

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHARLES MANSON,

Defendant.

161
No. A-267861REPORTERS' DAILY TRANSCRIPT

Monday, October 18, 1971

VOLUME 61APPEARANCES:

For the People: JOSEPH P. BUSCH, JR., District Attorney
BY: ANTHONY MANZELLA,
Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

MARY LOU BRIANDI, C.S.R.
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Official Court Reporters

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1-1 1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 18, 1971 9:55 A.M.

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4 THE COURT: Good morning, ladies and gentlemen.

5 (Whereupon, murmurs of "Good morning, your
6 Honor," were heard from members of the jury.)

7 THE COURT: Welcome to another glorious week in
8 Department 106. I hope you're all in good health.

9 We will be ready to proceed as soon as everyone
10 arrives.

11 (Pause in the proceedings while a discussion
12 off the record ensued at the bench between the Court
13 and the bailiff.)

14 THE COURT: We're still in recess, ladies and gentlemen,
15 then, until 10:00 o'clock.

16 (Short recess.)

17 THE COURT: All right. The record will show that
18 all the jurors are present -- all the jurors and alternates.

19 Mr. Kanarek is now present.

20 Mr. Kanarek?

21 (Whereupon the following proceedings were had
22 at the bench among Court and counsel, outside the
23 hearing of the jury:)

24 THE COURT: The Court waited for you about 25 minutes
25 this morning. What is the explanation?

26 MR. KANAREK: Well, your Honor, if -- the box that I
27 carry the transcripts in, it just gave out on me. I had to
28 get another one, and there was -- I had -- the mechanical

1 problem of getting things to this court is incredible.

2 And I would just point out to the Court that --

3 THE COURT: Other lawyers seem to be able to do it in
4 cases that are less complicated than this, --

5 MR. KANAREK: Well --

6 THE COURT: -- and you should be able to do it.

7 MR. KANAREK: Well, your Honor -- well, as your Honor
8 knows -- and I am just doing this by way of illustration --
9 Mr. Manzella was late, I think -- what? -- one day last
10 week; and your Honor didn't have the jury in the box waiting.

11 And one of the jurors kept us waiting, I think,
12 45 minutes or an hour, and your Honor didn't even mention
13 it.

14 But I do apologize. I -- the box that I carry
15 these transcripts in gave out, and I had to get -- I had to
16 get -- otherwise, I -- I -- it would be impossible to carry
17 all those in. And I had to get a box. The thing just broke
18 on me.

19 THE COURT: Mr. Kanarek, will you ask your client
20 whether or not he is willing to behave himself and be quiet
21 today?

22 (Pause in the proceedings while a discussion
23 off the record ensued at the screen of the detention
24 room door between Mr. Kanarek and the defendant.)

25 MR. KANAREK: He says "Good morning," and "No," your
26 Honor.

27 THE COURT: Let's proceed, then.

28 Let's see. You have consumed what? About two and

1 a half days, actually?

2 MR. KANAREK: Well, I think that's approximately it.

3 THE COURT: And --

4 MR. KANAREK: I don't know -- the word "consume," I
5 don't know that -- that I have --

6 THE COURT: Are you going to quibble with the word
7 "consume," is that it?

8 MR. KANAREK: No, your Honor, I'm not quibbling. What
9 I'm saying --

10 THE COURT: Your argument has extended, let's say,
11 two and a half days thus far. And I think the People argued
12 approximately three hours.

13 MR. KANAREK: Well, but the People, I feel sure,
14 will -- but anyway, it isn't a matter of -- just like --
15 well, I don't wish to belabor --

16 THE COURT: And how much longer do you believe that
17 your argument will be?

18 MR. KANAREK: I would say -- I would say about two and
19 a half days, your Honor. I have gone over it over the
20 weekend, and I spent the weekend on this, taking out --
21 taking out and summarizing even further, outlining even
22 further, your Honor.

23 And I -- I will -- I will speed it as fast as
24 possible, your Honor.

25 THE COURT: All right.

26 Let's proceed.

27 MR. KANAREK: Thank you, your Honor.

28 (Whereupon the following proceedings were had

1 in open court, within the presence and hearing of
2 the jury:)

3 MR. KANAREK: Good morning, your Honor, and ladies and
4 gentlemen of the jury, and Mr. Manzella:

5 I would like to apologize for being late, but
6 this container -- this box that I carry these transcripts in
7 gave out on me this morning, and I had to scurry around and
8 get something strong, because I had to bring the transcripts
9 in, with two or three trips.

10 I hope everyone had a pleasant weekend. And if
11 we may, I think that -- that one of the -- one of the matters
12 that we were speaking of had to do with -- with Barbara Hoyt,
13 and how she heard those screams that we heard about in this
14 courtroom.

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1 (Pause in the proceedings while a discussion
2 off the record ensued at the Clerk's desk between
3 Mr. Kanarek and the Clerk.)

4 MR. KANAREK: And I think that there's an implication
5 that the prosecution's presentation of the case to us --
6 there's an implication that there was something magic about
7 a particular day here, in connection with Mr. Shea.

8 And -- and I -- in order to get an insight into
9 whether or not this was a particular day that had significance,
10 of course, the testimony of Frank Retz and the evidence
11 pertaining to Frank Retz comes into focus, because Mr. Retz,
12 supposedly, wanted some kind of a night watchman to guard the
13 ranch.

14 And I think it's significant that, if we look
15 at the testimony of Mr. Retz -- for instance, he stated:

16 "Now, after June --" this is the question:

17 "Now, after June 30th, 1969, when you were
18 on the property almost every day, did you see Mr.
19 Manson there?

20 "A Yes, I did.

21 "Q On one occasion or more than one occasion?

22 "A More.

23 "Q And can you tell us approximately how
24 many occasions?

25 "A It's hard to say. More occasions.

26 "Q And was Mr. Manson alone on these occasions,
27 or was he with other people --" no. (Continuing) -- or
28 was he with other people?

1 "A With other people."

2 Now, the reason that that's important is because
3 it shows -- it shows that Mr. -- we know that Mr. Retz bought
4 the adjacent Kelly property; and he bought this Kelly
5 property, and he had it as of June 30th. Now, I am sure that
6 the -- there was no need -- here's June 30th, and here's
7 July.

