just for my life story only.

14 Q And, in other words, did he explain to you --

15 A He didn't explain no money to me. He didn't
16 explain no tape recordings to me. He didn't explain
17 nothing other than it was just my life story.

18 He said I would probably get some money from
19 it.

20 I told him I didn't care about no money. I
21 told him he could have all the money for all I care.

22 Q Well, did you know at the time you signed this
23 contract that you was making Paul Caruso and Richard
24 Caballero your attorneys in fact to enter into an
25 agreement to sell your life story?

26 Did you know that when you signed this contract?

1 A All I knew was that they would handle the
2 proceedings.

3 Q What proceedings? You mean these criminal
4 proceedings?

5 A No, not the criminal proceedings, just the
6 interview, that is all I understood.

7 Q Of your life's story?

8 A Right.

9 Q Not the crimes?

10 A Not the crimes.

11 Q Okay, now, in the middle of this document did
12 I see something written in here?

13 A "And the recordings in my attorney's possession."

14 Q That was written in?

15 A That was written in after I signed the contract.

16 Q Is this your initial, SDA, again?

17 A Yes.

18 Q I see on the bottom of the page "Witness."

19 A Those are the two women he had to bring out
20 to notarize it.

21 Q Was that the first time you saw these two
22 witnesses?

23 A That is the first time I ever seen them and
24 the last time I have ever seen them.

25 I don't even know who they are.

26 Q Did Mr. Caruso and Mr. Caballero tell you who

1 these two people were?

2 A He introduced them to me. I don't even
3 remember their names, and he said that they were notaries.

4 Q Notaries?

5 A Yeah, notaries or something like that.

6 They were to witness the signature, and they
7 didn't even actually witness the signature on it. They
8 were sitting out in another room.

9 And then they came in after I had signed it
10 and put "SDA, SDA, SDA, SDA, SDA, SDA," and then they
11 came in and saw just that, and then they signed it.

1 Q And this was right after the Grand Jury hearing?

2 A Yes.

3 Q What was your state of mind at that time, were
4 you emotionally upset?

5 A Yeah, I really was. I was in confusion.

6 Q So what you are saying is you don't know actually
7 what document you signed?

8 A At the time I just took what he said at that.
9 I had been locked up for a period of near two
10 weeks with a bunch of crazy people.

11 I couldn't talk to nobody but my lawyer. I
12 didn't have anyone to look to for anything else.

13 I was lost in my own world of confusion.

14 Q Okay, now, after you signed this contract did
15 Mr. Caballero come back again?

16 A Yes, a day or so later.

17 Q Now, was he with anyone at that time?

18 A Yes.

19 Q Who was he with?

20 A He was with a court reporter, and Jerry Cohen.

21 Q Now, Jerry Cohen, is that the man from the Times?

22 A That was the man that took down the interview
23 and listened to what I had to say about my life story.

24 Q Okay, was Mr. Caballero present?

25 A Yes, he was.

26 Q And was this court reporter present?

1 A Yes, she was.

2 Q Do you know her name?

3 A No, I do not, it was -- I haven't seen her since.
4 I don't believe I have, although there is a woman that is a
5 court reporter in Judge Lucas' courtroom that looks an
6 awful lot to me like the woman who came.

7 Q Okay, so now Mr. Caballero brought these people
8 in there.

9 Did he say anything to you?

10 A Before he could open his mouth I told him I lied
11 at the Grand Jury, "I am/^{not}going to say anything more.

12 "I want it made publicly known that I lied at the
13 Grand Jury."

14 And the court reporter was taking everything down
15 that I was saying.

16 Q You saw her taking these notes down?

17 A Yes, I did see her take it down.

18 Q So then what happened after you said that?

19 A Mr. Caballero looked at me and laughed and said,
20 "Well, it's too late now, you cannot go back on your word."

21 "Well," I said, "I'm going back on my word,"
22 I said, "I want you to tear up the contract."

23 I looked at the man I was introduced to as
24 Mr. Cohen.

25 I said, "I am not even sorry," I said, "I have
26 nothing to say to you. I, lied at the Grand Jury. If you

1 "If you want to print that, then you print that.
2 I am retracting everything I said at the Grand Jury!"

3 Q Okay, now, when you said this you state you saw
4 this lady taking every word you said?

5 A Yes, I did see her take it down.

6 Q Okay, did something else happen after that?

7 A Yes, Mr. Caballero told me to calm down and be
8 quiet, and he instructed the court reporter to tear off that
9 portion of what she took down and destroy it.

10 Q Well, did you in fact see her do that?

11 A In fact I did see her take it, tear it off and
12 destroy it.

13 Q Was the machine similar to the type that this
14 gentleman is using?

15 A It was very similar. It looked almost identical
16 to that one.

17 Q Okay, now, she tore it out, correct?

18 A She tore it out.

19 Q What did she do with that torn portion?

20 A She put it in a tablet and Mr. Caballero,
21 I made him promise me to take it and keep it.

22 And he told me -- he promised me he was going to
23 take it and tear it up.

24 Q So then did you finally give your life story?

25 A I sat there and give my life story. I saw how
26 far I could go with the people.

They were not going to look at my reality, the
reality that is the truth.

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1 Q Well, did Mr. Caballero or anyone in the room
2 say to you that this portion is going to be used for your
3 trial?

4 A No, they did not.

5 Q What did they say they were going to do with
6 the statement of yours?

7 A Mr. Caballero said he was just going to have
8 it torn up.

9 I told him, I said, would you --

10 In fact, during the course of my interview
11 I tried to slip in key words into the stenographer's
12 report that what I said at the Grand Jury was a lie.

13 I said it four or five times during my inter-
14 view, and each time I said it Mr. Caballero instructed
15 the court reporter to take that portion and rip it out.

16 Q Did she in fact rip it out?

17 A She did.

18 Q How long did this meeting last?

19 A Long enough for me to get through with what
20 they wanted to hear about my life story.

21 Q Well, was that about an hour, two hours?

22 A About an hour or an hour and a half, and then
23 I just got up, left and went back to my cell.

24 I didn't want to have anything more to do with
25 Caballero from that moment on.

26 Q Did you have any conversation with Caballero

1 after you talked to Jerry Cohen and you gave your life
2 story?

3 A Yes, yes, Mr. Cohen and the court reporter
4 went out to wait in the reception waiting room or whatever,
5 and I looked at Mr. Caballero and I said "Why don't you
6 believe me? I lied. Would you rather believe a lie and
7 convict these -- and have everyone else that I lied about
8 convicted on a lie?

9 "Won't you please let me speak the truth?"

10 And he said, "What you told me in the beginning
11 was the truth."

12 And I said, "No, it wasn't."

13 Q Well, did Jerry Cohen say he was going to
14 publish a book with your statement?

15 A At that time I didn't know that -- you mean my
16 statement about the lie?

17 Q No, your life story you gave them.

18 A No, just my life story, that is all I under-
19 stood was going to be said, just from the time I was born,
20 my childhood, what it was like at home, what my parents
21 were like, my education, my life from the time I met
22 Charlie to the time I was arrested in Inyo County, and
23 that is all I knew and understood would be published.
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1 Q Is that what Jerry Cohen said to you?

2 A That is what I was told, yes.

3 Q By Jerry Cohen?

4 A Yes.

5 Q And Caballero?

6 A Yes.

7 Q Did you ever meet Lawrence Schiller?

8 A I never met the man before in my life. I
9 wouldn't even know him if he was in the courtroom right now.

10 I have had descriptions of him.

11 The description is that he was a big man with
12 dark hair and he is heavy-set. And there are a lot of big
13 men with dark hair and are heavy-set.

14 I wouldn't know what he looked like.

15 Q Now, after that, did you see Mr. Caballero again?

16 A Yes.

17 And every time I saw him I just -- I would tell
18 him, "Get me out of lockup. Let me speak the truth, or I
19 will denounce you publicly in court."

20 I said, "I want to see Charles Manson on my own.
21 I don't care if you are there. I don't care how it goes.
22 I want to see Charlie."

23 And he kept telling me, "Well, you will see
24 Charlie and I will get you out of the lockup."

25 And he kept pushing me off, and he kept holding
26 me down and holding me down.

1 And I stayed in the lockup for a period of, al-
2 together it was four months in solitary, incommunicado.

3 The only mail I got was from one young man that
4 lives up in Topanga Canyon. The only visitor I had was one
5 young man in Topanga Canyon who wanted to take me away from
6 it all, and have me go live up in the mountains. And that
7 is the only communication I had with anybody other than
8 the police.

9 And many, many times I told Mr. Caballero that
10 I was going to publicly denounce him as my lawyer if he did
11 not allow me to go see Charles and to speak the truth.

12 Q Okay.

13 Now, you gave your statement of your life.

14 Did anyone later come back and show you a proof
15 of what you said?

16 A No.

17 Q That day?

18 A No.

19 Q About your life?

20 A No. None. No proof at any time.

21 Q Did anyone tell you after that they are going to
22 publish a book, The Killing of Sharon Tate?

23 A No.

24 I didn't find that out until after I was out of
25 lockup. You got me out of lockup. If it hadn't been for
26 you, I wouldn't have gotten out of lockup, I would have still

1 been incommunicado on it.

2 Q Did you later see this book, The Killing of
3 Sharon Tate?

4 A I saw it later in the courtroom.
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1 MR. SHINN: Your Honor, may I approach the witness?

2 I have here the book The Killing of Sharon
3 Tate by Lawrence Schiller and Susan Atkins.

4 THE COURT: Yes.

5 MR. SHINN: Q Did you see this book before?

6 A I have seen it in this courtroom. I believe
7 in this courtroom is the first time that I ever seen it.

8 I asked you one day to bring it out to me
9 to the jail so I could look at it.

10 Q Now, on the third page it states here "Copy-
11 righted 19" -- I can't read it.

12 Now, what does it say?

13 A "1969-1970 by 20 Pimlico, Inc."

14 Q And by?

15 A By Lawrence Schiller and Susan Atkins.

16 Q Did you, at any time, sign any documents
17 pertaining to copyrights?

18 A No, I did not.

19 Q Did you authorize anyone to sign in your
20 behalf a document concerning a copyright?

21 A No, I did not.

22 Q In other words, you have never copyrighted
23 this book; is that correct?

24 A That is correct.

25 Q And you have never met Lawrence Schiller in
26 your life?

1 A I have never met the man.

2 Q Now, did you again meet Mr. Caballero after
3 that last time?

4 A After the interview with Mr. Cohen and the
5 court reporter and Mr. Caballero?

6 Q Yes.

7 A Yes.

8 Q When was this?

9 A I believe in a day or so.

10 But this is all in the records at the jail.
11 It shows the exact dates. I do not know the exact dates.
12 He came to see me many, many, many times at the jail.

13 Q In other words, after you testified at the
14 Grand Jury, Mr. Caballero came out to see you, what,
15 twice a week, three times a week?

16 A Sometimes every day.

17 Q And did you know in your own mind that he
18 was a court appointed attorney for you?

19 A Yes. That is what he was to me.

20 And then he came to me one day and said
21 "They are going to sue you."

22 And I said, "Who is going to sue me and for
23 what?"

24 "He said, "The County of Los Angeles is going
25 to sue you because you now have money that is coming in
26 from a book that was sold."

1 Q Okay. Before you go into that.

2 Did you later go in front of a judge and
3 plead not guilty to these seven counts of murder and one
4 count of conspiracy?

5 A Yes, I did.

6 And Mr. Caballero was court appointed.

7 Q Then he represented you at that time; is that
8 correct?

9 A Yes.

10 MR. SHINN: May I approach the witness, your Honor?

11 THE COURT: Yes.

12 MR. SHINN: I have a document here, your Honor.

13 MR. BUGLIOSI: May I see it?

14 MR. SHINN: Entitled "Retainer Agreement," your
15 Honor.

16 (Mr. Shinn shows the document to Mr. Bugliosi.)
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1 THE COURT: Did you want that book marked for
2 identification?

3 MR. SHINN: May I have a moment, your Honor?

4 THE COURT: Yes.

5 (The defense counsel confer.)

6 MR. SHINN: Yes, your Honor. Next in order?

7 THE COURT: All right. The book will be marked P-CC
8 for identification.

9 What is the next exhibit you wish marked,
10 Mr. Shinn?

11 MR. SHINN: This next document, may that be marked
12 next in order, your Honor?

13 THE COURT: P-DD.

14 MR. SHINN: What was the number, your Honor?

15 THE COURT: DD.

16 MR. SHINN: Thank you, your Honor.

17 THE COURT: What is the description of the exhibit,
18 Mr. Shinn?

19 MR. SHINN: It is a retainer agreement, your Honor,
20 signed by Susan Atkins and Richard Caballero.

21 May I approach the witness, your honor?

22 THE COURT: You may.

23 MR. SHINN: Q Susan, I show you this document
24 entitled Retainer Agreement.

25 Have you seen this document before?

26 A Yes, I have.

1 Q I see your signature, Susan Denise Atkins.
2 Is that your signature?

3 A Yes, it is my signature.

4 Q And I see a signature by Richard Caballero.

5 A Yes, Richard Caballero.

6 Q Did he sign that in your presence?

7 A Yes, he did.

8 Q Now, this document is dated --

9 A January 22nd.

10 Q And that is in handwriting.

11 Was that put in in your presence?

12 A That is my handwriting.

13 Q You put that date in there?

14 A Yes. I believe that is the day that it was signed.

15 Q Now, did he explain to you what this document was
16 before you signed it?

17 A He explained to me that the County of Los Angeles
18 was going to sue me because I had written a book and money
19 was coming in from the book, and they would take all of the
20 money from the book because I have a court-appointed
21 attorney.

22 He explained to me: Now, the only way to block
23 that suit was to have him be my -- retain him as my own
24 personal lawyer.

25 At this time he had convinced me through many,
26 many talks to put a trust fund with this money for my son

1 Zeezoo.

2 And at the time, I thought it was a good idea.
3 I really didn't care.

4 I expressed to Mr. Caballero many times that he
5 could have all the money, if that is what he wanted.

6 And he would tell me no, we will do this and we
7 will do that with it.

8 And he explained to me that there is a portion
9 on this that says --

10 MR. BUGLIOSI: This is all hearsay, your Honor.

11 THE WITNESS: This isn't hearsay what I am about to
12 read.

13 THE COURT: Just a moment. There is no question
14 pending.

15 The objection is sustained.

16 MR. BUGLIOSI: Has the Court ruled?

17 THE COURT: Yes. The objection was sustained.

18 MR. SHINN: What was the objection?

19 MR. BUGLIOSI: It is hearsay.
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1 MR. SHINN: All right.

2 Q Now, did you notice the date of November the
3 26th, 1969, when you signed this document?

4 A Yes, I did, but it didn't mean anything to me
5 at the time.

6 I asked him what it meant.

7 Q Now, this date, it says that compensation for
8 the services rendered by the attorney commencing as of
9 November the 26th, 1969.

10 Now, you signed this contract on January the
11 22nd, 1970?

12 A That's right.

13 Q Did he explain what that back date was for?

14 A He kind of sloughed over it. He didn't
15 explain it clearly to me at all.

16 He just said, "That is when I was court
17 appointed for the first case."

18 And that was all he said about that.

19 And I didn't understand what he said, and I
20 accepted what he said, because I don't know anything about
21 contracts or law.