8 If this is such a problem as they would have us
9 believe, and Mr. Retz had seen Mr. Manson and Mr. -- and the
10 people that are friends of Mr. Manson's on this property for
11 a long time, Mr. Retz would have -- would have sought out
12 some kind of person other than a person like Mr. Shea.

13 Mr. Swartz was on the property; there were many,
14 many cowboys on the property.

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1 Uh, these people would all be available for such
2 type employment by virtue of their actually living there.

3 So the attempt, uh, the attempt to make us
4 believe that there was something about Mr. Shea that was
5 different than the -- than these other people, it is kind of
6 a thing that is makeshift and it is the kind of thing that --
7 that shows that the prosecution is grabbing at straws in
8 connection with some kind of a reason, because -- that they
9 want to foster pertaining to Mr. Shea.

10 Then, for instance, this leading and suggestive
11 question was asked by the prosecution of Mr. Shea -- of Mr.
12 Retz.

13 In other words, during the last half of August,
14 1969, the previous question which was asked and was actually
15 part of this, because the Court did not make any ruling,
16 is significant because it is all really just one question.

17 "Did these conversations that took place
18 after the Spahn Ranch raid occur before, say, the
19 first week in September, 1969? In other words, during
20 the last half of August, 1969?"

21 Now, that's the entire question that the witness
22 had to answer because the Court overruled the objection.

23 And the Court said, "You may answer it."

24 And the witness said, "I don't remember exactly
25 the date."

26 Then, the prosecution asked:

27 "All right, I'm not asking you for the
28 date.

1 "A Yeah.

2 "Let me ask it this way, during what
3 period of time during the -- after the Spahn raid
4 did these conversations occur?

5 "Eight days, 14 days, three weeks, I'm
6 not sure.

7 Then, in order to foster the prosecution's
8 viewpoint, the next question was another leading and sugges-
9 tive question, trying to get the witness to answer the way
10 the prosecution wants.

11 "Q It was within a week to two weeks after
12 the Spahn Ranch raid?

13 "A Something like that."

14 Now, this is -- this is significant in view of
15 the testimony of Mr. Swartz, because here, -- and this --
16 this is, uh -- all right, then, the prosecution asked the
17 question, uh:

18 "All right, do you recall the conversation
19 that the first time that Squeaky was present?

20 "A Yes.

21 "Q All right. Would you tell us what the
22 conversation was?

23 "THE WITNESS: First the conversation was --
24 Mr. Spahn told me that he has a -- that he has
25 Shorty as the man for the right job.

26 "Q And was Shorty a man you knew otherwise
27 as Donald Shea?

28 "A That's correct.

1 "And did you say anything more about hiring
2 a guard or about hiring Shorty on that occasion, the
3 first occasion?

4 "A I agreed with Mr. Spahn and told him to
5 send him to me.

6 "Now, on the second occasion what was said
7 about hiring a guard or about Shorty?

8 "Uh, I came out and I said, 'How come
9 Shorty didn't show up?' And he said, 'I didn't see
10 him around and so he -- as soon as he comes, I'm
11 going to send him to you.'"

12 Now, we come to -- we then come to an interesting
13 bit of testimony by Mr. Swartz, and it shows how these
14 witnesses have chosen up sides, so to speak.

15 "Now, would you tell us what Shorty said
16 during the conversation?"

17 Now, this has to do -- go back and get a little
18 background.

19 Uh, the question that was asked, remember about
20 the boardwalk, "Who was present during that conversation
21 besides you and Shorty?

22 "Just Shorty and myself."

23 And it is interesting in that regard that these
24 various conversations that have significance are never --
25 they never bring us more than one person who hears that
26 conversation, a particular conversation. They always bring
27 to us one person. I tried to go through this transcript
28 and find any place where more than one person testifies to a

1 given conversation, but they don't do that, because of the
2 exclusion of witnesses. They only bring one person who
3 purportedly hears a conversation.

4 "And just Shorty and myself, oh, it was on
5 the boardwalk in front of the ranch.

6 "Is that in front of the main buildings?

7 "In front of the main buildings.

8 "And it was during the day?"

9 Then, the Court allowed the conversation to be
10 spoken to us.

11 "Mr. Swartz, would you tell us what Shorty
12 said during the conversation?

13 "Shorty told me that Frank Retz had bought
14 the adjoining or half the property -- or half the
15 property from Mr. Spahn and had offered him a job as
16 a watchman. And that he was going down that evening
17 and see about it, go see Mr. Retz."

18 He says that he was offered a job as a watchman,
19 and he was going down that evening and see about it, go see
20 Mr. Retz.

21 Now, in that regard, the question revolves itself
22 around -- we are -- we are supposed to believe that with Mr. --
23 with Mr. Retz being on this property, on the Kelly property and
24 on the Spahn property, for this entire period of time, we are
25 supposed to believe that Mr. Retz made some kind of an
26 arrangement on a particular day to see Mr. Shea. It never
27 happened. Mr. Retz never testified to this -- in other words,
28 that's what happens when you exclude witnesses, because there

1 is a tendency to show these kinds of defects in testimony.

2 Mr. Retz doesn't tell us that on a particular day
3 at a particular time there was some kind of a -- a meeting
4 set up for a particular night.

5 "I came out and I said, 'How come Shorty
6 didn't show up?' And he said, 'I don't see him around
7 and as soon as he comes, I'm going to send him to you.'"

8 Now, the question -- and it is the question that
9 is important in connection with this testimony -- why doesn't
10 the prosecution show us that there was a meeting for a
11 particular time with Frank Retz who is in this courtroom?
12 Why doesn't the prosecution show us that Frank Retz on a
13 certain day at a certain time had a meeting with Mr. Shea?
14 And -- like we've spoken of and we've indicated previously, if
15 -- if Mr. Shea is around this ranch so much, why doesn't they
16 just bring him up to Mr. Spahn, bring him in, meet you at
17 Mr. Spahn's and talk about it all over this period of time?
18 Because there was no meeting. Otherwise, Mr. Retz tells us
19 that on a particular day, on a particular day there would be --
20 there was a meeting. And he doesn't say that there was a
21 meeting. He says, "How come Shorty didn't show up?" In
22 other words, Shorty is not interested in this kind of a job.
23 That is the reason. That is the reason that permeates all
24 of the relationship between Mr. Retz and Mr. Shea. It is
25 right here in the transcript.

26 These -- these -- all of this testimony, and it
27 also -- it also -- it points up why in -- in conversations
28 the foundation is so important. It is important, difficult as

1 it is to remember words that are uttered, it is important
2 because you got to make sure you're talking about the same
3 time. And that's why we ask for a date, people present and
4 all of that. And the prosecution -- the prosecution does
5 not present to us any such meeting.

6 There is a significant -- there is a significant
7 bit of testimony here by Mr. -- by Mr. Retz.

8 "Q Had you seen Shorty Shea at any time on
9 the ranch or prior to the conversation you had with
10 Mr. Spahn about hiring him as a guard?

11 "A No.

12 "Q Had you ever met Shorty Shea personally?

13 "A Oh, yes, yes.

14 "At --

15 "Q Where did you meet him?

16 "A At Spahn Ranch.

17 "Q Now, did you see him after you spoke
18 with Mr. Spahn about hiring him as a guard?

19 "A No."

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1 "Q Did you see Mr. Shea -- strike
2 that. Then I take it you saw Mr. Shea, when
3 you saw him at Spahn Ranch, you saw him prior to
4 the conversation you had with George Spahn?

5 "A Yes, before.

6 "Q Did you ever see Mr. Shea again?

7 "A No."

8 Now, Mr. Swartz went on to testify that he had seen
9 Mr. Shea with the attache case, which is People's 54.

10 Now, we have -- now -- now, Mr. -- Mr. Shea --
11 Mr. Shea was just as much -- at that period of time -- at the
12 Spahn Ranch as was Bill Vance, as was Danny De Carlo and as
13 was everyone else at that Spahn Ranch.

14 We have here, in this attache case, we have here
15 what is obviously -- what is obviously an attempt to defraud
16 George Spahn. We have here (indicating) a series of checks
17 made out to the order of William Rex Cole. You'll have them
18 in the jury room, and they're all -- it says: "Spahn's Movie
19 Ranch, Motion Picture Livestock, Equipment, Transportation."

20 And they're all of the same date, October 3rd,
21 1969. Now, to be October 3rd, 1969 means that somebody --
22 means that somebody -- Mr. Shea and Mr. Spahn -- pardon me --
23 and Mr. Vance, Danny De Carlo, and various ones of the -- of
24 the various people there, undoubtedly got together, in
25 connection with some kind of a -- some kind of a scheme to pass
26 these checks on the particular day or a particular weekend or
27 something like that.

28 Now, Mr. -- Mr. Shea was a man of many, many

1 occupations; and Mr. Vance was a man of many occupations and
2 many faces. And we have here "George C. Spahn," Mr. Spahn's
3 signature.

4 Now, there's something here in connection with
5 these checks, if you -- if you think about it, that shows that
6 Mr. Spahn -- Mr. Spahn is blind. Mr. Spahn is blind.

7 Ruby Pearl wants Mr. Shea to sleep in the shed,
8 on a cold night. She doesn't offer him anything except a shed
9 to sleep in. We all remember that.

10 And so, if these checks are dated October 3, 1969,
11 you can't -- when -- when the people do these kinds of things,
12 what they do is, they hit the supermarkets, they hit the super-
13 markets like maybe on a Friday night or something like that.

14 And then they go -- various people that are part
15 of the scheme like this will go to various supermarkets, various
16 check cashing places, and they have to do it almost at the
17 same time; because obviously, obviously when these hit the
18 bank, there's an automatic stop on this account, after they
19 get two of them that are as identical as these are.

20 They're all being purportedly with a -- purportedly
21 some kind of a deduction for pay, what appears to be -- \$25.30,
22 turning it into \$137.35.

23 And there is a signature of George C. Spahn,
24 supposedly. Now, why doesn't somebody tell us -- why doesn't
25 somebody -- here we have some documentary evidence. Why
26 doesn't somebody tell us -- is that George Spahn's
27 signature? Is that the signature of Rex Cole? Is that the
28 signature of Donald Shea? Did Bill Vance write on each of

1 these?

2 We aren't told anything about these checks, which
3 has the date October 3, 1969, on them.

4 Now, for whatever that might be worth -- for what-
5 ever that might be worth, that's in this -- that's in this
6 attache case. And Mr. Manson isn't connected with any of this.

7 Where is Mr. Manson? This (indicating) is in
8 evidence, before us. What showing is there, between these
9 checks and Mr. Manson -- between that blue suitcase and
10 Mr. Manson? Between all of these and Mr. Manson?

11 The pawn ticket -- the pawn ticket was gone over.
12 What showing is there between that pawn ticket and Mr. Manson?
13 There isn't any. There is no showing.

14 Now, the Court is going to instruct us on this --
15 in connection with circumstantial evidence -- that it's
16 circumstantial evidence -- did I write that on?

17 No, I guess I didn't write that out.

18 But circumstantial evidence -- if circumstantial
19 evidence has two possible interpretations, one of which points
20 to the innocence of Mr. Manson and one of which points to his
21 guilt, we have to take the -- to take that which points to
22 his innocence.

23 Well, all of this -- well, all of this in the suit-
24 case, all of this evidence in connection with the attache case,
25 all of this evidence in connection with the guns, everything
26 that Mr. Launer -- all of that points to Mr. Manson's innocence.
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1 It certainly doesn't point to any kind of a guilt
2 on the part of Mr. Manson. And they have offered all of this
3 evidence before us, and there is just no way that any of this
4 has been connected up or shown that Mr. Manson had anything to
5 do with it.

6 (Pause in the proceedings.)

7 Now, in connection with this statement by Mr.
8 Swartz, Mr. Swartz says that Mr. Manson told him --

9 "Q Now, approximately how long after
10 your release from jail. . . did you have this
11 conversation with Charles Manson?

12 "A Oh, two weeks, I guess, ten days.

13 "It was on the boardwalk in front of the
14 ranch."