22 He was a lawyer, and I figured he knew what
23 he was doing.

24 And he evidently knew what he was doing.

25 Q Did he explain to you that you are retaining
26 him as of November the 26th, 1969, and not as of

1 January the 22nd, 1970?

2 A No.

3 I understood that I was retaining him as of
4 January 22nd, not November 26th, 1969.

5 Q That was your state of mind?

6 A That was my state of mind.

7 Q And your understanding at that time?

8 A That is correct.

9 Q And did he also explain to you that he is
10 going to take 50 percent of your share of the sale of
11 the book?

12 A Yes.

13 I asked him about that.

14 And he said 50 percent of my 60 percent.

15 When I said, "50 percent of my 60 percent,
16 what does that leave me with, 10 percent?"

17 And he said, "No. That leaves you with 30
18 percent of 60 percent. 50 percent is half of what you
19 are getting."

20 I said, "Take it all. I don't want it. I
21 want no part of it."

22 Q Did he explain to you between these two
23 documents here?

24 Now you are getting me confused too.

25 When you first signed this document on
26 December the 8th, 1969, did he explain that you were

1 getting 60 percent of the balance after Mr. Schiller
2 takes 25 percent?

3 A Correct.

4 MR. BUGLIOSI: I object, your Honor. This is not
5 a civil trial and this jury is not empanelled to hear
6 a civil case.

7 I object on that ground.

8 MR. SHINN: I want to explain the document.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: That is what I understood. In other
12 words, out of a hundred percent, Mr. Schiller would get
13 25 percent off the top. 60 percent out of the 75 percent
14 would come to me. And then 40 percent out of the 75
15 percent would go to Mr. Caballero.
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1 Q I see.

2 Now, after Mr. Sciller got his 25 per cent from
3 the hundred per cent, the balance would be another hundred
4 per cent?

5 A Yes. Correct.

6 Q And 60 per cent would go to you?

7 A Yes.

8 Q And 40 per cent would go to Paul Caruso and
9 Richard Caballero as your agents; is that correct?

10 A Yes. But I didn't understand it as an agent.

11 MR. BUGLIOSI: Irrelevant, your Honor.

12 THE COURT: Overruled.

13 MR. SHINN: Okay.

14 Q So now you signed this contract and you got
15 60 per cent of what was left out of the 75 per cent?

16 A Correct.

17 Q So now, when you signed this document, Mr.
18 Caballero took another 50 per cent from you; is that
19 correct?

20 A Yes.

21 He explained it to me that he was only taking --
22 like if I was to put it into numbers in my head, the way I
23 saw it, he was taking 30 per cent of 60 per cent, because he
24 explained 50 per cent of what I was getting was only half of
25 what I was receiving.

26 Do you see what I mean? Do you understand what I
am saying? It is clear to me.

1 Q All I know is that I think that he took another
2 20 per cent from you again.

3 A That is what he did, but that is not what he
4 explained to me.

5 Q Okay.

6 So when you signed this contract on January the
7 22nd, 1970, did he tell you how much money came from the
8 book at that time when you signed this contract?

9 A No.

10 MR. BUGLIOSI: I object on the ground that it is
11 irrelevant, and a conclusion, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: No, he didn't. He just told me that
14 it was selling.

15 And I asked him to bring the book up to show me.
16 And he never did. He never got around to it.

17 Q If you knew that this contract, this Retainer
18 Agreement, was back-dated to October -- I mean, November,
19 1969, would you have signed this contract?

20 A No, and I wouldn't have signed the first one
21 either, if I had known he would have written in something
22 after.

23 Q Now, after you signed these contracts with
24 Mr. Caballero, did he, at any time, talk about your two
25 criminal cases?

26 A About my criminal cases?

1 Q Yes.

2 A He had made arrangements with a psychiatrist
3 from New York to come fly out and see me.

4 And I told him I wouldn't see him.
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1 Q Okay.

2 A He took many tape recordings, many, many
3 tape recordings, out at the jail, an hour and a half,
4 and then there was another half hour, and then another
5 hour and a half.

6 And I told him to destroy every one of them.

7 Q Now, after he took over this Tate-La Bianca
8 case for you, did he file any motions in your behalf
9 or did he take you to court on various motions?

10 A I think I went to court with him maybe once
11 or twice.

12 The records are clear. I don't remember ever
13 going into any big courtroom proceedings with motions,
14 et cetera, with him.

15 Q Okay.

16 Did he later tell you that he is going to
17 defend you or has a deal for you, or something like that?

18 A He told me almost absolutely nothing. He
19 hid from me so much that was going on.

20 Q You mean, after you signed these two contracts?

21 A Yes. He hid a lot from me.

22 And every time I saw him, I told him, basically,
23 I want out of lockup, I want to get back into the flow
24 of the jail, and I want to see Charlie. And if you don't
25 do what I ask you to do, then I am going to fire you.
26 And I don't care about no lawsuits, I don't care about

1 this case. I want to talk to someone that I can communicate
2 with, because I couldn't talk with him. He would not
3 listen. He believed what he wanted to believe, and I
4 could get no further than that.

5 Q Okay.

6 So after that, did any police officers talk
7 to you?

8 A At the jail?

9 Q Yes. Or any place else.

10 A I communicated with a lot of police officers.
11 Just "Hello. How are you." Et cetera.

12 Q My question is: Did they come to you and see
13 you and talk to you at Sybil Brand?

14 A Yeah.

15 I forget who it was. They came out and they
16 asked me if I knew anything about that Shorty O'Shea.

17 Q Now, was your attorney present at that time,
18 the one you hired?

19 A Mr. Caballero?

20 Q Yes.

21 A Yes.

22 Q He was there?

23 A Yes.

24 MR. BUGLIOSI: May we approach the bench, your
25 Honor?

26 THE COURT: Very well.

1 (Whereupon all counsel approach the bench and
the following proceedings occur at the bench outside of
3 the hearing of the jury:)

4 MR. BUGLIOSI: Your Honor, I can't believe what is
5 going on here.

6 He is talking about Shorty O'Shea now.

7 MR. SHINN: I am not talking about Shorty O'Shea.

8 MR. BUGLIOSI: You are asking questions in which
9 she is talking about these things.

10 Are you deliberately trying to do this? I'd
11 like to know.

1 MR. SHINN: Mr. Bugliosi, I didn't expect that
2 answer.

3 MR. BUGLIOSI: Didn't you interview her before you
4 put her on the stand?

5 MR. SHINN: Yes. We all did.

6 I am trying to get from her the conversation
7 that she had with the homicide detectives.

8 MR. BUGLIOSI: But you are hurting yourself if you
9 bring in other murders, and you are hurting the co-defendants

10 This is ridiculous.

11 MR. SHINN: I don't need any advice from you,
12 Mr. Bugliosi.

13 THE COURT: Just a moment.

14 I am not so sure that is true, Mr. Shinn.
15 I have felt it necessary to call to the attention of defense
16 counsel since the penalty phase things that appeared perfectly
17 obvious to me that would injure the defendants, but for
18 one reason or another defense counsel thought otherwise,
19 which as a tactical matter may be perfectly all right.
20 I just wanted to make sure that you were aware of it.

21 But now this is something else. I think the
22 record should be perfectly clear precisely what Mr. Bugliosi
23 is saying:

24 Mr. Bugliosi, would you state what it is you are
25 referring to so the record will indicate that Mr. Shinn has
26 been forewarned?

1 MR. BUGLIOSI: Yes.

2 Shorty O'Shea, as I understand it,
3 was a ranch hand out at Spahn Ranch, and sometime in late
4 August, 1969 he allegedly was murdered and decapitated, and
5 the allegation is that he was murdered by Manson, Bruce
6 Davis, and several other members of the Family.

7 THE COURT: Who are presently under indictment.

8 MR. BUGLIOSI: Who are presently under indictment for
9 murder of Shorty O'Shea.

10 And when Susan Atkins blurts this out during
11 this trial that homicide officers talked to her about the
12 murder of Shorty O'Shea, this cannot help but inure to the
13 detriment of not only Susan Atkins but all the defendants.

14 MR. SHINN: You forget that the jury is sequestered.

15 MR. FITZGERALD: I agree with that.

16 Do you agree?

17 MR. KANAREK: Yes.

18 May I be heard?

19 MR. FITZGERALD: I agree that it really has no place
20 in this proceeding at all.

21 Maybe we ought to talk to the witness.

22 MR. KANAREK: First of all, I'd like to point out
23 that I do not agree with Mr. Shinn.

24 I offer to be sworn on it once again and I ask
25 for an evidentiary hearing under the equal protection
26 clause and due process under the Fourteenth Amendment of

1 the Constitution.

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3 THE COURT: Is there anything you do agree with him
4 on?

5 MR. KANAREK: When he says that we have all spoken
6 with Susan Atkins, this is not true. I have not spoken
7 with her. I have deliberately stayed away from her.
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1 THE COURT: Get to the point.

MR. KANAREK: I want to make the record.

3 MR. FITZGERALD: The point is that you don't know
4 what she is going to say.

5 MR. KANAREK: Yes, that's right. She is not my
6 witness. I am not offering her.

7 Furthermore, I'd like to point out to the Court
8 that there is another defendant, Steve Grogan, or Clem
9 Tufts, who is also a defendant in the O'Shea case.

10 I ask your Honor to admonish the jury not to
11 consider this statement concerning Shorty O'Shea for any
12 purpose. And mere admonishment not sufficing, I ask for a
13 mistrial.

14 THE COURT: She hasn't said anything. She just
15 mentioned the name.

16 MR. KANAREK: Yes. But I ask for a voir dire of
17 the jury and an evidentiary hearing, because I do believe
18 that notwithstanding the sequestration that those jurors
19 know about the O'Shea case.

20 THE COURT: You have stated that at least a hundred
21 and fifty times since the trial started.

22 MR. KANAREK: How can we implement it?

23 THE COURT: That is frivolous.

24 MR. KANAREK: May I be heard briefly, your Honor?

25 MR. FITZGERALD: I didn't have any knowledge that
26 she was going to testify about O'Shea.

1 She ought to be cautioned not to mention
2 anything about it.

3 MR. BUGLIOSI: Yes. Not to blurt anything out.

4 MR. SHINN: When I said that we had a talk with her,
5 I meant Paul Fitzgerald and myself.

6 THE COURT: Where are you trying to lead this witness?
7 Into what area of testimony?

8 MR. SHINN: Right now?

9 THE COURT: Yes.

10 MR. SHINN: She said she talked to some homicide
11 detectives.

12 THE COURT: What is the relevancy of that?

13 MR. SHINN: To show that she cooperated with the
14 police.

15 I have a right to show that, your Honor.
16 Not in another homicide, but the same case.

17 I didn't know she was going to say that.

18 MR. BUGLIOSI: She never spoke to any other officers
19 on the Tate-La Bianca matters.

20 MR. SHINN: She told me she did.

21 MR. BUGLIOSI: Not on Tate-La Bianca.

22 I think I am the only law enforcement officer,
23 so far as I know, that ever spoke to her on the Tate-
24 La Bianca case. I don't think anyone else ever has.
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1 MR. FITZGERALD: There is an objection pending on
2 the ground that it is immaterial and irrelevant, and I
3 will join that objection.

4 MR. KAY: Let me advise you, Mr. Shinn, if you go
5 into the fact that she was aiding law enforcement officers,
6 it is the position of Whiteley and Guenther that she did
7 not, and they will so testify.

8 They said she personally led them away from
9 where Shorty O'Shea was buried.

10 MR. SHINN: I am not talking about O'Shea. I am talking
11 about Tate-La Bianca.

12 MR. BUGLIOSI: But she might blurt it out.

13 THE COURT: The objection is sustained.

14 MR. KANAREK: May I have a ruling on my motion, the
15 motion for mistrial?

16 THE COURT: You are wasting time. Your frivolous
17 motion has been denied a number of times already, Mr.
18 Kanarek.

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

5 (Mr. Fitzgerald and Mr. Shinn confer with the
6 witness.)

7 BY MR. SHINN:

8 Q Now, did Mr. Caballero, your attorney, later
9 tell you that for your testimony at the Grand Jury that
10 he is working in your behalf?

11 A Yes.

12 Q Or for your benefit?

13 A Yes. And everyone that was concerned with me.

14 Q Okay.

15 Did he give you any details of what he was
16 doing for your benefit?

17 A No.

18 Q Did you ask him?

19 A Every time I would begin to inquire, he would
20 change the subject.

21 Q This is after your testimony at the Grand Jury?

22 A Yes.

23 Q Did you ever talk to Mr. Caruso after that?

24 A No. Not until just about a week and a half
25 ago, the last time I was in court in another case.

26 Q Weren't you curious about what the benefits was

1 that you were going to receive for your testimony?

2 A I believed that it was already done.

3 Q Did he, at any time, tell you that he had
4 a deal worked out for you, don't worry?

5 A No.

6 He tried to push me into testifying for the
7 prosecution. The more he tried to push me to testify for
8 the prosecution.

9 And they wouldn't let me out of lockup and
10 wouldn't allow me to see who I wanted to see or do what I
11 wanted to do.

12 I asked him to do what I wanted him to do.
13 I said, "I will fire you, man, if you don't do what I want
14 you to do. I am not going to play any more games with you."

15 And then he would get up and leave and come
16 back and see me and try all over again.

17 And finally I was allowed to go over and see
18 Charles.

19 Q Now, do you sometimes call yourself Sexy Sadie?

20 A Have I ever called myself Sexy Sadie?

21 Q Was that a nickname of yours?

22 A Someone called me Sexy Sadie once and it was
23 picked up and carried on.

24 I believe it came from a Beatles song.

25 Q What does Sexy Sadie mean to you?

26 A Nothing. Absolutely nothing. It is a song.

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

THE COURT: Yes.

MR. FITZGERALD: I have a few questions.

(Defense counsel confer.)

MR. SHINN: Nothing further.

MR. FITZGERALD: I have a few questions, if I might.

THE COURT: Very well.

CROSS- EXAMINATION

BY MR. FITZGERALD:

Q Miss Atkins, as far as you are concerned, to your knowledge, why was Sharon Tate, Abigail Folger, Voityck Frykowski and Steven Parent killed?

A To my knowledge, why did I go and do what I did? Because I believed it was right to do anything to get my brother out of jail.

And I still believe it was right.

1 Q Why did you go to 10050 Cielo Drive, the
2 Polanski residence?

3 A Linda Kasabian brought up that place.

4 Q Now, you previously testified as to something
5 about some narcotic or dangerous drug transaction between
6 Linda Kasabian and the people who resided up on Cielo Drive,
7 is that correct?

8 A That is correct, that is what my understanding
9 was, that is about as far as it went.

10 Q And did you achieve your knowledge as a result
11 of some conversation with Linda Kasabian?

12 A Not direct conversation between her and me per se,
13 just the two of us. It was conversation between four of
14 us.

15 Q But did you receive your knowledge as the result
16 of Linda Kasabian telling you something about some narcotic
17 or dangerous drug transaction?

18 A Yes.

19 Q Who was it at the Polanski residence that she
20 had been involved in this narcotic or dangerous drug
21 transaction with?

22 A She never said the name, she just said it was a
23 man.

24 Q Did you know who lived at Cielo Drive when you went
25 up there on the evening of August 8th?

26 A No.

1 Q Was there any conversation between yourself
2 and Linda Kasabian or yourself, Linda Kasabian and anybody
3 else on the way from the Spahn Ranch to Cielo Drive about
4 what was going to occur when you got there?

5 A As far as I understood, we were going up to get
6 money, and that is all.

7 Q And you were going to get money in order to
8 retain legal counsel to represent Robert Beausoleil, is that
9 correct?

10 A That was my --

11 That was what was in my head.

12 Now, also what was in my head were many ideas of
13 how to get my brother out of jail, copycat killings, get as
14 much money as we could.

15 If we did not want to do that, to retain a lawyer.

16 It didn't matter what we did as long as we got him
17 out of jail. That is what my state of mind was.

18 Q Now, you are mentioning two reasons, at least
19 two reasons you are saying.

20 A Many reasons were thrown around, Paul, I cannot
21 remember them all, but those were the two most prominent in
22 my mind.