15 I don't know if it's just sort of a passing
16 interest, but this is a movie ranch; it is a place where
17 movies are made. And it's a place where a lot of fiction
18 takes place, in connection with -- for instance, I think one
19 of the most interesting parts of the fiction is the deal
20 where -- and I can almost see the westerns, when we were kids;
21 you know, how the guy comes into the bar, and the guy throws
22 the knife?

23 Dawn Quant told us that this -- that Mr. Manson was
24 walking -- that Mr. Shea was walking -- and I could just --
25 like when -- in the -- in the bar is where it usually happens.
26 The villain comes in, and the guy is in the bar, and the villain
27 throws the knife, twang. It twangs, and it just barely misses
28 the bar.

1 And that's the signal for all the people to leave,
2 because the good guy and the bad guy are now going to have
3 their duel and shoot it out.

4 And this is a movie ranch, and this is the kind of
5 thing that -- that this girl testified that Mr. Manson did.

6 Well, there it is for you. I mean, it's the kind
7 of thing -- it's the kind of thing that fits in with the
8 movie ranch, a place where -- where Westerns are made.

9 But in any event, the testimony of Mr. Swartz is:

10 "Where did you have it?

11 "A It was on the boardwalk in front of
12 the ranch.

13 "Q Who was present besides yourself and
14 Mr. Manson?"

15 He says: "No one." And then he has a conver-
16 sation with -- with Mr. Manson.

17 "Okay. I asked Charlie if he had seen
18 Shorty around, and he said that a friend of his in
19 San Francisco needed someone to work or had a job.
20 That he told Shorty about it and gave him a few
21 dollars and that he had left for San Francisco."

22 Then he went on to testify about the guns.
23 And again, we have Mr. Vance and Mr. De Carlo -- Mr. Vance and
24 Mr. De Carlo supposedly with Mr. Shea's guns.

25 And he testified:

26 "A Well, the people at the ranch called
27 it the prop room, because we kept a lot of motion
28 picture equipment in there.

1 "Q Have you ever heard it referred to
2 by any other name, by people at the ranch?

3 "A Well, I heard it called the 'gun
4 room' a couple of times.

5 "Q The gun room?

6 "A Yes. Not very often.

7 "Q Now, were you in the gun room at the
8 time you saw Bill Vance and Danny De Carlo?

9 "A Yes, I was.

10 "Q And did they come into the gun room?

11 "A Yes.

12 "Q Now, did Mr. Vance and Mr. De Carlo
13 have anything with them --

14 "Did they come in together?

15 "A Yes, they did.

16 "Q Did they have anything with them
17 when they came into the gun room?

18 "A Yes, they did.

19 "Q What was that?

20 "A An attache case with a set of
21 matched pistols.

22 "Q And have you ever seen that attache
23 case and those matched pistols before?

24 "A Yes, I have.

25 "Q And in whose possession had you seen
26 those before?

27 "A In Shorty's.

28 "Q Had you seen them once or more than

1 "once in Shorty's possession?

2 "A. Two or three times. He showed them
3 to me."

4 Now, what -- it would seem -- it would seem like --
5 it would seem like -- now -- that those people and their
6 possession of these pistols and this attache case would -- is
7 part of what -- when we remember that there is a burden of
8 proving a defendant guilty beyond a reasonable doubt and to a
9 moral certainty, there would be -- it would seem like the
10 possession of what they say belongs to Mr. Shea, that that
11 should somehow or other be brought to us, and we should be told
12 about it.

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1 Because there is nothing to connect Mr. Manson
2 with those pistols, or with this attache case, except that he
3 was just one of many people on the ranch.

4 So, Mr. Swartz goes on further and tells us about --
5 about -- about how the guns were broken down and all of that.

6 Now, then, we get to Mr. Swartz's testimony; we
7 get to Mr. Swartz's testimony about the benefits that he's
8 received. And I think -- the way he's -- in other words, a
9 witness -- the way we can evaluate a witness is to determine
10 his -- his motivation and his honesty and all of that.

11 And here he started off by saying:

12 "And you spoke with the police officers, and
13 you discussed with them the fact that you were a
14 witness in connection with Mr. Manson?"

15 That's when he said that he had this problem in
16 connection with checks.

17 "Q That was part of your discussion?

18 "A. Yeah.

19 "Q You discussed this with them, and you
20 received a benefit in connection with that case,
21 because of your conversations with those law
22 enforcement officers; is that correct?

23 "A. I don't think so, no.

24 "Q You don't think so?

25 "A. I says: 'I don't think I did.'"

26 Now, we know that Mr. Swartz -- we know that
27 Mr. Swartz, indeed, received the benefits -- I'm not going to
28 read it all, but he got -- he had this felony charge reduced

1 to a misdemeanor. And he walks out of the courtroom, because
2 of his posture in connection with this case. He knows --
3 you see, he has some kind of problem with the police. What
4 did he do? He goes to the police and he tells them, "You know,
5 I'm -- I'm giving testimony against Mr. Manson." And he lets
6 them know. And he -- and so they call up, and they wheel
7 and deal with justice in this fashion, so that they again make
8 an arrangement for Mr. Swartz to be relieved of his felony
9 problem.

10 (Pause in the proceedings.)

11 Now, I am trying to cut down the -- well, -- with
12 -- remember, without reading it all, remember how Mr. Swartz
13 doesn't know what day it is he starts off? He says -- he
14 says -- uh -- he says: "It wasn't September. It was a few
15 days after I got out of jail I had the conversation with him.

16 "Q. Now, you say it was a few days
17 after?

18 "A. I don't know when it was."

19 And then the question was: "Was it a few
20 days or days?

21 "A. It was a few days.

22 "Q. Do you include 10 days as possibly
23 being a few days?

24 "A. I don't include 10 days. I just say
25 a few days went by and we had the conversation.

26 "Q. As a matter of fact, Mr. Swartz, the
27 reason you say it was August and not September is
28 because you've talked to so many police officers

1 "concerning these matters pertaining to Mr. Manson
2 that you've come to accept what the police officers
3 tell you?

4 "A. No, no, no, no.

5 "Q. That's not --

6 "A. Never happened."

7 And he says: "Never happened. Not a bit.

8 "Q. Then, some time after you tell us you
9 spoke to Mr. Manson --

10 "A. That's right.

11 "Q. And how long did that conversation
12 last, when you spoke to Mr. Manson?

13 "A. Just a passing conversation.

14 We stood there for just long enough to have a
15 conversation, the conversation I told you about.

16 And that was it. That was the extent of it.

17 "Q. And what day was that?

18 "A. Oh, boy, I -- I know it was about --
19 it was the latter part of August. I don't know
20 what day it was.

21 "Q. It might have been in September?

22 "A. No, it was not in September.

23 "Q. Is there any reason why you know your
24 conversation with Mr. Manson was not in September?

25 "A. Well, I say it wasn't in September,
26 but I've got no reason to -- I just know it wasn't
27 in September. It was in August."

28 And then: "And you've spoken about these

1 "matters as you've said many times with police
2 officials; right?

3 "A. Well, when they ask you something,
4 you've got to answer them."

5 And so on and so on.
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2c

2c-1

1 And then he says -- now, the question is: "And
2 so you, as far as this conversation with Mr. Manson
3 was concerned, it was a passing conversation that may
4 have taken just a few seconds; is that right?

5 "A Right.

6 "Q There was no reason to remember it, was
7 there, Mr. Swartz?

8 "A Well, if Shorty hadn't disappeared, I
9 probably wouldn't have remembered it."

10 Well, who says that Shorty has disappeared, really?
11 Except in the context of the -- of the police interrogation
12 concerning Mr. Shea?

13 The -- the fact of the matter is that Mr. Swartz --
14 Mr. Swartz has been -- he's telling us that it's something that
15 he wouldn't have remembered if Mr. -- if Mr. -- if Mr. Shea
16 hadn't disappeared.

17 Then, after -- then the question was asked of
18 him:

19 "After you heard of Mr. Manson being
20 arrested, you made no missing person's report
21 concerning Shorty Shea to any law enforcement
22 officials, did you?

23 "A No, I never did.

24 "Q Never did, right?

25 "A Right.

26 "Q And so, Mr. Swartz, you made no notation
27 of this conversation that you say took a few seconds
28 with Mr. Manson, right?

2c-2

1 "A Oh, I didn't write it down, no.

2 "Q And you spoke to many people on that ranch
3 during the summer of 1969 -- during the year of 1969;
4 is that right?

5 "A Probably had spoken to everybody."

6 Now, then, he -- we -- it goes to --

7 "You don't know -- you don't know whether
8 it was August or September, do you, Mr. Swartz?

9 "A Sure do. It was August."

10 And he's speaking about the date that he saw
11 the guns with -- with Mr. Vance and Mr. DeCarlo.

12 "Q You know for sure it was August?

13 "A Sure, it was August.

14 "Q You don't know whether it was September 1st
15 or the 2nd? It had to be either August 30th or 31st
16 that the latter -- right?

17 "A It was in the latter part of August
18 sometime.

19 "Q Now, Mr. Swartz, you had no reason for
20 making any kind of a demarcation between August 31st
21 and September 1, did you?

22 "THE WITNESS: Sure, because it wasn't -- why
23 don't you ask me that again?"

24 And the question is: "Yes. In your mind, you
25 had no reason for making any kind of a determination
26 on the difference between August 31st and September 1st;
27 right?

28 "A None whatsoever.

1 "Q And you had no reason in your mind for
2 making any demarcation between September 1st and
3 September 2nd; right?

4 "A No.

5 "Q And you had no reason in your mind for
6 making any demarcation between September 3rd and
7 September 4th?

8 "A No, no reason at all.

9 "Q And you had no reason for making any
10 demarcation between September 5th and September 29th;
11 is that right?

12 "A That's right."

13 So, what happens is -- what happens is that a
14 witness -- and it takes a -- it-- it takes the reading of
15 the transcript and going into the detail of it. And I know
16 this isn't very entertaining, and it's not -- it's not the
17 kind of thing that's a Perry Mason glamorous approach to law.

18 But that is where it is. This shows -- this
19 (indicating) shows how law enforcement -- how law enforcement
20 operates.

21 Now, we may -- some of us have heard, and probably
22 all of us on the jury have heard that, over the weekend, the
23 man who was the chief, the top man in the administration of
24 criminal justice in the Department of Justice in Washington,
25 D.C. --

26 THE COURT: Excuse me just a minute, ladies and
27 gentlemen,

28 That has no bearing on the issues in this case,

1 Mr. Kanarek.

2 We'll recess at this time. During the recess,
3 you are obliged not to converse amongst yourselves nor with
4 anyone else, nor permit anyone to converse with you on any
5 subject connected with this matter, nor are you to form or
6 express any opinion on the matter until it is finally
7 submitted to you,

8 About ten minutes, ladies and gentlemen.

9 (Midmorning recess.)
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3 fls.

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1 THE COURT: The record will show that all jurors are
2 present,

3 Mr. Kanarek, you may proceed.

4 MR. KANAREK: The -- this is just a little for instance
5 to show -- to show the effect of how the prosecution can
6 influence people, and I'm referring now to the testimony of
7 Mr. Binder, wherein the question was asked of Mr. Binder:

8 "Did Mr. Shea speak to you of a lady that
9 he called Phyllis Shea?

10 "A Yes.

11 "And he told you that he had married
12 Phyllis Shea, right?

13 "A Yes, I believe he did.

14 "Q Correct?

15 "A Yes.

16 "And that Phyllis Shea is a lady who is
17 different than Magdalene Shea?

18 "A Yes, it is a different lady."

19 Now, that was before the recess when he tells us
20 he spoke to nobody.

21 And afterwards, then, this question is asked:

22 "With reference to Mr. Shea's wife's name
23 or the names of any of his wives, is Sandy the only
24 name he ever used with reference to any wife of his?

25 "A That and Magdalene, is the only one he
26 ever called Mrs. Shea in my presence.

27 "And he never used the word 'Phyllis,'
28 the name Phyllis in your presence?

1 "Yes, there was girls that came to the
2 house with Donald over the time and one of them may
3 have been named Phyllis.