23 Q And you say something about a copycat killing.
24 What do you mean by that?

25 A I have seen it done on television, I have read
26 about it in papers, you know, like Jack the Ripper went

1 around and did all kinds of crazy things to people, and
2 there is another one where they arrested a man for some kind
3 of a murder, and eight more murders happened before they
4 realized that the man that they had arrested for the original
5 murder wasn't the man that did it.

6 Q To your knowledge, when Gary Hinman was killed,
7 was he killed in his own home?

8 A Yes.

9 Q Did he die in his own home?

10 A Yes, it took a long time to kill him.

11 Q Was there some writing on the wall in blood at
12 the Hinman house?

13 A Yes, and I put it there.

14 Q What was the writing in blood on the wall at the
15 Hinman house?

16 A "Political piggy."

17 Q Now, when you say that one of your reasons to
18 go up there to Tate was a copycat killing --

19 A It was an idea. It wasn't a --

20 I had no definite reason at the time that that
21 was one of my thoughts.

22 Q Did you intend to write on the wall in blood
23 up at the Polanski residence?

24 A No, I did not intend to do anything, just to go
25 up there and just be there, and do what happened, whatever
26 it was.

1 Q At the time you wrote in blood on the door at the
2 Polanski residence "pig," was it your intention to somehow
3 copy what was done at the Hinman home?

4 A That was my intention.

5 Q And was it your intention therefor to lead the
6 police to believe that they had the wrong man, to-wit,
7 Robert Beausoleil, in custody for the Hinman killing?

8 A After the --

9 Q Was that your statement?

10 A After the first man was shot, that was my
11 intention, that was what was in my head.

12 Q In other words, you want to demonstrate to the
13 police and the authorities that the killer of Gary Hinman
14 was still at large?

15 A Correct.

16 Q And there was another reason, and that was to
17 "help your brother," is that right?

18 A To get him out of jail, that is the only reason,
19 and whatever I did and whatever I thought about doing, to
20 get him out of jail and to get him off the beef that he was
21 taking for me was right.

22 And I felt right in whatever I did.

23 Q And you wanted to get him off two ways.

24 One, by trying to demonstrate to the police.

25 A Anyway, anyway. What came down showed me that
26 that is a way.

1 If we had gone up there and robbed them, that
2 would have been a way.
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1 Q Well, did you rob them?

2 A I've got Abigail Folger to give me \$70. I asked
3 her if she had any money and she said yeah.

4 So I let her into the bedroom.

5 Q Did you have any specific information as to any
6 narcotic or dangerous drug transaction engaged in between
7 Linda Kasabian and anybody who may have resided up there at
8 the Polanski residence?

9 A Specific information?

10 No.

11 Q Did Linda Kasabian say who it was in any
12 respect?

13 A She just said it was a man and there was a
14 group of people that lived up in the house who had burnt
15 her.

16 And she knew they had been dealing bad dope
17 to a lot of people.

18 Around that time there was a lot of dope that
19 had like strychnine poison in it, and a lot of kids were
20 freaking out all over.

21 Q Now, you testified that Mr. Bugliosi offered
22 you some immunity, is that right?

23 A Immunity in respect that I would testify for
24 the prosecution at the actual trial.

25 The immunity was not discussed.

26 Q What did you take that to mean when he used the

1 word "immunity"?

2 What did you think that to mean?

3 A Cut loose, completely free.

4 Q It means you would not go to jail at all?

5 A Correct.

6 Q If you would what?

7 A If I would testify for the prosecution at the
8 trial against Charles Manson, Linda Kasabian, Patricia
9 Krenwinkel and Tex Watson, and it just did not make sense
10 to me.

11 Q Why didn't you do it?

12 A Why didn't I do it?

13 It didn't make sense.

14 Q What didn't make sense about it? You don't
15 want to spend the rest of your life in jail, do you?

16 A In jail, out of jail, it's all jail to me.
17 It's more jail outside than it is inside.

18 Q Now, you testified in regard to a question
19 by Mr. Shinn that actually you asked your lawyer to see
20 Charles Manson?

21 A Yeah.

22 Q Did you at some time see Charles Manson?

23 A Yeah.

24 Q Do you remember when and where that occurred?

25 A At the new County Jail in the evening. What
26 date it was I don't know.

3a-3 Q Was it shortly after you had these conversations?

2 Was it shortly after the period of time you
3 testified at the Grand Jury?

4 A Yeah it was right after he was indicted and
5 brought to Los Angeles, maybe a week, two weeks, three
6 weeks, I'm not sure exactly how long it was.

7 All I knew is that I was confused, I had to
8 face him, because I lied about him.

9 I had to look into his face and accept the fact
10 that I lied, and accept what I had done.

11 I have been going through many many changes in
12 the jail over what I had done in my lives at the Grand Jury.

13 Q You lied about Charles Manson at the Grand Jury?

14 A Yes.

15 Q You lied under oath?

16 A Yes. At the time I lied I believed it to be
17 real and true in my own imagination world.

18 Q Why did you lie about Charles Manson?

19 A He represents and has always represented to me
20 strength, and I needed his strength.

21 At the time I was telling the original story
22 to the two girls it was all fun and imagination trip.

23 I would like to explain to you that I spent a
24 lot of time down on Sunset Boulevard after the murders,
25 after the raid, before I went to the desert, and it seems
26 everyone that I would meet, all the young people I would

1
2 meet would come up and ask me, you know, or a conversation
3 would come around to killings.

4 MR. BUGLIOSI: Motion to strike as not responsive.

5 THE WITNESS: It is responsive, Vince, it has to do
6 with it.

7 MR. BUGLIOSI: May we approach the bench?

8 THE COURT: Very well.
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(The following proceedings were had at the bench out of the hearing of the jury:)

MR. BUGLIOSI: It seems to me, your Honor, there is an Aranda problem here.

THE COURT: What are you referring to?

MR. BUGLIOSI: He is eliciting testimony from her that she testified outside of this proceeding right here at the Grand Jury, and implicated a co-defendant, i.e., Charles Manson.

I think Mr. Fitzgerald has to know that.

Now --

THE COURT: He hasn't gone into what the lie was.

MR. FITZGERALD: I will defer to Mr. Kanarek. That is a problem I really had not thought of. I apologize.

MR. BUGLIOSI: My point is this:

Typically, under Aranda the violating party is the prosecution.

But, query, if the defense violates Aranda, and the Court does not intercede.

THE COURT: Is this really an Aranda problem?

MR. BUGLIOSI: I don't know. The only reason I came up here is to discuss, she is saying she made an out-of-court statement implicating Charles Manson.

THE COURT: How is this different from another case when a co-defendant testifies? I'm not talking about what a co-defendant said in a extrajudicial statement, I am

1 talking about what a codefendant says on the witness stand,
2 not out of court.

3 MR. BUGLIOSI: She is testifying that out of this
4 courtroom in an extrajudicial statement she made, she
5 implicated Charles Manson.

6 THE COURT: She isn't saying that yet.

7 MR. BUGLIOSI: She said she lied about Manson at the
8 Grand Jury.

9 THE COURT: So far no one has asked her what the lie
10 was.

11 MR. BUGLIOSI: But I think we are flirting with the
12 Aranda case, even though the defense is bringing it out.

13 I think we are flirting very dangerously with
the Aranda case.

15 THE COURT: I haven't heard Mr. Kanarek objecting.

16 MR. KANAREK: I am in agreement, your Honor.

17 MR. BUGLIOSI: With whom?

18 MR. KANAREK: With the District Attorney.

19 THE COURT: Why haven't you objected then?

20 MR. KANAREK: Nothing has happened. Nothing has
21 happened.

22 THE COURT: You mean you don't understand what's
23 happening?

24 MR. KANAREK: Yes, your Honor, I did. As your
25 Honor will recall this record reveals a long time ago I
26 said I wanted to approach the bench.

Aranda-Bruton -- and your Honor --

THE COURT: I don't know what you're talking about now.

MR. KANAREK: When she first took the witness stand.

THE COURT: What I am talking about is what is happening here this minute.

MR. KANAREK: Yes, I agree.

THE COURT: You don't want this witness to testify to what she told the Grand Jury about Mr. Manson, is that right?

MR. KANAREK: That's correct. I certainly don't.

THE COURT: You don't want that evidence to come out in this trial at all.

MR. KANAREK: No. I don't want her to say what she said Mr. Manson did, absolutely not.

MR. FITZGERALD: While it is true I did not ask her what she testified to at the Grand Jury, I did ask her why she testified as she did about Charles Manson in regard to the subsequent visit with Charles Manson.

I will follow the Court's directions and instructions.

If Mr. Kanarek wants me to forego this line of inquiry, I certainly will do it.

I have my own motives for doing it. I would just as soon not divulge or reveal them, but I recognize if Mr. Kanarek feels it may harm his client, I will back off of it.

1 THE COURT: Well, I am not sure at the moment whether
there is any Aranda problem involved.

3 MR. BUGLIOSI: The main reason I came up to the bench,
4 we seem to be going in that direction, and I think we are
5 flirting dangerously with it.

6 I want to ask the Court his position in the
7 matter.

8 I don't think there has been any Aranda
9 violation. I want to say that on the record, but we are
10 coming into an area where we'd better watch ourselves here.

11 The line of questioning to me was going in the
12 direction of Aranda.

13 THE COURT: Well, the only thing pending before the
14 Court at the moment is the motion to strike the answer as
15 not responsive, is that right?

16 The answer was non-responsive, no question about
17 that.

18 MR. BUGLIOSI: She was talking about something on
19 Sunset Boulevard, people talking about the killing.

20 I made a motion to strike that.

21 THE COURT: Right. So far I heard no objection
22 whatever out of Mr. Kanarek with respect to Mr. Manson.

23 MR. KANAREK: Well, no, your Honor, there has been no
24 statement.

25 MR. FITZGERALD: I make an offer of proof.

26 I have spoken with this witness with Mr. Shinn,

1 and in response to a question I addressed to her:

2 "Why did you lie at the Grand Jury with
3 regard to Mr. Manson?" she replied that she "wanted
4 the whole world to know about Charlie."

5 I make a representation to the Court that she
6 also told that to the prosecution; that the prosecution has
7 knowledge of the statement of Susan Atkins wherein she said
8 she wanted the whole world to know about Charlie, and Charlie
9 was a magnificent individual and this was her way to
10 bringing him to the attention of the whole world.

11 That is the answer I anticipated in asking the
12 question.
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1 MR. BUGLIOSI: You wanted that answer from her?

2 MR. FITZGERALD: I wanted that answer from her.

3 MR. KANAREK: Of course, your Honor, in that case if
4 I may, Aranda and Bruton referred --

5 THE COURT: Mr. Kanarek, all you have to do is
6 object at the appropriate time if you want to object.
7 And if you don't, just remain quiet.

8 MR. KANAREK: I am just saying, Aranda and Bruton
9 refer to confessions and admissions.

10 Aranda and Bruton does not refer to anything
11 else, and a statement like that would not be --

12 THE COURT: You don't suppose the People are really
13 going to leave it right there, do you? They have an
14 opportunity to cross-examine this witness.

15 MR. KANAREK: Well, I understand.

16 I understand.

17 MR. FITZGERALD: If the Court please, I have a
18 suggestion. It is about time to take the recess.

19 THE COURT: Let me just point out to Mr. Kanarek,
20 for Mr. Kanarek's benefit, because apparently he does not
21 seem to understand what is happening.

22 MR. KANAREK: I understand what's happening.

23 THE COURT: You are sure you do?

24 MR. KANAREK: I don't think the Court does, if I
25 may respectfully say that.

26 THE COURT: I understand very well what is happening,

1 Mr. Kanarek.

2 You want the best of all possible worlds, the
3 best of two possible worlds.

4 You do understand that if you permit this to
5 come in on direct examination without objection, the
6 People have the right to cross-examine this witness.

7 They don't have to accept your statement on
8 direct examination. You understand that, don't you?

9 MR. KANAREK: I understand, your Honor.

10 THE COURT: All right.

11 MR. KANAREK: And that is why at the very beginning
12 of her testimony I asked to approach the bench. I was
13 going to ask the Court to have an evidentiary hearing in
14 the way of Roni Howard and Virginia Graham as to this
15 witness.

16 And your Honor would not allow me to approach
17 the bench.

18 THE COURT: This is entirely different, an entirely
19 different matter. This is a co-defendant testifying
20 in her own trial.

21 MR. KANAREK: She was still a co-defendant earlier
22 when she was testifying, your Honor.

23 MR. FITZGERALD: The suggestion I have here is,
24 it is about time for the recess.

25 I will take Mr. Kanarek to the witness and in
26 Mr. Kanarek's presence we can discuss this.

1 I will ask her the question and she can answer.

2 MR. KANAREK: I am cross-examining her, I'm not
3 offering her as a witness, and that is clear.

4 I am not offering her. The Court made some
5 indication previously there was some kind of joint defense,
6 and all of that.

7 My position was she is adverse. She was a
8 witness to be cross-examined.

9 I say that respectfully to the Court, your
10 Honor.

11 MR. BUGLIOSI: It is^a/very confusing situation.

12 All I know -- There seems to be all types
13 of intrigues going on here.

14 THE COURT: Seems to be!

15 MR. FITZGERALD: There is.

16 MR. BUGLIOSI: In my humble opinion we are getting
17 closer to Aranda and I don't think the Court should permit
18 Mr. Fitzgerald to go any further in this area.

19 He will go opening up a barrel of worms.

20 THE COURT: In the absence of any objection I will
21 certainly let him go ahead.

22 MR. BUGLIOSI: Then I will object. I object on the
23 grounds that we may be approaching a violation of the
24 Aranda rule.

25 THE COURT: For all I know, Mr. Kanarek may want
26 this to come in for some reason of his own.

1 He is quite aware of the problem.

2 MR. KANAREK: I said I joined in the District
3 Attorney's objection.

4 THE COURT: There hasn't been an objection yet.

5 MR. KANAREK: Then I make a motion for a hearing
6 outside the presence of the jury.

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

8 (The following proceedings were had in open
9 court in the presence and hearing of the jury.)

10 THE COURT: Ladies and gentlemen, do not converse
11 with anyone or form or express an opinion regarding the
12 penalty until the case is finally submitted to you.

13 The court will recess for 15 minutes.

14 Counsel will please come into chambers.

15 (The following proceedings were had in the
16 chambers of the court outside the hearing of the defendants
17 and the jury, all counsel being present.)
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2 THE COURT: The reason I asked you to come in was
3 because I just wanted to mention something that I have
4 been thinking about and have an expression of opinion
5 that you might care to give.

6 It seems to me that in light of Susan Atkins'
7 testimony now, of course it lays bare all of those
8 things we spent so many months trying to keep from the
9 jury, that a good portion of the reason for sequestering
10 the jury is now dissipated.

11 As a matter of fact, the only thing remaining
12 that they don't know, that I know, that I can think of
13 at the moment, is the Shorty O'Shea matter.

14 When I say matter, I mean the matter of the
15 indictment of Manson and Atkins. Was it Atkins indicted in
16 that?

17 Manson is indicted in the murder of Shorty
18 O'Shea along with Hinman and Atkins is indicted in Hinman.

19 Those cases are consolidated.

20 MR. KANAREK: No, the District Attorney wants that.

21 THE COURT: In any event, that insofar as I know.

22 Perhaps you can enlighten me. That is the
23 only thing of an adverse nature affecting these defendants
24 that has not come out on this trial that still has not been
25 disclosed in this trial, so that --

26 MR. BUGLIOSI: There are other things, your Honor.

There is Manson's involvement in the

Tate-La Bianca case, as far as Susan Atkins is concerned.

2 THE COURT: I know, but Linda Kasabian's testimony
3 involved him.

4 Now, whether they believe one or the other is
5 another matter, but the point is, in this case you can
6 no longer claim they no longer know he is involved in this
7 case.

8 MR. BUGLIOSI: Under People vs. Terry the defense
9 is still trying to raise a doubt as to guilt, isn't that
10 right?

11 MR. FITZGERALD: That may be, that may be.

12 THE COURT: I think we are talking about two different
13 things.

MR. FITZGERALD: Right, we are.

15 THE COURT: All I am saying is, the only thing the
16 jury has not already heard which might conceivably prejudice
17 them in some way, this is what I am asking you, if I'm wrong,
18 correct me, is the matter of Shorty O'Shea.

19 MR. BUGLIOSI: My position is this:

20 No. 1, the defense right now is putting on a
21 defense that Manson was not involved in the Tate-La Bianca
22 murders.

23 Now, if the jurors are released from sequestra-
24 tion they might very well hear about Susan Atkins, in fact,
25 in this morning's paper, I think in the Los Angeles
26 Times they quote what Susan Atkins said in her book that

1 Charles Manson was the one who directed these murders,
2 which is directly antithetical to the position the defense
3 is taking now.

4 THE COURT: Susan already said she lied at the Grand
5 Jury, and she has already said that Charlie was not there
6 on either night; that she said yesterday.

7 MR.BUGLIOSI: Here we have a prior statement she
18.8 had made which is presently in the papers.

1 THE COURT: There cannot be any question in the jury's
mind what she said yesterday, that Charlie was not there,
3 and she said she testified before the Grand Jury.

4 How could they help but draw that conclusion?

5 MR. BUGLIOSI: That is why I came up to the bench,
6 because I thought there was an Aranda problem.

7 The implication was she put the hat on Charlie
8 at the Grand Jury. That is an out-of-court statement
9 implicating a codefendant.

10 MR. KAY: Also the fact is if these jurors are
11 released the press will just converge on them.

12 THE COURT: Gentlemen, I wasn't born yesterday, and
13 I think I understand what is happening.

14 MR. FITZGERALD: All right, good.

15 MR. KEITH: Good.

16 MR. KANAREK: Would your Honor fill me in? I don't
17 understand what your Honor says by what is happening.

18 THE COURT: Mr. Kanarek, in spite of those wide-open
19 blue eyes of yours, I don't think you are quite as innocent
20 as you would have me believe.

21 MR. KANAREK: Your Honor, I ask to be sworn. I have
22 not spoken to any one of these three, and these gentlemen,
23 Mr. Keith, Mr. Fitzgerald and Mr. Shinn will back me up.

24 I have not spoken to these people, to these three
25 defendants.

26 MR. KEITH: That is true.

1 MR. FITZGERALD: That is true.

2 MR. SHINN: That is true. He was not at the meeting
3 that night; just Keith Fitzgerald and myself.

4 THE COURT: I haven't been either, but that is not
5 necessary to understand what is happening.

6 MR. FITZGERALD: That is correct, your Honor, it is
7 not necessary to understand what is happening.

8 MR. BUGLIOSI: I have a very serious reason why I
9 vigorously oppose the jurors being released from
10 sequestration.

11 THE COURT: That is why I have you in here, that is
12 what I want to hear. I don't want to make an impulsive
13 move and then find out they are subject to a barrage of
14 adverse publicity which would in any way prejudice the
15 defendants.

16 MR. BUGLIOSI: My position, and I think I can state
17 it here freely is, the jury is not hearing it, so I can
18 state it here freely:

19 My position is that these other remaining
20 members of the Family are potential killers, and even if
21 they do not kill, they are certainly capable of attempting to
22 frighten some of these jurors, and if they are released to
23 their homes --

24 You are laughing, Mr. Shinn, and I find it so
25 incredible, I'm not even going to address myself to it.

26 MR. SHINN: You mean our lives are in danger, too.

1 after this trial?

2 THE COURT: That will be enough, gentlemen, I did not
3 bring you in here for this kind of colloquy.

4 MR. BUGLIOSI: But I fear, your Honor, I fear a phone
5 call in the middle of the night to one of the jurors and a
6 hang-up or an oink sound or something like that.

7 This could frighten the jury away from voting
8 for the death penalty for these defendants for fear of
9 retribution.

10 These girls are out on the street 24 hours a day,
11 out here on the corner. I think the Court has seen they are
12 completely dedicated to the Family.

13 You have seen it on the witness stand. They have
14 got X's on their foreheads. They totally consecrated their
15 lives to the Family.

16 THE COURT: Their testimony convinced me they are all
17 borderline mental cases.

18 MR. BUGLIOSI: There is further reason --

19 THE COURT: I am not sure which side of the border.

20 MR. BUGLIOSI: If they are released to their homes,
21 there is a distinct possibility that they might attempt to
22 frighten one or more of these jurors away from voting for the
23 death penalty, and I vigorously oppose that.

24 In addition thereto we still have the Shorty Shea
25 murder.

26 Every now and then there is something in the

1 paper implying that the Manson Family has been involved
2 perhaps in other unsolved murders.

3 It is my belief that the defense is going to
4 be through in a week and a half or two, anyway.

5 As long as we have gone seven months, I don't
6 see why we should have them released at this time. They
7 are going to have to be sequestered again at the time of
8 jury deliberations.

9 THE COURT: Well, this is what I wanted to hear.
10 I wanted your honest expressions of opinion to inform me
11 of things I may not be aware of.

12 I am aware of everything you said so far.

13 MR. FITZGERALD: I would like to address myself so your
Honor will be in possession of all of the facts.

15 It appears that my client, Patricia Krenwinkel,
16 will take the stand and also it appears that Mr. Keith's
17 client is likely to take the stand.

18 In addition to that I know of, conclusively I
19 know of approximately three more witnesses.

20 Other than that, or in addition to that, Mr.
21 Shinn has about five witnesses, and Mr. Kanarek has refused
22 to commit himself in terms of the number of witnesses he
23 has.

24 I am not saying that in derogation of Mr.
25 Kanarek, you know, for purposes known to himself he does
26 not want to reveal it. That is all right.

1 So I just want to address myself to this time
2 element. It may not be a couple of weeks, I hope it is,
3 I really hope very definitely that we will be finished
4 perhaps by the end of next week, but the way things go,
5 it may be another month or month and a half, particularly
6 if the prosecution decides to rebut.

7 MR. BUGLIOSI: We don't plan on any rebuttal right
8 now.

9 THE COURT: Do you care to reveal the nature of your
10 client's testimony at this time?

11 MR. FITZGERALD: Yes, it's going to be substantially
12 similar to Susan Atkins.

13 THE COURT: The reason I ask, because I want to --

14 Of course, they did not testify at the Grand
15 Jury, did they?

16 MR. FITZGERALD: They did not.

17 THE COURT: So we don't have that problem.

18 MR. KAY: Also we have Tex Watson coming back from
19 Atascadero and there will be a lot of additional publicity
20 about him.

21 THE COURT: The jury knows all about Tex Watson.

22 MR. KANAREK: Your Honor, if I may --

23 THE COURT: One point. Just a minute, as the record
24 now stands, Susan Atkins has said that she lied to the
25 Grand Jury, but no one has elicited how she lied or whether
26 in fact she did.

1 That has not been tested by cross-examination.

2 She has testified on the stand yesterday that
3 Manson was not involved in either murder, in substance.

4 MR. FITZGERALD: Correct.

5 MR. SHINN: She did not mention his name, that is
6 all.

7 THE COURT: The reason I mention it is because it is
8 Mr. Kanarek's client we are talking about, I want Mr. Kanarek
9 to fully appreciate just exactly what has been said and
10 what has not been said.

11 In other words, what I am saying is, Susan
12 Atkins has not testified so far that at the Grand Jury she
13 testified that Mr. Manson was not there, or not involved.

14 She has not said that.

15 And you will not be able to argue that, because
16 that is not evidence in this case.

17 In other words, you cannot have it both ways,
18 Mr. Kanarek.

1 MR. KANAREK: Well, your Honor, I think I can argue
2 inferences.

3 THE COURT: You can certainly use her testimony
4 yesterday to argue that Mr. Manson was not involved, but
5 you cannot say it was inconsistent from what she testified
6 to before the Grand Jury because we don't have that evidence.

7 MR. KANAREK: What I am saying, the prosecution has
8 said, and I'm sure we all agree, he has said in final
9 argument you are supposed to let your memory, or your mind
10 take wings.

11 MR. BUGLIOSI: I said give wings to the imagination.

12 But I also placed limitations upon it, not
13 to fly out of the courtroom.

14 THE COURT: You cannot deliberately misstate some-
15 thing that has been said, or say something has been said
16 that has not been said.

17 MR. KANAREK: One can make inferences.

18 THE COURT: One cannot make inferences out of a
19 vacuum.

20 MR. KANAREK: I am sure the Court understands what
21 I am saying. Over and above that I do make a motion
22 based on the equal protections of the law and due process
23 under the Fourteenth Amendment that we have an Aranda-
24 Bruton hearing as to this witness, Susan Atkins.

25 If the District Attorney is going to bring in
26 anything she said at the Grand Jury, I think Mr. Manson

1 has an equal right --

2 THE COURT: On the contrary, he is objecting to
3 anything.

4 MR. KANAREK: I don't know what he is going to do
5 on cross-examination.

6 THE COURT: Let's wait until we get there, I don't
7 know either.

8 MR. KANAREK: Out of an abundance of caution, since
9 we have had this purported excising, actually it was more
10 than --

11 THE COURT: If it is not coming in on direct,
12 he certainly won't be allowed to go into it on cross-
13 examination.

14 You don't have to worry about that.

15 That is not the point of what I am saying here,
16 Mr. Kanarek.

17 The point of what I am saying to you is, don't
18 assume something is in the record when it isn't.

19 MR. KANAREK: I understand that, your Honor.

20 THE COURT: In other words, you cannot go all possible
21 ways at the same time in a case like this.

22 If you want to object to this evidence coming
23 in, then it is not going to be in, assuming the objection
24 is sustained.

25 And you cannot argue that it was, or it is.

26 MR. KANAREK: Well, yes, what I am saying, I think

1 we should have an Aranda-Bruton -- and I do move for an
2 Aranda-Bruton type of hearing.

3 THE COURT: I see no necessity for it.

4 MR. MUSICH: If there is any conversation like that
5 coming in, you can ask for an offer of proof.

6 MR. KANAREK: By that time the same damage will be
7 done to Mr. Manson --

8 THE COURT: Counsel has offered to let you talk to
9 Miss Atkins along with them, both Mr. Shinn and Mr.
10 Fitzgerald.

11 MR. FITZGERALD: Correct.

12 THE COURT: You will find out exactly what this
13 witness is going to say.

14 MR. KANAREK: What she said she is going to say.

15 THE COURT: She is a defense witness. She is not
16 a prosecution witness. She is a defendant in this case.
17 She is a convicted defendant in the case.

18 MR. KANAREK: I understand that, your Honor.

19 THE COURT: All right, if you don't take advantage
20 of their offer, that is your problem.

21 MR. KANAREK: It is not a matter of not taking
22 advantage of their offer, it is a matter of can we depend
23 upon her doing on the witness stand what she said.

24 Your Honor himself has said they are not
25 dependable.

26 THE COURT: I just wanted to bring those matters to

1 your attention.

2 I don't intend to do anything about the
3 sequestration at the moment, and I certainly won't do
4 anything without consulting with you further.

5 But I did want to get your views.

6 MR. KAY: Your Honor, I wonder if at this time if
7 I could make a request, in view of Mr. Shinn putting Susan
8 Atkins on the stand, that the representations of Mr.
9 Fitzgerald and Mr. Keith -- I wonder if it wouldn't be
10 proper at this point for the Court to make inquiries of
11 these three counsel for purposes of appeal as to what the
12 strategy is in doing this, or maybe it is their clients
13 have left them no alternative.

14 THE COURT: Doing what, putting their clients on the
15 stand?

16 MR. KAY: Yes, putting Susan Atkins on the stand to
17 confess to the killing of Sharon Tate and the killing of
18 Gary Hinman.

19 I just wonder if maybe the Court should make
20 some inquiry of counsel.

21 THE COURT: I don't think they are under any
22 obligation to tell me if I asked them.

23 If they want to volunteer, I will listen.

24 MR. FITZGERALD: All I will say is it is done
25 advisedly.

26 MR. BUGLIOSI: For guidance rather than create error

1 in the record, does the Court feel I can cross-examine
2 on matters that would ordinarily violate Aranda, if
3 it is limited to impeachment?

4 I don't know. Is there any case on that?
5 I'm not sure about that point.

6 MR. KANAREK: I don't think that Aranda -- I think
7 with the language of Aranda and Bruton, it is so broad,
8 you cannot make an artificial demarcation between impeachment--

1 THE COURT: As I understand the law, a codefendant may
2 take the stand and testify implicating his codefendants.
3 This happens all the time.

4 MR. BUGLIOSI: Right, right, no problem with that.

5 THE COURT: The only problem is the accomplice rule,
6 corroboration.

7 MR. BUGLIOSI: Right.

8 THE COURT: Now, this particular aspect is slightly
9 different because rather than, say, for example --

10 "Well, she's gone beyond what she said yesterday,"
11 Mr. Manson was not involved or wasn't present on either
12 night.

13 Now, if Mr. Shinn continues, it may be she will
14 testify that at the Grand Jury she said Mr. Manson was
15 involved and he did order them to commit the Tate murders
16 and was present on the second night at the La Bianca house.

17 I am just speculating now. I don't recall what
18 her testimony at the Grand Jury was.

19 MR. KAY: That was her testimony.

20 THE COURT: But I had a hazy recollection that she
21 implicated Mr. Manson.

22 MR. KANAREK: That would be improper.

23 THE COURT: Well, now, just a minute. Now, this is
24 vastly different, of course, from some witness coming in
25 and saying that Susan told this witness outside of court
26 at some time in the past that Mr. Manson was involved and

1 masterminded the murders, and was present on the second
2 night, and so forth.

3 Here what Susan has done was testify before the
4 Grand Jury. That is a fact. That is a matter of public
5 record. She did so testify, whatever it was.

6 MR. BUGLIOSI: Can I bring that in for impeachment
7 purposes?

8 MR. KANAREK: I would say no, your Honor.

9 MR. FITZGERALD: She has admitted she testified
10 before the Grand Jury.

11 MR. BUGLIOSI: She has not admitted that she implicated
12 Manson. She has not admitted that Manson directed the
13 murders.

14 THE COURT: Certainly it is a prior inconsistent
15 statement, but that is only part of the problem.

16 MR. BUGLIOSI: Right.

17 THE COURT: The other problem, if it implicates a
18 codefendant, because she testified about him in the Grand
19 Jury, is it excluded on some ground?

20 MR. BUGLIOSI: On the grounds of Aranda. I certainly
21 would like to cross-examine her on that, but I don't want
22 to do it.

23 THE COURT: Why is that any worse than if she gets on
24 the stand and testifies about a codefendant?

25 MR. KEITH: Suppose she said that Leslie Van Houten
26 masterminded the murder, wouldn't I have the right to

1 impeach her on her Grand Jury testimony to show that on
2 previous occasion under oath that she said the same thing
3 about somebody else, and nothing about Leslie Van Houten?

4 MR. KANAREK: Not in a joint trial you can't.

5 MR. KEITH: I would be ruined if I were not allowed
6 to do that.

7 MR. KANAREK: But Aranda makes the point, that is why
8 you have separate trials.

9 If you have a joint trial you have to excise
10 and delete, and Aranda does not make any distinction whether
11 it was done at the Grand Jury or whether it was done at a
12 beer parlor.

13 It is still a statement within the purview of
14 the Aranda-Bruton doctrine.

15 THE COURT: I am not convinced of that at all.

16 MR. KANAREK: Let's take Aranda down again, I think
17 I can show your Honor --

18 MR. FITZGERALD: Let me ask you a question,
19 Mr. Bugliosi, is it your position that because she stated
20 now she lied at the Grand Jury, that you are entitled to
21 go back and ask her every bit of what she testified at
22 the Grand Jury, whether it is a truth or whether it is a lie?