4 "Q I see. It was a girl friend of his that
5 was named --

6 "A I didn't say that. I said one of them
7 may have been named Phyllis.

8 "And you heard Mr. Shea use the name
9 Phyllis, right, with reference to a female?

10 "He came with Barbara, and Mary, and a
11 Susan, and probably a Phyllis. His home was my home.
12 And he had free access. And he came with different
13 girls to the house.

14 "Did he ever refer to someone -- a female
15 by the name of Phyllis when that female was not
16 present in your house at the time he was present then--

17 "A I don't recall.

18 "-- at the time he was present and you
19 were present?

20 "A I don't recall. You are asking something
21 I really don't know. I really don't remember."

22 And the Court says:

23 "Just answer the question."

24 Then, the question is:

25 "Then, I will ask you, Mr. Binder, did
26 Mr. Shea ever refer to someone that he called his
27 wife by the name of Phyllis?

28 "A Not to my recollection."

1 So there you have -- there you have the kind of
2 situation where a witness just over the recess as a result
3 of talking to whoever he did talk to, changed his testimony
4 from what the transcript reveals.

5 Now, I suppose -- I suppose, really, in our --
6 in our listing here in -- we really should make it sort of
7 a big circle and write in "police officers." Because in
8 these relationships that we're speaking of here, the police
9 officers certainly played a very, very big part.

10 Now, if we just look at the intense surveillance
11 that was at the Spahn Ranch when Mr. Manson and his friends
12 were present there, -- Officer -- and this refers to the
13 raid of August 16th, raid, before coming to the ranch --
14 I'll withdraw that.

3a fls.

3a-1

1 "What time did you come to the ranch that
2 morning?

3 "It was approximately 5:00 o'clock in the
4 morning and it was just at sunrise.

5 "Q Just at sunrise.

6 "And before that, you were briefed? You
7 were briefed at the Malibu Station, is that right?

8 "That's correct."

9 In other words, here is -- this is August 16,
10 1969, and there is an actual raid which is planned.

11 Now, that raid obviously wasn't planned the
12 morning of August 16th. We have one police officer testifying
13 that he was at the Spahn Ranch. He, himself, literally
14 hundreds of times, he said. So if you go back from August
15 16th, and you go back and with the focus and with the intense
16 interest upon -- that these people had concerning Mr. Manson,
17 is it -- is that circumstantial evidence of Mr. Manson's
18 innocence as to the charges that are here? It has got to be.

19 How -- you probably couldn't leave that ranch
20 without -- and come to the ranch without every vehicle
21 being -- being -- that is, the license plate of every
22 vehicle being taken down. This is the only inference that
23 we can make as to what went on at this particular area.

24 And this is circumstantial evidence to indicate,
25 to indicate -- and Mr. Manson was not -- Mr. Manson was the
26 person that they had this fantastic interest in. And
27 recognizing that the Tate-La Bianca events occurred on
28 August 8, 9 and 10, and then the body of Gary Hinman, they

1 tell us, is found around August 1st; and August 16th Mr.
2 Manson is arrested, kept in jail; then, on August -- I think
3 if you add up that, you find about three days in jail at that
4 point, on August 16th.

5 On August 24, on August 24 he is arrested again
6 and spends about two days in jail.

7 And then, they bring the indictment in December
8 of 1970, with all of this talk to these witnesses, talk and
9 retalk to them.

10 Does that have any significance? Does that have
11 any significance?

12 This fantastic surveillance in connection with
13 whether or not -- with whether or not Mr. Manson, uh, uh,
14 is guilty of the things that they are accusing him of.
15 You have a situation here -- you have a situation here
16 wherein, going to the next aspect of it, can we believe that
17 anyone could scream on that ranch without some police officers
18 hearing it.

19 Could anyone scream -- we look -- we've looked
20 at the pictures, at the pictures of --

21 Now, we remember the testimony of Ruby Pearl.
22 And there's -- it is interesting -- it is interesting to
23 think of what the prosecution's approach is in this case.

24 The prosecution would have us believe that this --
25 that when Ruby Pearl testifies about these people surrounding
26 Mr. Shea -- excuse me just a moment, your Honor.

27 (Pause in the proceedings.)

28 MR. KANAREK: If we think in terms of, let's say --

1 let's say the people that -- that the prosecution has spoken
2 of as -- who are alleged to have done these things that they
3 are speaking of here, with their surveillance, with the
4 surveillance that was going on at the Spahn Ranch first of
5 all -- first of all, it is not -- it is just -- it is
6 beyond belief that anyone would try to do anything improper
7 at the Spahn Ranch area because the parachute -- if we
8 look at where this parachute room is, if we -- and we'll
9 get into the detail of Barbara Hoyt's testimony that shows
10 that this didn't happen. It is the ab- -- there's no
11 question about it when you look at the transcript that
12 this never happened.

13 But anyone who was out to do wrong, do anything
14 wrong with all of this police surveillance that was there
15 night and day, and day and night, and after August 16th,
16 and the 24th, and when the Tate-La Bianca events happened
17 on August 8, 9 and 10, and the finding of the body of Gary
18 Hinman -- this place must have been -- this place was like
19 a battlefield, constantly, with police officers.

20 But over and above that, is the fact that any --
21 any screaming would certainly have been heard by what I am
22 sure was a 24 or 36-hours a day vigil, so to speak, by that
23 area of law enforcement people.

24 Then -- and then, we will get into the detail of
25 the transcript to prove it -- to prove it. Barbara Hoyt
26 says that on this night there was a moon -- I mean, it --
27 we have -- we have an impressionable girl who is the focus
28 of attention in connection with what the charges are against

1 Mr. Manson. And they take her testimony and she tells us that
2 she saw all of this by the light of the moon.

3 Ruby Pearl tells us on that night it was so dark
4 she couldn't tell -- she couldn't tell who was even there.

5 So the transcript -- let's see, the transcript
6 of Ruby Pearl's testimony, I think, is significant.

7 She tells us that -- that Mr. Spahn -- and that's
8 an interesting -- an interesting type of relationship between
9 Ruby Pearl and Mr. Spahn.