23 MR. BUGLIOSI: I wasn't planning on doing that.

24 MR. FITZGERALD: But could you?

25 MR. BUGLIOSI: I don't know, but she testified that
26 Linda Kasabian directed the La Bianca murders.

MR. FITZGERALD: That is correct.

MR. BUGLIOSI: Now, can I bring out at a prior occasion, i.e., the Grand Jury, she testified Manson, not Linda Kasabian, directed the murders.

MR. FITZGERALD: As a matter of fact, that was my next line of inquiry. I was going to ask:

"Did you testify at the Grand Jury about what you testified here in connection with Linda Kasabian?"

Because I know you are going to do that on cross-examination.

Technically it is better for me to bring it out than it is for you.

MR. BUGLIOSI: I don't know if I can do that.

MR. KANAREK: If that is Mr. Fitzgerald's intentions, a fortiori, or something like that, if you want to get poetic about it, I request a hearing outside the presence of the jury, an Aranda-Bruton excising.

THE COURT: You don't need a hearing, Mr. Kanarek, you have a copy of the Grand Jury transcript.

MR. KANAREK: Let's go over the transcript, the same way we went over these letters of all the statements of Roni Howard and Virginia Graham.

I think we have an obligation to do that. I do ask that be done on the basis of equal protection of the law, due process and the Fourteenth Amendment.

As to Mr. Manson, Susan Atkins has an adverse

1 position as far as this personality phase is concerned
2 and certainly I think your Honor agrees with me this is
3 analogous to, in a sense, that we have to --

4 THE COURT: I think this is one of those situations
5 where really all that is involved is impeachment, because
6 she has testified as to what, in fact, happened on the
7 nights.

8 She did that yesterday.
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1 MR. KANAREK: I know, your Honor.

2 THE COURT: She clearly has the right to do that,
3 no matter who it implicates.

4 MR. KANAREK: But the prosecution, if you balance --

5 THE COURT: Just a minute now, she's already done
6 that. She has testified as to what happened on the actual
7 nights of the crimes.

8 MR. FITZGERALD: Correct.

9 THE COURT: Now, whether she is lying or telling the
10 truth is beside the point for the purpose of these
11 discussions.

12 All the people will be trying to do is to try
13 to impeach that testimony by showing that ^{at} the Grand Jury
14 she testified some other way.

15 MR. KANAREK: You cannot do it because of Aranda
16 and Bruton, your Honor, you cannot do it.

17 THE COURT: I think this matter involves only
18 impeachment, and does not involve Aranda and Bruton at
19 all.

20 MR. KANAREK: But that is why they say, in Bruton,
21 it's like tell a little boy to stand in a corner and
22 not think of white elephants.

23 Your Honor is going to exhort and tell the
24 jury that this is only impeachment.

25 Now, that may be okay, perhaps in a judge
26 trial, and the Court indicates even in a judge trial you

1 cannot make that distinction.

2 Here Bruton says juries cannot make that
3 distinction, your Honor.

4 THE COURT: I am not even sure it is limited to
5 impeachment.

6 MR. FITZGERALD: It is not limited to impeachment.
7 Green vs. California reenacts, I guess, the Evidence Code
8 provision.

9 MR. KANAREK: But Mr. Manson did not make these
10 statements.

11 MR. FITZGERALD: We understand that, but we are
12 assuming certain impeachment questions are going to be
13 asked, and then you are talking about a jury being
14 advised it has a limited effect and what the judge and I
15 are saying is we don't think such a request to the jury
16 should be honored because it is not coming in for a limited
17 purpose.

18 MR. KANAREK: These are not Mr. Manson's statements.
19 The only reason that Juan Flynn's statement came in is
20 because purportedly Mr. Manson said it.

21 Mr. Manson is a defendant here, and the Aranda-
22 Bruton problem has to do with statements made by Susan
23 Atkins, not by Mr. Manson.

24 MR. BUGLIOSI: I think it has to be researched.

25 Before I commence my cross-examination, I
26 mean, if they finish direct examination at 4:00, I would

1 like to recess early because I don't know what the law is.

2 It seems to me I can do it for the sole purpose
3 of impeachment.

4 Maybe I can't; I don't know.

5 MR. FITZGERALD: As I said up at the bench, if Mr.
6 Kanarek asks me to I will stop the line of inquiry.

7 MR. BUGLIOSI: But even if you do stop now, Paul,
8 I am still wondering can I bring in the fact that at the
9 Grand Jury she said it was not Linda Kasabian, it was
10 Charlie who directed these murders, solely for impeachment.

11 MR. KANAREK: That is the point, that is the very
12 point we are talking about, Mr. Bugliosi.

13 I think Bruton makes it clear, the United
14 States Supreme Court said you cannot make that distinction.

15 Like Stein vs. New York and those cases, no
16 matter how much you tell them about it you are not going to
17 get the results.

18 The United States Supreme Court has said it
19 and the California Supreme Court has said it.

20 THE COURT: That is a factual situation. The facts
21 are neither Bruton nor Aranda.

22 MR. KANAREK: They are statements of Susan Atkins',
23 your Honor.

24 THE COURT: Of course I really don't understand
25 what you are objecting to, Mr. Kanarek.

26 MR. KANAREK: I don't want that jury to know --

1 I object to that jury being told that Susan
2 Atkins stated that Mr. Manson directed these murders.

3 THE COURT: If they are not told that, do you really
4 think they are going to believe her testimony in the light
5 of her statements that she lied at the Grand Jury?

6 MR. KANAREK: I would say that the cause of justice
7 for everybody, the People of the State of California and
8 everyone, would be for us to depart this court and make
9 it a life sentence without --

110 THE COURT: I am sure you would like that, Mr. Kanarek.

111 MR. KANAREK: Your Honor, I think the cause of justice,
112 I think because of whatever has happened in this courtroom,
113 I think that it would be fitting for us to allow this,
114 especially with these matters that are coming in in connection
115 with Mr. Caruso and Mr. Caballero.

116 THE COURT: Suppose Mr. Caballero testifies, as he
117 may very well, that what Susan Atkins told him was
118 exactly what she testified to at the Grand Jury.

119 In other words, suppose he denies all of these
120 things she said about him this afternoon, all the unpleasant
121 things.

122 Suppose he denies that.

123 MR. KANAREK: Well, admittedly we haven't come to
124 his testimony yet, but what I am saying, the posture of
125 this case being what it is, I think the Court would be
126 doing a service for the administration of justice.

1 THE COURT: Let's not get into that.

MR. BUGLIOSI: May I ask the Court a question?

3 Does the Court feel that all of this is
4 admissible about the contract?

5 Does the Court feel that way?

6 THE COURT: I thought that the reason Mr. Shinn was
7 examining this client was to lead up to the Grand Jury
8 testimony so that he could show what she testified to and
9 why she did it.

10 MR. BUGLIOSI: This was after the Grand Jury
11 testimony. Now he is bringing out evidence about contracts.

12 THE COURT: What contracts?

13 MR. BUGLIOSI: These contracts between Caballero and
14 Susan Atkins for the sale of a book.

15 I don't see the relevance. I objected to it a
16 couple of times.

17 The Court overruled my objection.

18 THE COURT: Given it is part of the background, the
19 commercial aspect of Susan Atkins' initial contact in this
20 case and also I was anticipating, if Mr. Caballero it
21 certainly would go to his motivation one way or the other.

22 I agree that is anticipative, but there is a
23 wide latitude in a penalty trial.

24 I agree everything is not relevant, but there
25 is a lot that is relevant.

26 MR. SHINN: It goes to show she was ineffectively

1 represented.

2 MR. BUGLIOSI: The point is we never introduced her
3 testimony at the Grand Jury.

4 MR. SHINN: That is beside the point. This is the
5 penalty phase now, Vincent, we have a right to show she
6 was not represented effectively.

7 People vs. Terry brought up the issue whether
8 or not you should have an attorney at the lineup.

9 That was brought up in the penalty phase.

10 MR. BUGLIOSI: That is as to the issue of guilt or
11 innocence.

12 The fact she testified at the Grand Jury has
13 nothing to do with guilt or innocence. We never used it
14 against her at the trial.

15 THE COURT: Mr. Shinn is trying to show at the time
16 she testified at the Grand Jury she was under some
17 kind of pressure and compulsion and confusion.

18 MR. FITZGERALD: Exactly.

19 MR. BUGLIOSI: Assuming that to be true, what relevance
20 does it have now? We never introduced her testimony at
21 the Grand Jury.

22 If we had you could say this is all relevant
23 to show that her testimony at the Grand Jury was not
24 truthful and therefore tell the jury not to believe it
25 during the trial.

26 But we did not offer that testimony.

1 THE COURT: Apparently he wants the jury to know
2 that she lied, isn't that right, Mr. Shinn, at the Grand
3 Jury?

4 MR. SHINN: That's right.

5 THE COURT: I can't imagine any other reason he's
6 taken all the time to lead up to it if he didn't intend to
7 ask her what she said.

8 MR. BUGLIOSI: But the jury did not know what she
9 said at the Grand Jury because we did not offer it at the
10 trial.

11 THE COURT: I understand all of that, but he doesn't
12 think so.

13 In other words, he is trying to show her
14 present condition arises out of --

15 MR. BUGLIOSI: Is somewhat traceable to that?

16 THE COURT: Yes. I agree it appears to be far-
17 fetched, but in the penalty phase, I don't think that is a
18 valid objection.

19 It may be far-fetched if it has some relevancy
20 to it.

21 MR. BUGLIOSI: I would make a request, your Honor,
22 and I think to save time on any of these far-out issues
23 like the sale of a book, now they are subpoenaing the
24 Los Angeles Times, that we have a conference in chambers,
25 in chambers and not out there, even though the jury is not
26 present, Mr. Kanarek gets up and makes an allegation that is

1 for the world press, even though there is no basis for
2 it.

3 The allegation is picked up by the world press.
4 'I think it should be handled back here in chambers. Then
5 if the Court rules this evidence is admissible, then we can
6 go out in the court.

7 But to permit Mr. Kanarek or Mr. Shinn to get
8 up there and ask questions of these people, the questions
9 themselves imply something sinister and shadowy, and then
10 force me to object in front of the jury -- or if the jury
11 is not present, let the world press hear it, I don't
12 think it is right.

13 MR. FITZGERALD: Without involving your integrity at
14 all, there are some very, very disturbing aspects around
15 the sale of Susan Atkins' story, and the representation
16 by counsel before the Grand Jury.

17 MR. BUGLIOSI: It should be handled here in chambers.

18 THE COURT: That is a matter that should be handled
19 by the State Bar, in my opinion. That has nothing to do
20 with this case.

21 MR. FITZGERALD: I agree, but now we are getting into
22 an area that is highly disturbing.

23 Mr. Caballero represented to me as another
24 member of the Bar that there was still in effect an
25 agreement between you and him that Susan Atkins was to
26 receive life.

MR. BUGLIOSI: There cannot be an agreement between me and him. The District Attorney's Office --

MR. FITZGERALD: Between the District Attorney's Office and him that she is to receive life imprisonment, and she will never die in the gas chamber.

He told me that.

He told me if Mr. Shinn kept Susan Atkins off the witness stand, you know, some sort of a deal would still be in effect.

There are a number of representations that have been made to her by people in, you know, authoritative positions.

Also we are taking the position that -- well, I will leave it to Mr. Shinn.

MR. SHINN: For your information, Vince, I talked to Mr. Caruso and Mr. Caballero even last week when I subpoenaed them.

They said we have a deal, Busch, Younger -- I don't know if you were there -- Stovitz, they promised once she went to the Grand Jury that they would not ask for the gas chamber.

Maybe you don't know about that, but that is what they said, and they will swear under oath on it.

THE COURT: Assuming that were true, then what?

MR. SHINN: Then he won't ask for the death penalty for Susan Atkins.

1 MR. BUGLIOSI: Are we going to instruct the jury on
2 the law of contract, material breach, revocation?

3 THE COURT: She retracted her testimony at the Grand
4 Jury.

5 MR. FITZGERALD: Of course that is what they say.

6 MR. SHINN: She did not get under oath and retract
7 her testimony at the Grand Jury, your Honor.

8 MR. BUGLIOSI: She said today and yesterday she lied
9 at the Grand Jury.

10 THE COURT: Mr. Shinn, you made a motion in this case
11 to suppress her testimony.

12 MR. SHINN: It was denied. The motion was denied.

13 THE COURT: You'd better go back and look at the
14 record. It was not denied.

15 MR. BUGLIOSI: She testified that she lied at the
16 Grand Jury today; she did.

17 MR. FITZGERALD: Yes.

18 MR. MUSICH: And yesterday.

19 MR. FITZGERALD: What I meant to say is, it is their
20 position, meaning Caruso and Caballero's position, that she
21 has now reached that agreement, if there was in fact
22 an agreement in existence, that she would receive life by
23 controverting her testimony at the Grand Jury.

24 THE COURT: As far as this Court is concerned, there are
25 no deals pending, just so the record is clear, gentlemen.

26 If anybody is laboring under the illusion that I

1 am going to give any consideration to any deal somebody has
made sometime in the past, you might as well forget it.

3 MR. FITZGERALD: Then we ought to, in a sense,
4 confront the Court directly, if in fact we can present
5 evidence of a deal that was made as to one defendant, and
6 perhaps more than one defendant, isn't that evidence
7 admissible in terms of mitigation?

1 MR. SHINN: Sure it is.

2 MR. FITZGERALD: The death penalty, it seems to me,
3 is one penalty that ought to be applied equally.

4 If there are some sub rosa ingredients in
5 regard to the life or death of any of these defendants --

6 MR. BUGLIOSI: How does this mitigate against the
7 aggravation of the murders? I don't see how it comes
8 in under mitigation.

9 THE COURT: I don't either.

10 MR. FITZGERALD: If in fact you have a deal, let's
11 assume a hypothetical situation, if you have a deal with
12 the Governor that Susan Atkins is never going to be exe-
13 cuted even though she receives the death penalty, I think
14 this jury is entitled to know that in assessing penalty
15 for Patricia Krenwinkel.

16 MR. BUGLIOSI: No. 1, I don't think so.

17 No. 2, it is different because the Governor
18 has the power under the law of commutation, whatever it is,
19 to reduce the penalty.

20 The District Attorney's office does not have
21 any power at all.

22 MR. KEITH: The District Attorney has the power to
23 recommend to the judge to reduce the penalty.

24 MR. KANAREK: You have vast powers, Mr. Bugliosi.

25 You can stand up in front of that jury and you
26 can say, instead of arguing very very vociferously and,

1 you know, intensively, for death, you can say to the
2 people -- and deputies do it in this county all the time,
3 when they really don't want the death penalty -- they say
4 "Ladies and gentlemen, you heard it all. I leave it to
5 you."

6 There is a vast difference between that and
7 getting in there and doing everything possible to get the
8 death penalty.

9 MR. BUGLIOSI: I just want to reiterate two more
10 points.

11 In the future, anything that smacks, your
12 Honor, of having no relevance to the issue of death or
13 life, and I give you one example, this Los Angeles Times
14 issue, I would request --

15 THE COURT: There is a motion to quash the subpoenas
16 on that which will be heard a week from today.

17 MR. FITZGERALD: And Gibson, Dunn & Crutcher are in
18 a good position to represent the Los Angeles Times.

19 MR. BUGLIOSI: I request that motion and all motions
20 like this be heard here in chambers.

21 MR. KANAREK: Absolutely not.

22 MR. BUGLIOSI: There is no reason to go out there and
23 permit Mr. Kanarek to make allegations unsupported that are
24 picked up by the world press.