10 She tells us that he, Mr. Spahn, is old and he
11 has problems with his sight. That he is blind. And she
12 tells us that she runs the stables, rented out the horses,
13 picked out the horses for jobs, did the book work, answered
14 the phone, seeing that the people that worked for us did
15 their duties.

16 Now, she then is the manager. She is the manager
17 of the Spahn Ranch, and she is the real manager.

18 I mean, with Mr. Spahn being infirm and not being
19 able to see, we have reason to believe that as far as that
20 ranch is concerned, Ruby Pearl is, we might call, the chief
21 executive officer. She's the one -- she's the one that has
22 been there, she says, 17 or 18 years.

23 Now, I have been trying to get to some -- I'm
24 trying to read as little as possible, but this is the evidence.
25 And my synopsis of it as far as the words are written down
26 here, of course, is not as adequate as what the court
27 reporters took down.

4
1 "Q Now, during the summer of 1969,
2 were you at the ranch every day, in your capacity
3 as forewoman of the ranch?

4 "A Yes."

5 So she was there, she tells us, every day.

6 And she tells us that during the summer, she saw
7 Mr. Manson wearing a knife, one time a sword. And then she
8 describes the sword to us, the 20-inch or 24 inches.

9 Then, then she goes on to tell us that she met
10 Mr. Shea and she met Niki, and she met Niki at the ranch.

11 Then she goes on and describes that on a certain
12 day, at 11:00 o'clock in the evening, she saw these events
13 that she told us.

14 Now -- "Now, when Donald came over to your car,
15 did you have a conversation with him?

16 "A Yes.

17 "Q Did he ask you anything?

18 "A Yes.

19 "Q What did he ask you?

20 "A He asked if he could come home and
21 stay at my house.

22 "Q Did you say anything in reply?

23 "A Yes. I said, well, you could --
24 there's a place in the shed there to stay. My
25 house is too small. And I had the little dogs in
26 my house. And I said, 'You're welcome to stay in
27 the shed.'

28 "Q Did Donald say anything in reply

1 "to that?

2 "A Yes. He said it was rather cold
3 in there. He didn't think he would."

4 And then she made the suggestion that he go to the
5 Fountain of the World.

6 "Q What is the Fountain of the World?

7 "A That is a religious cult that takes in
8 people that doesn't have a place to sleep.

9 "Q And how far is that from the ranch?

10 "A It's only three miles west of the
11 ranch."

12 Now, then, she describes how a car supposedly sped
13 in, and she says that it sped into the Spahn Ranch yard.

14 Now, if we look at this picture -- if we look at
15 this picture, can you consider the time the events of August
16 the 10th and afterwards, to think that there wasn't a notation
17 made of every automobile that entered this ranch? Every one --
18 every one would be incorrect, if -- it's -- it's absolutely
19 -- if these people were going to raid the place and do every-
20 thing that they did in connection with the surveillance of this
21 ranch, we have got to believe that every automobile -- and
22 especially late at night -- that entered that ranch area,
23 that there was a log kept by law enforcement people of every
24 car that went in there. That's one thing that we can
25 certainly infer occurred.

4a-1

1 Now, she says: "I kept stretching my
2 neck and slowly pulling out and seeing where
3 they were going, and I saw them sort of spread
4 out, as they reached the boardwalk.

5 "Q And where was Donald -- where was
6 Shorty at that time?

7 "A He was just on the edge of the
8 boardwalk, in the middle of this group.

9 "Q Of the group of men?

10 "A Yes.

11 "Q And when you last saw the men,
12 were they still approaching Shorty?

13 "A Yes."

14 Now, then, she goes; on she described for us where
15 Mr. Shea was standing, and she described in detail, supposedly,
16 where the telephone pole was and all of that.

17 Now, if we take Ruby Pearl's testimony concerning
18 who the people were at the Spahn Ranch, that night -- and let's
19 look at, in detail, who she says on direct examination was
20 there, and who she says on cross-examination was there.

21 Let's see if I can find that. I thought I had
22 that marked here. Excuse me just a moment.

23 (Pause in the proceedings.)

24 Now, here it is, right here. An unmarked page.
25 I'm sorry.

26 "Q And did you continue to look
27 at the car when it stopped after it stopped?

28 "A Yes.

1 "Q And what, if anything, did you
2 see?

3 "A I saw the male members of the
4 Family get out and, in a hurry, start down
5 towards the boardwalk."

6 Now, already there, she has the male members of
7 the Family. She has been -- she has talked to many people,
8 and she thinks in terms of the male members of the Family.

9 "Q Now, did you see -- can you identify
10 any of the people who got out of the car?

11 "A Yes.

12 "Q Would you give us their names,
13 please?

14 "A Steve Grogan, Tex Watson, Charlie
15 Manson and Bruce Davis."

16 Now, that is her answer to the question of who
17 the people were.

18 "Q Did you continue to watch them as they
19 approached the boardwalk?

20 "A Yes.

21 "Q And what did you see?

22 "A I kept stretching my neck --" and all of
23 that, that we've just heard.

24 Now, she says, "The male members of the Family."
25 Now, at that time -- at that time, she did not mention Bill
26 Vance, when she was testifying here in court. She -- she would
27 never have mentioned Bill Vance, if she had not been examined
28 further.

1 She chose -- she chose to leave Mr. Vance's name
2 out. Now, does that mean anything, when she deliberately --
3 we know from later on -- we know that she deliberately left
4 Mr. Vance out of that listing?

5 She puts Mr. Manson in, definitely, and she leaves
6 Mr. Vance out.

7 Now, then, she makes a statement here that's
8 significant. Here's a statement that we think is of some
9 significance.

10 " Now, at the time that you had this conversation
11 with Mr. Shea, had you spoken with Mr. Shea concerning
12 security work that Mr. Shea was to do at the ranch?

13 "A Yes. Yes, I had."

14 And in terms of relationship, this indicates --
15 this indicates that Ruby Pearl would have had some -- for-
16 getting the testimony, the fact that she ran the ranch -- she's
17 the one that would have had some conversation with Mr. Shea about
18 so-called security work. And the fact that Mr. Shea never
19 got this employment or took this employment has nothing to do
20 with Mr. Manson.