25 THE COURT: Mr. Bugliosi, many times during this
26 trial your ex-boss Mr. Younger attacked the judicial system

1 for publicity orders, for sequestering the jury, for
2 in-chambers proceedings.

3 MR. BUGLIOSI: The Court's position was that he was
4 wrong on that.

5 THE COURT: And it still is.

6 MR. BUGLIOSI: How does that make Mr. Kanarek making
7 these allegations in open court right, then?

8 THE COURT: It isn't a question of who is right or
9 wrong.

10 MR. BUGLIOSI: The Court has not bought the equal
11 protection argument yet that I have ever heard, I mean
12 even assuming what the Court says is right, this does not
13 mean --

14 THE COURT: I am saying now, because apparently you
15 are afraid that Mr. Kanarek is going to suggest that somehow
16 the District Attorney is involved in something here, I
17 haven't the faintest idea what it is, but whether the Court
18 later rules it is irrelevant or relevant does not make any
19 difference, and there should be some kind of a sub rosa
20 hearing to determine its relevancy, and I am saying this
21 is a position one hundred and eighty degrees opposed to the
22 position taken by the District Attorney throughout this
23 trial.

24 MR. BUGLIOSI: The District Attorney never sought
25 to impugn sinister motivations to anyone in this trial.

26 THE COURT: I am saying your office has opposed --

1 MR. BUGLIOSI: I see what you mean.

2 THE COURT: -- the publicity order, and opposed
3 sessions in chambers out of the presence of the media,
4 the obvious purpose of which was to prevent any prejudicial
5 publicity going to the jury.

6 He opposed all of these things.

7 He opposed sequestration.

8 MR. BUGLIOSI: That is true.

9 THE COURT: Now, why should we start having chambers
10 conferences?
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2 MR. BUGLIOSI: I think even subsequent to that your
3 Honor did conduct many hearings in chambers, despite the
4 District Attorney.

5 THE COURT: I disagreed with him, and from that point
6 on I did what I wanted to do, and I'm still doing that.

7 MR. BUGLIOSI: That's right, but I'm saying that
8 situations like this, knowing Mr. Kanarek, that he does
9 make allegations that are unsubstantiated many times,
10 certain things should be heard in chambers here, and if
11 the Court rules they are admissible, then we go out in open
12 court in front of the jury and it all comes in.

13 If the Court rules it is not admissible --

14 THE COURT: We are not going to keep running back
15 in chambers every time someone asks a question to determine
16 its relevancy.

17 If you two want to carry on a colloquy after we
18 are through here, go ahead.

19 We don't need all of this on the record.

20 Anything else of an official nature?

21 MR. KANAREK: May I have my ruling on my request for
22 an Aranda-Bruton look at the transcripts in connection with
23 Miss Susan Atkins?

24 THE COURT: Mr. Kanarek, apparently you don't hear
25 very well when I say things.

26 MR. KANAREK: I don't think your Honor has explicitly
ruled on that. That is all. I may be wrong.

1 THE COURT: It would serve no possible purpose,
2 since you know exactly what the witness said at the Grand
3 Jury.

4 MR. KANAREK: I know, but I am saying before it is
5 offered to the jury, I am asking for an excise, a deletion.

6 THE COURT: Of what?

7 MR. KANAREK: Go through the transcript word for word,
8 the way we did with the Roni Howard and Virginia Graham
9 statements, for instance, that is what I am asking for.

10 Now I am asking your Honor to rule on the motion,
11 that is all.

12 I have asked for it, and your Honor, I don't
13 believe, has ruled on it. That is what I am asking for.

14 THE COURT: I don't even understand it, Mr. Kanarek,
15 to tell you the truth.

16 MR. KANAREK: What I propose is we take the Grand
17 Jury transcript, the same way we took the Roni Howard and
18 Virginia Graham statements --

19 MR. MUSICH: Are you offering that transcript in
20 evidence?

21 THE COURT: You want an edited version of the
22 transcript before the Grand Jury to come before the jury in
23 this case?

24 MR. KANAREK: I have every reason to believe that
25 Mr. Bugliosi is going to use that to impeach.

26 THE COURT: Why don't you wait until he asks those

1 questions, make those objections, and I will rule on
2 them.

3 He may never ask them.

4 MR. KANAREK: Then I will ask for an offer of proof,
5 then, the same way we did with the letters pertaining to
6 Susan Atkins and the confessions.

7 THE COURT: We haven't had a recess. Let's take a
8 10-minute recess.

9 (Recess.)
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(The following proceedings occur in open court.
All defendants, all counsel and all jurors present:)

THE COURT: All defense counsel and jurors are
present.

You may continue, Mr. Fitzgerald.

MR. FITZGERALD: Thank you.

CROSS EXAMINATION (CONTINUING)

BY MR. FITZGERALD:

Q Miss Atkins, were any of these people on Cielo
Drive, on the evening of August the 8th, killed as the
result of any personal hate or animosity that you had
toward them?

A No.

Q Did you kill them out of any passion?

A Passion?

Q Hatred?

A No.

Q Did you have any feeling toward them at all,
any emotional feeling toward any of these people, Sharon
Tate, Voityek Frykowski, Abigail Folger?

A I didn't know any of them. How could I have
felt any emotion without knowing them.

I just loved them.

Q During your life, from time to time, I take it,
you have had hostile and aggressive feelings towards other

1 human beings, have you not?

2 A. Yes, sure.

3 Q. You have hit other people occasionally in anger?

4 A. Yes. When I was little I used to hit some of
5 my friends, and they would hit me back.

6 I have hit people in anger, yes.

7 Q. But as far as you are concerned, these people
8 were not killed out of any anger?

9 A. No.

10 Q. That you harbored in your heart?

11 A. No.

12 Q. Can you describe the emotions that were in your
13 heart and in your mind at the time these killings occurred?

14 A. I was at the height of my fear.

15 Sometimes -- fear is something that is exactly
16 what it says, fear.

17 Q. Were you afraid that they were going to physically
18 retaliate or something? Is that what caused the fear?

19 A. No.

20 My fear was just my awareness.

21 I was aware of everything that was going on. And
22 at the height of my fear, what I was doing was right when
23 I was doing it.

24 I felt no hatred. I felt no malice. I was coming
25 from love, at the height of my fear.

26 If you can understand that. If you have ever been

at the height of your fear.

1 Q How can somebody be killed out of love?

A Out of love? —

3 Q You didn't think this was any mercy killing? —

4 A Mercy killing? No. —

5 As a matter of fact, I believe I told Sharon
6 Tate I didn't have any mercy for her one time, and I don't
7 expect any. —

8 To explain the feeling that I felt through
9 words at the time would be almost impossible to relate it
10 to you so that you could understand it. —

11 What I was doing, I was coming from love. —

12 I had no thoughts in my head. I just did what
13 I did because that is what I did. —

14 And I just know that I was coming from love. —

15 And I felt everything. —

16 It was like, when I would stab, I was stabbing
17 myself. —

18 I had to be willing to give my life in order
19 to take another human being's life. —

20 This was not in thought in my mind at the time.
21 I had no thoughts in my mind at the time, as I have no
22 thoughts in my mind now. —

23 Q Do you feel that I am not able to understand?

24 A What I am saying?

25 Q What you are saying.

26 A Are you?

1 Q You said that you didn't think I would be able
2 to understand.

3 A To express it in words.

4 What feels right to me, when I am doing something
5 and I feel and believe and know that it is right, and I am
6 coming from love, it feels good.

7 The touching of a flower, looking at the sun,
8 getting my brother out of the penitentiary for something
9 that I had done, whatever I do and I know is right when I
10 am going it, feels good.

11 Yes, it feels good.

12 And at the height of my fear, it was death and
13 life all in one motion.

Q How can it be right to kill somebody?

A How can it not be right when it is done with love?

I feel no guilt for what I have done.

Q Did you ever feel any remorse?

A Remorse? For doing what was right to me?

Q Did you ever feel sorry?

A Sorry for doing what was right to me?

The only time I felt sorry is when I lied.

Then I felt sorry for myself, that I wasn't woman enough to face up to what I had done, and doing what I did because I believed and felt and know that I did was right for me.

Not for anyone else, but for me.

Q But certainly Sharon Tate, Margalit Folger, Voityck Frykowski and Steven Parent didn't have anything to do with the fact that Mr. Baumgardner was arrested, did they?

A Personally?

Q Personally.

A As individuals?

Q As individuals.

A I cannot speak for them.

Q But they weren't related to Mr. Baumgardner's arrest in any respect, were they? They weren't responsible for his arrest.

A They are part of the system. The system had

1 my brother for something that I did, and I was going back
2 on the system.

3 The only way I knew how to come here, and it
4 was right to me -- and it is right to me right now -- the
5 truth and what I feel and know to be true to me is wrong
6 in all of your eyes, and you see guilt in me, you see guilt
7 in yourself for everything everyone of you have ever done.
8 I have no guilt in me.

9 MR. FITZGERALD: I have nothing further. Thank you.

11 DIRECT EXAMINATION

12 BY MR. KEITH:

13 Q Miss Atkins, how old were you when you first
14 started taking LSD?

15 A 18.

16 Q And how old are you now?

17 A 22.

18 Q And you were in San Francisco when you first
19 took LSD?

20 A Yes.

21 Q And did you take it regularly up to the time
22 you were arrested?

23 A Regularly?

24 Q Yes.

25 A On a schedule, no.
26

1 Q Not on a schedule, but often perhaps would be a
better word.

3 A Yes, I have had -- you can say I am saturated in
4 LSD. I saturated myself in it. I have had so much acid that --

5 Q Could you explain to us perhaps the reactions
6 or effects acid had on you when you saturated yourself with
7 it?

8 A LSD is like a catalyst. It opens your eyes and
9 allows you, as an individual, to look at yourself and
10 everything around you any way you want to look at it.

11 And for a long time I didn't like what I saw, and
12 I went through a lot of changes.

13 I don't feel I ever had a really bad trip like a
14 lot of people, jumping out of a window.

15 Anyone who is going to jump out of a window on
16 acid is going to do it anyway, you know.

17 I just went through a lot of beautiful changes.
18 Colors became brighter, I became happier inside.

19 I had a lot of traumatic experiences. I would
20 be brought to "now" so fast that it frightened me and I
21 closed my eyes.

22 One time I recall a young man left me, and I
23 had just taken a lot of acid.

24 He walked out of the house, my apartment, and he
25 turned on the television set and he told me, "Watch the
26 television and let the television program you, and when the

1 television goes off and there is no more programs, lay down
2 and go to sleep."

3 Well, I was very, very, very stoned, and I was
4 watching the television.

5 It looked -- it was animated. None of it
6 looked real. It was like I was from another planet and I
7 was looking down. It was really funny.

8 Until I reached over and turned off the tele-
9 vision and I went into the bathroom and looked in the
10 mirror and I saw myself.

11 I'd look away, and then I'd look at myself
12 again.

13 And I saw myself. I saw my father and his age,
14 and everything that he had ever told me, on my face.

15 Then I began to grow older right before my very
16 eyes. I began to get old and wrinkled and my hair began to
17 get gray.

18 And I looked at my hands, and my hands got age
19 spots on them, and they got arthritis in them. And I grew
20 old and I died right before my very eyes.

21 It was quite an experience.
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1 Then I couldn't get away from the mirror.
2 I would want to go away from the mirror and the reality of
3 what I was seeing.

4 And I went to bones. My skin fell off. I went
5 to bones.

6 Then I closed my eyes, and I wasn't really
7 thinking too much about anything, since I was dead.

8 And I opened my eyes and it was like I was
9 reborn. It was like I never -- there was nothing on me.
10 I was nothing but pureness.

11 This was, oh, maybe around 19 -- late 1966,
12 early 1967.

13 And I continued to drop acid and continued to
14 go through LSD trips.

15 One time I took about 15 tabs.

16 Q And did you have similar experiences as you
17 have just described to us?

18 A Well, that one kind of stands out in my mind.

19 Q You have had other traumatic effects?

20 A Yes.

21 I have had some beautiful, beautiful trips.

22 Q At the time you went to the Tate residence,
23 had you, at that time, or some time shortly before, taken
24 acid?

25 A Yes. Quite a bit.

26 Q Now, with respect to going to the Tate residence.

At what time, with relation to actually arriving at the Tate residence, did you take acid?

During the car ride, or before?

A No. It was before I actually got in the car and drove up to the house with everyone.

I had taken acid the day before, and I took another tab, I believe, that afternoon when the sun was starting to set.

Q Ordinarily, how long does a trip last, or does it vary in length?

A I come down when I want to come down.

If I want to take acid and go up and never come down, I never come down.

Q With respect to the next night, did you take acid before then?

A Yes.

Q Before going off in a car?

A Yes. About maybe an hour before I went off in the car, I would say, if that is in relation to time, you know.

So many people have sat up here and say they don't relate to time. I have stepped out of time.

You are all lost in time. I have stepped out of it.

Q To your knowledge, did the other girls also take acid?

1 A To my knowledge?

2 Q Yes. On the evenings before the Tate and La
3 Bianca?

4 A It is not for me to say whether I know. All I
5 know is I --

1 Q If you don't know?

2 A I don't know.

3 They could have and they could not have.

4 I believe they might have. I think they did.

5 I felt like they did.

6 Q Do you believe your saturation with acid in some
7 manner has affected your judgment and your mind?

8 A My judgment?

9 Q Yes.

10 A I don't judge. I only judge me by what I feel.

11 If I do something that doesn't feel good, I
12 stop doing it.

13 MR. KEITH: I have nothing further at this time.

14 THE COURT: Any further examination?

15 MR. KANAREK: Yes, your Honor. I just have a few
16 questions, if I may.

17
18 DIRECT EXAMINATION

19 BY MR. KANAREK:

20 Q Miss Atkins, did some \$90,000 change hands as a
21 result of these publications that you have spoken of?

22 A That is what I have heard. I have not seen any
23 records of any money.

24 Q You have heard the figure \$90,000?

25 A Between seventy and ninety thousand. Something
26 like that.

1 Q Let me ask you: Who told you those figures?

2 A Various people.

3 I questioned Mr. Caballero on it, and he
4 turned away from me and he said, "Oh, no, it couldn't have
5 been that much. As a matter of fact, I have the figures
6 and I will show them to you."

7 He never showed me.

8 I asked him how much it was.

9 It came to me through the grapevine in the jail
10 house that the 1,000,000th copy was sold about six or eight
11 weeks ago.

12 Q But your state of mind is that it is about
13 \$90,000; is that right?

14 A Well, you sell a book at a dollar a copy, a
15 dollar and a half a copy, and a million copies are sold.
16 That is approximately --

17 Q This book sells for a dollar and a half a copy?

18 A I don't know how much it sells for.

19 MR. KANAREK: Thank you.

20 THE COURT: Mr. Bugliosi?

21 MR. BUGLIOSI: I'd like to ask for a recess at this
22 time, as I indicated back in chambers.

23 THE COURT: Can't you proceed in another area,
24 Mr. Bugliosi?

25 MR. BUGLIOSI: Very well, your Honor.
26

CROSS-EXAMINATION

1 BY MR. BUGLIOSI:

3 Q Susan, ultimately you fired Mr. Caballero; is
4 that correct?

5 A Yes.

6 Q When did you have this meeting with Mr. Manson?

7 You said that after the Grand Jury you wanted to
8 talk to Charlie. Then ultimately you met with him.

9 When did you meet with him?

10 A The exact day?

11 Q Well, approximately. What month was it?

12 A February maybe. I don't know. January,
13 February.

14 Q January or February of 1970?

15 A '70, yes.
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1 Q And was that at Sybil Brand?

2 A No. It was at the new County Jail.

3 Q There was you and Charlie Manson, and who else?

4 A Richard Caballero.

5 Q And how long did you talk to Charlie?

6 A Oh, I don't know how long.

7 Q Was it a short meeting or was it a half hour,
8 an hour?

9 A I don't know how long.

10 Q Do you have any idea at all?

11 A No.

12 Q It was more than a few minutes?

13 A Okay.

14 Q Well, I am not telling you.

15 Was it more than a few minutes?

16 A I don't know. I don't know time. I don't
17 know how much time it was, how long it was.

18 I know that I said what I wanted to say and
19 heard what I heard.

20 Q Without going into what was said, was there any
21 argument among you, Mr. Caballero and Charles Manson?

22 A Arguments?

23 Q Yes.

24 MR. KANAREK: That calls for a conclusion, your
25 Honor.

26 THE COURT: Overruled.

1 You may answer.

2 THE WITNESS: Not that I know.

3 BY MR. BUGLIOSI:

4 Q Did you fire Mr. Caballero a day or so after
5 you had this meeting with him and Charles Manson?

6 A Yes.

7 Q Did Mr. Manson tell you to fire Mr. Caballero?

8 A No, he did not.

9 MR. KANAREK: I object to that as hearsay, your Honor.

10 THE COURT: The answer is in.

11 BY MR. BUGLIOSI:

12 Q Did the meeting you had with Mr. Caballero
13 and Charles Manson have anything to do with your firing
14 Mr. Caballero?

15 A Have ~~anything~~ to do with it?

16 Q Yes. That meeting.

17 A I saw Mr. Caballero go through a lot of changes
18 and hide a lot of things before my eyes, and what I saw
19 and from what I had been seeing earlier, yes, it did.

20 From what he hid at that meeting from me,
21 I did fire him, and that meeting had something to do with
22 it, but not all of it.

23 Q Now, you testified, Susan, that there were a
24 ~~few~~ reasons for going to the Tate residence and murdering —
25 these people; is that correct?—

26 A Correct. ✓

1 Q And what are those reasons again? ✓

2 A Those reasons? ✓

3 Q Yes. ✓

4 A First and the most reason, since you seem to ✓
5 need a reason, is to release my brother from your system. ✓

6 My excuses that I played around with in my ✓
7 mind were various excuses in order to justify my saying ✓
8 what I said to those two women in that jail. ✓

9 One excuse, a revolution. It sounded like a ✓
10 good excuse at the time. ✓

11 Another excuse, I used Charlie as an excuse. ✓
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1 Q How did you use Charlie as an excuse?

2 A I said I wanted everyone to know about Charles
3 Manson.

4 Q Well, that was your stated reason for telling
5 Roni Howard about what had happened; isn't that right?

6 A At the Grand Jury?

7 Q No.

8 You told Roni Howard what happened with respect
9 to the Tate murders because you wanted the world to know
10 about Charlie; is that correct?

11 A I told that to Roni after I had gotten to the
12 Grand Jury and after Roni Howard and I were locked up in the
13 same cell block together.

14 That was an excuse.

15 Q Do you consider the word "motive" to be somewhat
16 synonymous with the word "reason"? A motive or a reason for
17 doing something?

18 A Do I feel that reason --

19 Q Do you feel that the word "reason" and "motive"
20 mean essentially the same thing?

21 A The same thing?

22 Q Yes.

23 A All words mean the same thing to me right now.

24 Q Well, the word "reason" doesn't mean the same
25 thing as "murder," does it, to you?

26 A Reason?

1 Q Yes.

2 A Means the same thing as murder?

3 Q Right.

4 A Do you have a reason?

5 Q I am asking you, does the word "reason" mean the
6 same thing to you as "murder"?

7 A I don't know what the word "murder" means.

8 Q Do you know what the word --

9 A By your standards I know what the word murder
10 means, and by your standards I know what your meaning for
11 reason is.

12 My meaning? I have none.
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1 Q Well, you are capable of using the English
language, aren't you, Sadie?

3 A Oh, yes.

4 Q And you use certain words like "reason," "motive,"
5 "fear," "world," "myself," "understand," things like that.

6 You use words like that, don't you?

7 A To express to you what I am feeling.

8 Q Right.

9 A So that you can comprehend what I am saying.

10 Q Right.

11 Now, when you use the word "motive," what does
12 that word mean to you?

13 A Motive?

14 Q Yes.

15 A Motivate, move.

16 Q Does it mean "reason" to you?

17 A Reason is an excuse, to me.

18 Q You did write a letter to Roni Howard in mid-
19 December of 1969 at Sybil Brand; isn't that right?

20 A Yes.

21 She had come to me and wrote me a letter and
22 asked me to explain to her so that she could understand.

23 Q So you did write her a letter; is that correct?

24 A Yes.

25 Q In that letter, Susan, did you tell Roni Howard
26 in discussing the Tate murders, that:

1 "There was a so-called motive behind all —
2 this. It was to instill fear into the pigs and —
3 to bring on Judgment Day, which is here now for —
4 all." —

5 Did you tell her that in the letter?

6 MR. SHINN: Your Honor, may I object?

7 This is improper cross-examination, your Honor.

8 The letter was never discussed on direct
9 examination. We never discussed the letter in direct
10 examination.

11 THE COURT: The witness did, however, refer to a
12 conversation with Roni Howard, did she not?

13 MR. SHINN: He is going into the letter.

14 We didn't go into the letter from Roni Howard.
15 We haven't gone into any letter on direct examination.

16 I believe he has gone beyond the direct now
17 when he starts talking about these letters.

18 THE COURT: Approach the bench, gentlemen.
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1 (Whereupon, all counsel approach the bench and
2 the following proceedings occur at the bench outside of
3 the hearing of the jury:)

4 THE COURT: Mr. Bugliosi, you might check the case
5 of California vs. Green on the matter we were talking about
6 in chambers. That is, the admissibility of her testimony
7 at the Grand Jury.

8 There is another recent Georgia case -- I have
9 it on my desk now but I don't recall the name.

10 MR. BUGLIOSI: Can I get it from you after court?

11 THE COURT: Yes, if you want to drop in.

12 It is a 1970 case, a recent case, involving the
13 admissibility of hearsay under a Georgia conspiracy
14 exception against the objection that it was a violation of
15 the confrontation clause.

16 The Supreme Court reversed the Fifth Circuit,
17 which had held it was.

18 So the ruling now -- well, you can read the
19 case for yourself.

20 MR. KANAREK: Didn't that involve a confession?

21 THE COURT: No, not a confession.

22 In any event, you might check those two cases.

23 MR. BUGLIOSI: Right.

24 THE COURT: Now, what is the objection, Mr. Shinn?

25 MR. SHINN: Your Honor, I didn't go into any letters
26 to Roni Howard on my direct examination, your Honor.

1 Now Mr. Bugliosi is going into these letters
2 that Susan Atkins wrote to Roni Howard.

3 MR. BUGLIOSI: But she testified to the motive for
4 these murders. Now I am bringing out a prior inconsistent
5 statement, which is a different motive.

6 She said she went to the Tate residence for
7 Beausoleil, or things like that, and I am saying that at a
8 prior time she made a prior inconsistent statement.

9 What is the problem?

10 MR. KANAREK: If I may be heard?

11 We are entitled to a limiting instruction on it.

12 THE COURT: When the time comes, then you draft such
13 instruction and I will consider it.

14 MR. KANAREK: I know, your Honor, but these are
15 already under a limiting instruction because of Aranda and
16 Bruton, supposedly.

17 There is an implication that these are the words
18 of Mr. Manson, "revolution," and so on.

19 Therefore, I would ask you to admonish the jury
20 at this time --

21 THE COURT: He is talking about the words of Miss
22 Atkins.

23 MR. KANAREK: Right. But this testimony cannot be
24 used against Mr. Manson for any purpose, and mere admonish-
25 ment not sufficing, I ask for a mistrial.

26 This is the reason that we went through that.

1 These are her words and only to be used against her.

2 And especially in a penalty case, I ask your
3 Honor to inform the jury that this can only be used against
4 her.

5 THE COURT: Do you have any objection to such a
6 limiting instruction?

7 MR. BUGLIOSI: No, I have no objection.

8 THE COURT: Well, I think we will recess at this
9 time and you can bring it up in the morning when we reconvene.

10 MR. KANAREK: I ask for an admonition at this time
11 when it is fresh in the jurors' minds.

12 MR. BUGLIOSI: She hasn't answered it yet.

13 MR. KANAREK: I ask that you admonish the jury not
14 to consider it for any purpose at this point.

15 THE COURT: She hasn't said anything yet.

16 MR. KANAREK: But they heard Mr. Bugliosi's question.

17 THE COURT: By the morning they will have forgotten
18 it.

19 (Whereupon, all counsel return to their respective
20 places at counsel table and the following proceedings
21 occur in open court within the presence and hearing of the
22 jury:)

23 THE COURT: We will adjourn at this time, ladies and
24 gentlemen.

25 Do not converse with anyone or form or express
26 any opinion regarding penalty until that issue is finally

1 submitted to you.

2 The Court will adjourn until 9:45 tomorrow.

3 The reason we have not been starting promptly
4 at 9:00 every morning is that the Court has some other
5 matters on its 9:00 o'clock calendar and it has taken time
6 to dispose of those matters.

7 We do have some matters at 9:00 o'clock tomorrow.
8 Hopefully we will be through at 9:45.

9 (Whereupon, at 4:26 p.m. the court was in
10 recess.)
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1 LOS ANGELES, CALIFORNIA, THURSDAY, FEBRUARY 11, 1971

2 10:35 o'clock a.m.

3 - - - - -

4 THE COURT: All defendants, counsel and jurors are
5 present.

6 You may continue, Mr. Bugliosi.

7
8 SUSAN DENICE ATKINS,
9 resumed the stand and testified further as follows:

10 CROSS-EXAMINATION (Continued)

11 BY MR. BUGLIOSI:

12 Q Sadie, you say you had a meeting with Charles
13 Manson and your attorney Mr. Caballero at the County Jail
14 in February of 1970?
15

16 A I would imagine that was the month, I don't
17 know the month for sure.

18 Q And right after the meeting you fired Mr.
19 Caballero, is that correct?

20 A Right after?

21 Q Yes.

22 A I told him I was dismissing him as my lawyer.

23 Q Immediately after the meeting, is that correct?

24 A I believe it was the next day I told him. It
25 wasn't --

26 I had gotten word out through the underground

1 system to have another lawyer come up and see me, and Mr.
2 Shinn came up and saw me.

3 I did not know what lawyer it would be. Mr.
4 Shinn came up and saw me and I discussed with Mr. Shinn
5 on him representing me, and that is when I let Mr. Caballero
6 know.

7 Q But the day after you had the meeting with
8 Mr. Caballero and Charlie you fired Mr. Caballero, is that
9 correct?

10 A It could have been the day after, Mr. Bugliosi,
11 I'm not sure exactly which day?

12 Q What did this meeting have to do with your
13 firing Mr. Caballero?

14 You said yesterday there was a connection
15 between the meeting and firing Mr. Caballero, what was the
16 connection?

17 A If I said there was some connection, the
18 connection was within my mind, as I have spoken previously
19 yesterday, I had told Mr. Caballero many many times before
20 I ever went to the meeting with Charlie that I was going
21 to fire him if he did not do what I asked him to do.

22 And he just would not do what I asked him to
23 do, and it just took procedure.

24 And the meeting with Charles was part of the
25 procedure to see another lawyer in order to fire Mr.
26 Caballero, and that was the procedure.

1 Q Was there a discussion at this meeting between
2 you Mr. Caballero and Mr. Manson about getting another
3 lawyer for you?

4 A No.

5 Q What did Mr. Manson say at this meeting?

6 A That would be almost impossible to recall.

7 We just looked at each other. I got what I
8 wanted to get.
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1 Q What did you want to get, Sadie?

2 A Want to get?

3 Q You wanted to get a look at Charlie; right?

4 A Well, yes.

5 I wanted to look at him and I wanted to face him,
6 and I wanted to face what I had done to him.

7 Q Did Mr. Caballero and Charlie argue at this
8 meeting?

9 A No, not that I would call arguing.

10 Q So if you say ^{that} / Mr. Shinn appeared at Sybil
11 Brand and he was the one that you sent for?

12 A I hadn't sent for any lawyer. I had just asked
13 a visitor of mine to send me up a lawyer, and he held up a
14 card in the visiting window and the card said, "Daye Shinn."
And I said, "Okay, send him up."

15 Q Who was this person that you talked to?

16 A Paul Watkins.

17 Q Now, you were aware, weren't you, Sadie,
18 that long before Mr. Shinn represented you, he did some legal
19 work for Mr. Manson. You are well aware of that, aren't
20 you?
21

22 A I was aware of it after I had met Mr. Shinn, not
23 before.

24 I had no knowledge of Mr. Shinn or his contact
25 with Mr. Manson or anyone else.

26 Q But you did find out later that long before

1 Mr. Shinn became your lawyer he was doing legal work for
2 Mr. Manson.

3 That is correct, isn't it?

4 A Yes. After I hired him.

5 Q Do you feel that that was somewhat of a coinci-
6 dence, Sadie?

7 A A coincidence?

8 Q Yes.

9 There are lots of lawyers in Los Angeles. Did
10 you just think it was kind of a coincidence?

11 A I didn't really think anything about it.

12 Q You know there are a lot of lawyers in
13 Los Angeles, do you not?

14 A Sure.

15 Q Over 2,000?

16 A Approximately. I have looked at the lawyer's
17 list.

18 Q Were you shocked when you found out that Mr.
19 Shinn who was now representing you had done legal work for
20 Charles Manson?

21 Did that surprise you at all?

22 A Shocked? Surprised?

23 At that time, I didn't think anything could
24 surprise me.

25 Q Just one of those things in life, eh, Sadie,
26 that happens now and then?

1 A Okay.

2 Q Do you love other people, Sadie?

3 A Yes.

4 Q Does Charlie love other people?

5 A He has shown me love for other people through
6 his actions.

7 Q Do you think Katie loves other people, too?

8 A I would imagine so.

9 Q And Leslie?

10 A Yes.

11 Q Do all of you love everyone in the world?

12 A I know I do.

13 They can only speak for themselves.
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1 Q Where do you get all this love, Sadie?

Where did you get it? Where does it come from?

3 A Where does it come from?

4 Q Yes.

5 A I was born with it, as every child is born
6 with it.

7 Q I am not trying to be facetious now, Sadie,
8 but do you think it is possible, Sadie, that you can love
9 someone so much that you can just love them to death? Is
10 that possible?

11 MR. SHINN: Your Honor, I am going to object to that
12 question. It is ambiguous and unintelligible.

13 THE COURT: Sustained.

14 MR. BUGLIOSI: Q Did Mr. Manson make love to you at
15 Haight-Asbury?

16 A Once.

17 Q Would you explain the circumstances of his
18 first making love to you?

19 A We went for a walk and we left the brown house,
20 and we walked to another place, and he showed me that this
21 other place is where he was staying with some other people.

22 And he asked me if I wanted to make love.

23 And I loved to make love. I loved to make love
24 way before I ever met Charlie.

25 So I said, "Yes."

26 And I took off my clothes. And there was a

1 mirror there. We were both standing in front of the
2 mirror.

3 And he asked me to look at myself. And I
4 wouldn't look at myself. Then I would look at myself, then
5 I wouldn't look at myself.

6 He asked me what I thought about what I saw.

7 And the whole thing was just far out. I had
8 never experienced a man asking me to look at myself.

9 And he asked me if I had ever thought about
10 making love to my father.

11 I said, "Sure." And, in fact, lots and lots of
12 times I thought about making love to my father.

13 And he asked me if I could,

14 And I said, "No, that is wrong." And that is
15 what was in my head.

16 And he looked at what was in my head and what I
17 said.

18 And we just ended up making love.

19 Q Did he tell you that when he was making love to
20 you that he wanted you to imagine that he was your father?

21 A That he wanted me to imagine he was my father?

22 Q Yes.

23 A I don't believe those were the words that were
24 used.

25 He said, "Imagine you are making love to your
26 father."

1 And I did.

2 Q Did he tell you then that he wanted you to think
3 that he was your father as you were making love to him?

4 A He didn't tell me anything, per se, direct tell
5 me.

6 Q Did he indicate that to you, that he wanted you
7 to feel that he was your father as you were making love?

8 A Not that he wanted me to feel that he was my
9 father. Just to imagine that I was making love to my father.

10 And as I was making love with him, I imagined
11 him to be my father.

12 Q He didn't ask you to do that?

13 A He didn't ask me.

14 I just told you. The words came: "Imagine you
15 are making love to your father."

16 Q Oh, he did tell you to imagine that you were
17 making love to your father?

18 A Okay, Vince.

19 Q No. I am asking you. I am not arguing with you.

20 A I am telling you what happened.

21 Q Go ahead.

22 A There was a conversation concerning: Have you
23 ever felt or thought about making love to your father?

24 And I said: "Yes, a lot of times."

25 He said, "Well, have you ever imagined you were
26 making love with your father?"

1 And I said, "No."

2 And he said, "Well, try it."

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1 Q All right.

2 A Something to that effect, word for word. It
3 was a long time ago, Vince.

4 Q Is Charlie the only man you have ever met,
5 Sadie?

6 A The only man I have ever met?

7 Q Yes, have you ever met any men other than
8 Charles Manson?

9 A Yeah, he's the only man I ever met.

10 Q I notice you have an X on your forehead, Sadie,
11 when did you put that X on your forehead?

12 A The day?

13 Q When was that?

14 A The day I put it on my head?

15 Q Yes, do you know when that was?

16 A No, I don't remember the day.

17 Q Why did you put the X on your forehead, Sadie?

18 A Because I wanted to.

19 Q Why did you want to?

20 A Why?

21 Q Yes.

22 A Why did I want to put an X on my forehead?

23 (Pause.) Why? Because I wanted to.

24 Q I know that, Sadie, but I'm asking you why
25 did you want to?

26 It is a simple question. I cannot

1 make it any more simple than that, can I?

2 A Can you?

3 Q Not that I can think of, Sadie.

4 A Okay.

5 Q Why did you want to put that X on your forehead?

6 A To show that I am crossed out of your system.

7 During the course of the trial we had asked --
8 I had asked, Katie had asked, Leslie had asked and Charlie
9 had asked to be allowed to defend ourselves.

10 We were all denied. We were all told we were
11 inadequate. I was told I was inadequate.

12 Q Did you place the X on your forehead as soon
13 as you were told you could not represent yourself?

14 A No.

15 Q In fact --

16 A It took me a while to go through the changes
17 of actually putting it there.

18 Q The change that made you put the X on your
19 forehead was that Charlie the day before put an X on his
20 forehead, right? The next day you put an x on your fore-
21 head?

22 A Correct.

23 Q Did Charlie's putting an X on his forehead
24 have anything at all to do with your putting an X on your
25 forehead?

26 A Anything at all?

1 Q Yes.

2 A I am but a reflection.

3 Q Of Charlie?

4 A Of love.

5 Q And Charlie is love, of course, right?

6 A Yes.

7 Q And God is also love, right, Sadie?

8 A God is everything I see; love is everything I
9 see.

10 Q Is Charlie God?

11 A Is Charlie God?

12 Q Yes.

13 A Ask Charlie.

14 Q What do you think about it?

15 A What do I think about it?

16 Q I'm asking you for your opinion now.

17 A My opinion -- do I have any opinions?

18 I can think up some opinions if you would like
19 me to think up some opinions.

20 Q Do you think Charlie is God, Charlie Manson is
21 God?

22 A Do I think Charlie Manson is God? I think he
23 is a man, a very strong man, and he is full of love.

24 Q And God is also full of love, right?

25 A God is love.

26 Q Is Charlie love?

1 A Yes.

2 Q Are Charlie and God the same?

3 A Are Charlie and God the same?

4 Q Yes.

5 A It's your question, Vince, to me Charlie Manson
6 is a man. He is a strong man. He stands in what he
7 believes to be right.

8 Q What is your child's name, Sadia?

9 A ZeZoZoZe Zafrack.

10 Q Did Charlie deliver your baby?

11 A 15 girls, four or five guys and Charlie helped
12 to deliver the baby.

13 Q Charlie was kind of a midwife for your baby?

14 A He was there. The midwives were all of the
15 girls.

16 Charlie was just there. I had about eight
17 girls holding me during the actual delivery.

18 Q Charlie asked you once to go to Brazil and get
19 a coconut for him, Sadie?

20 A Brazil, Rio Janiero, I don't know where it
21 was, but he asked me and I was going to.

22 Q And you were on your way out of the door,
23 weren't you?

24 A I may have gotten up.

25 Q Did you plan to hike down to Rio to get
26 that coconut for Charlie?

1 A When he told me, it sounded like a lot of fun.

2 Q So you were about to do it for Charlie, weren't
3 you?

4 A For me, not for Charlie, for me. It sounded
5 like a good experience.

6 Q You were not going to eat the coconut, were you?

7 A I may have eaten a lot of them when I got
8 there, I don't know.

9 Q But the coconut was for Charlie, right?

10 A If Katie had asked me to get one I would have
11 gotten it for her.

12 If you asked me to get one I would get it for
13 you.

1 Q Who gave you the name Sadie Glutz?

2 A That came about over some identification.

3 I was getting some I.D. and I was thinking up
4 some new name for myself, and I had some big long sexy name,
5 and everyone was getting names.

6 And Sadie Glutz came to me between an old ex-
7 convict and Charlie.

8 Q Sadie Glutz came to you between --

9 A Between the two of them, they just looked at me
10 and said, "You are Sadie Mae Glutz."

11 Q You mean that Charlie and this ex-convict said,
12 "You are Sadie Mae Glutz" at the same time?

13 A At the same time, no. They were talking. They
14 were discussing and I had this big name and I said the name
15 I wanted, and they laughed.

16 Q But Charlie gave you the name Sadie Glutz, isn't
17 that right, Susan?

18 A Charlie named me Sadie and the other man named me
19 Glutz, and I liked it so I took it on.

20 Q Since that time you have gone by the name of
21 Sadie, right?

22 A I have, yes.

23 Q So Charlie has given you the name you go by now,
24 right?

25 A Okay.

26 Q Is it true?

1 A Sure.

2 Q Did Mr. Manson ever call himself the devil,
3 Sadie?

4 A In my presence?

5 Q Yes.

6 A I believe the words he used were "all hell will
7 break loose when the devil gets loose."

8 Q But did he say that he is the devil?

9 A I don't know if those are the exact words. That
10 is in my head.

11 Did he say he is the devil? I don't think I
12 ever heard him say he was the devil.

13 Q Did Charlie tell you -- strike that.

14 When did Charlie tell you that all hell would
15 break loose when the devil was -- what was it?

16 A "Got loose."

17 Q When the devil got loose?

18 A It was in a song that was sung.

19 Q By Charlie?

20 A Everyone was singing it.

21 Q This was Charlie's song, right?

22 A Charlie just sings.

23 Q Right, but he sings words. Words come out of his
24 mouth, right?

25 A Sure.

26 Q And this was a song he was singing; these were his

1 words, right?

2 A Yes.

3 Q Did he tell you what he meant when he said that?

4 A I never asked him. The song came and it went.

5 Q What were those words again?

6 A Something about, "All hell would break loose when
7 the devil got loose," something like that.

8 I don't even know if those were the exact words,
9 Vince. That is what is in my mind right now.

10 Q Did Charlie ever call himself Satan?

11 A Not in my presence.

12 Q You are sure about that?

13 A Yes.

14 Q Did you ever call Charlie the soul?

15 A Did I ever call him the soul?

16 Q Yes.

17 A I might have said he's got a lot of soul.

18 Q Did you ever call him the soul?

19 A No.

20 Q Sadie, you testified at the Grand Jury in this
21 case?

22 A Yes.

23 Q I direct your attention to Page 16 of the Grand
24 Jury transcript.

25 Would you read Lines 5 through 15 to yourself.

26 Don't read it out loud, just read it to yourself.

(Witness complies.)

1 MR. KANAREK: Yes, your Honor, may we approach the
bench?

2 THE COURT: For what purpose?

3 MR. KANAREK: In connection with this interrogation,
4 your Honor.

5 THE COURT: Very well.

6 (The following proceedings were had at the
7 bench out of the hearing of the jury.)

8 THE COURT: All right.

9 MR. KANAREK: Your Honor, this is -- would your
10 Honor read -- I think your Honor will recognize --

11 MR. BUGLIOSI: It is just impeachment of her testimony.

12 MR. KANAREK: It is not impeachment.

13 MR. BUGLIOSI: She said that Charlie did call himself--

14 THE COURT: Let's hear from Mr. Kanarek.

15 MR. KANAREK: It is my position that this is inad-
16 missible, your Honor, it is inadmissible under several
17 different bases.

18 THE COURT: Get to the point.

19 MR. KANAREK: That is why I asked for the hearing
20 yesterday. This is an Aranda-Bruton kind of thing.

21 These are in connection with the context of
22 this case, where what Mr. Bugliosi has put on concerning
23 Mr. Manson, obviously these are extrajudicial statements.

24 It purports to be in the nature, really, of
25 a confession.
26

1 Now, when he starts stating Mr. Manson himself
2 is the devil, whether he calls it impeachment or not, that
3 is my position, no matter how much you exhort that jury,
4 that jury is going to use this against Mr. Manson, and I
5 object on the grounds of due process clause of the
6 Fourteenth Amendment.

7 Denial of fair trial, and denial of a fair
8 penalty phase, denial of all of the rights set out in
9 Aranda-Bruton and all of those cases.

10 I once again move for an evidentiary hearing
11 outside the presence of the jury where Mr. Bugliosi would
12 then go through with this witness and see what she is going
13 to say and/or in the alternative that we have the kind of
14 conference we had in chambers in connection with Roni
15 Howard and Virginia Graham, where we go through this Grand
16 Jury transcript.

17 To fail to do that would be a clear violation
18 of the equal protection clause under the Fourteenth
19 Amendment.

20 We did that in connection with Roni Howard and
21 those matters.

22 MR. BUGLIOSI: This is clearly admissible, your
23 Honor, as impeachment. There is no question about it.

24 She said Manson never called himself the
25 devil, or Satan, and here her testimony at the Grand Jury
26 is the exact opposite of that.

1 Mr. Kay has a paragraph here, incidentally,
2 your Honor, from Green vs. California.

3 MR. KAY: Yes, your Honor, last night I found the
4 answer to this problem we were talking about in Bruton and
5 Aranda.

6 I will direct the Court to the opinion in
7 California vs. Green where it discusses Bruton, and
8 basically says if the co-defendant takes the stand and
9 testifies, it is all right to impeach her extrajudicial
10 statements even if it implicates another defendant.

11 MR. BUGLIOSI: That was the issue we were concerned
12 with yesterday, and apparently we have a paragraph right
13 in point.

14 THE COURT: Well, of course, this case does not
15 hold that.

16 MR. KAY: That is the United States Supreme Court
17 talking.

18 MR. BUGLIOSI: Pretty powerful dictum.
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1 THE COURT: The Green opinion, commenting on the
2 Bruton opinion, simply said the Bruton opinion seems to
3 signify that no confrontation problem would have been involved
4 if the codefendant had taken the stand and testified.

5 MR. BUGLIOSI: That's correct.

6 THE COURT: It does not hold that; neither did Bruton.
7 It is just one opinion commenting on another opinion.

8 MR. BUGLIOSI: There is no authority apparently saying
9 I cannot do it, and the only language that we do have is this
10 very powerful dictum on the part of the United States
11 Supreme Court.

12 If there were contrary authority, in other words,
13 a case in point, that is one thing.

14 But apparently there is an absence of authority
15 one way or the other, and in the absence of authority, when
16 you come out with powerful dictum like this, the Supreme
17 Court of the United States --

18 THE COURT: Well, in reviewing Bruton, California vs.
19 Green, and the cases cited to you last night, that 1970
20 Georgia case, I concluded that there is no legal impediment
21 to going back into the Grand Jury testimony now for both
22 impeachment and for substantive purposes, in view of the
23 fact this defendant has now taken the stand and testified.

24 MR. KAY: I think that is what the United States
25 Supreme Court is saying in their dictum on the Green case.

26 I think they are saying exactly what your Honor
has indicated.

1 THE COURT: The defendant is now on the stand testify-
2 ing, and she is subject to as rigorous a cross-examination as
3 any counsel cares to make.

4 MR. BUGLIOSI: Thank you, your Honor.

5 MR. KANAREK: Your Honor, if I may, I would like to
6 suggest to the Court that the problem is not resolved by
7 this approach.

8 The United States Supreme Court merely says
9 that certain things are permissible based upon what is
10 brought before it.

11 Now, Johnson -- the Johnson case is still the
12 California Supreme Court case, and because the United States
13 Supreme Court rules in the Green case or makes this state-
14 ment in the Green case, does not mean that the California
15 Supreme Court cannot interpret and decide the extent of what
16 we call "Sixth Amendment rights," what they may be in
17 California.

18 As a matter of fact, in the Green case they
19 talk about various states having various different degrees
20 of --

21 THE COURT: I am aware of that, Mr. Kanarek.

22 MR. KANAREK: The point is it is my position that
23 what your Honor is doing is violative not only of the Sixth
24 Amendment of the United States Constitution as protected by
25 the due process clause of the Fourteenth, but it is viola-
26 tive of our California law, because of the interpretation

1 put on the Evidence Code by the Johnson case.

2 THE COURT: Of course, the Johnson case was based on
3 erroneous premises. So the United States Supreme Court held.
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1 MR. KANAREK: Very well, your Honor.

2 Your Honor is the one to rule. But it is my
3 position that the Evidence Code and Johnson are still
4 good law in California.

5 MR. KAY: No.

6 MR. KANAREK: You have to look at each case.

7 THE COURT: The Evidence Code is 1235 in this
8 context, which allows the evidence in both for impeachment
9 and for substantive purposes.

10 MR. KANAREK: If you make a balance, your Honor,
11 the prejudicial value far outweighs any probative value.

12 Purportedly, all this is for is impeachment,
13 and the prejudicial value to Mr. Manson outweighs --

14 THE COURT: I don't agree.

15 I think what is occurring here, what appears
16 to me to be occurring, is that the defendants are trying
17 to create their own error by this approach.

18 MR. KANAREK: I have not used the Grand Jury
19 transcript, your Honor.

20 THE COURT: I don't think there is any impediment
21 to this witness now testifying or the prosecution examin-
22 ing her on her Grand Jury statements, in light of the
23 fact of what has occurred so far.

24 MR. BUGLIOSI: I imagine prior inconsistent statements
25 too, not just the Grand Jury, your Honor.

26 THE COURT: The objection is overruled.

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

MR. BUGLIOSI: Q Sadie, at the Grand Jury on December the 5th, 1969, did you give these answers to these questions:

"Q Did Mr. Manson call himself the devil at all?

"A Yes, he did.

"Q Did he call himself Satan?

"A Yes.

"Q Did he call himself Soul?

"A I understand your question. I want to make certain because I don't want to say he did if he didn't.

"Q Yes. that is exactly what I want you to do, Susan. Think before you answer.

"A I know I have called him the Soul."
Did you give those answers to those questions?

A Yes.

Q Do you believe that Charles Manson, Sadie, is the second coming of Christ?

A Vince, I have seen Christ in so many people in the last four or five years, it is hard for me to say which one exactly is the second coming of Christ.