21 It has to do with the fact that Mr. Shea was not
22 interested in that type of employment. And we have it here.
23 She says she spoke with Mr. Shea --

24 "You don't know whether it was the end
25 of the week or the beginning of the week?

26 "A I can't say for sure.

27 "Q Now, at the time that you had
28 this conversation with Mr. Shea, had you spoken

1 "with Mr. Shea concerning the security work
2 that Mr. Shea was to do at the ranch?

3 "A. Yes. Yes, I had."

4 And then previously, she states -- "Well,
5 what --" in answer to the question, "What day of
6 the week was it when this incident occurred
7 that you have told us about, Mrs. Pearl?

8 "A. I can't say exactly what day of the
9 week it was.

10 "Q. Well, Monday, Tuesday or Wednesday?

11 "A. I can't say.

12 "Q. Do you know?

13 "A. I don't --

14 "Q. Do you --

15 "A. I don't know.

16 "Q. You don't know?

17 "A. No." And so on.

18 I am going through here, and I am trying to read
19 as little as possible; but nevertheless, the context of it is
20 clear that she had spoken with Mr. Shea already when this --
21 when this supposed incident had occurred, and she had spoken
22 to Mr. Shea some time previously.

23 So that Mr. Shea and she would probably,
24 undoubtedly, be the ones to talk about any employment. She
25 kept the books, and Mr. Spahn -- Mr. Spahn was infirm.
26

4b-1

1 "Q And you had spoken with him, and
2 you still stated that there -- that there wasn't
3 anybody on that ranch that Mr. Shea could fear or
4 need fear?

5 "No, because he said he wouldn't have any
6 trouble with them.

7 "Q Mr. Shea told you he wasn't going to
8 have any trouble?

9 "A Yes. He said he wouldn't have any
10 trouble.

11 "Q Well --

12 "A He was easy-going and good-natured.
13 He never had any enemies."

14 If you take her statement that this is late at
15 night -- remember, she's leaving; she's leaving the ranch at
16 11:00 o'clock at night -- and supposedly -- supposedly Mr.
17 Shea did not make an appointment with Mr. Retz -- pardon me --
18 did not meet an appointment with Mr. Retz.

19 Well, this is already 11:00 o'clock at night.
20 What time of the night was there to be an appointment with
21 Mr. -- with Mr. Retz, from the prosecution's standpoint?
22 Was he going to meet with Mr. Retz around midnight or 1:00 a.m.,
23 to have an appointment, to talk about becoming a nightwatchman?

24 It's poppy-cock. It's baloney; it's contrived;
25 it's staged, because if that was the night that he was to have
26 a meeting with Mr. -- with Mr. Retz, he's not going to have it
27 at 11:00 o'clock at night.

28 The fact of the matter is that -- that Mr. Donald

1 Shea is not interested in this kind of work, and no matter how
2 you try to buttress it, and you try to -- and you try to argue
3 it, that he was, if you look at this transcript and read it,
4 it's -- it hits you right in the face that such is not the case,
5 that there -- that Mr. Shea -- you -- for Mr. Shea to go to
6 work on that ranch, it requires more than the prosecution
7 wanting him to go to work on that ranch. He has to want to
8 go to work on the ranch.

9 Now, then, she goes on to say --

10 "Q Mr. Shea told you he wasn't going
11 to have any trouble?

12 "A Yes. He said he wouldn't have any
13 trouble.

14 "Q Well --

15 "A He was easy-going and good-natured.
16 He never had any enemies.

17 "Q But you tell us Mr. Shea -- just now,
18 a few moments ago, that he told you that he was
19 square -- he was scared?

20 "A That was later. It wasn't the same
21 moment. That was later. It wasn't even the same
22 day."

23 "It wasn't even the same day," she tells us. If
24 it wasn't even the same day, then it means that Mr. Shea was
25 not the person that this lady says was surrounded, or the
26 event never happened, or whatever; because she says it was
27 later; it was later that she had this conversation; it wasn't
28 even the same day.

1 So if it was not even the same day, it means
2 that she spoke to him after these events, where she tells us
3 that supposedly he is surrounded.

4 It's right here in the transcript (indicating).

5 Now -- "Well, was there any reason for
6 you not -- not to remember the supposed conver-
7 sations you had with Mr. Shea about his becoming
8 some kind of a guard?"

9 And here's where it all hangs out. It shows
10 how absolutely contrived this is.

11 "He wasn't afraid to be a guard at that
12 time. That was an honor job.

13 "Q What do you mean by 'an honor job'?

14 "A Well, he was there anyway, and that
15 would be a good honor for him, to be the night
16 watchman, and to draw pay, just to see that people
17 didn't bother the horses, to see that people didn't
18 break up the place."

19 Now, she's telling us -- she's telling us that
20 her state of mind and her thinking was that this job of Mr.
21 Shea's was to be an honor job.

22 What does that mean? It's something to think about.
23 It's interesting to think about. A man that's supposedly --
24 that's supposedly, with Mr. Shea's background, she tells us
25 that she considered this job to be something of an honor,

26 I suppose like -- like being -- like being an
27 honorary chairman of the Red Cross or something like this.
28 This was an honor job, to be the night watchman at the ranch.

1 Well, this is just -- it's -- I mean, she's making
2 it up as she goes along.

3 "And that was what the job was for, was to
4 make sure that people didn't bother the horses or
5 break up the place?

6 "A. As I understood it."

4c-1

1 That was what the job was for, she says, so that
2 people didn't bother the horses or break up the place.

3 "Q Then, were there any other reasons for the
4 job?

5 "A Well, if so, it was between -- it was
6 between Mr. Spahn and Shorty.

7 "Q Well, my question is: As far as your
8 thinking was concerned, Mr. Shea's entire job was
9 just to watch the horses and see that no one broke
10 up the place?

11 "A And keep other -- other so-called hippies
12 from coming in.

13 "Q Oh, he was to keep other hippies --

14 "A Other hippies out.

15 "Q In other words --

16 "A They were beginning to appear and disappear,
17 through the ranch, too often.

18 "Q I see. And in other words, he wasn't
19 supposed to do anything, as far as the hippies that
20 were there then, but other hippies --

21 "A And their friends. They probably -- it
22 probably included all of them. They were milling
23 around and -- and too many on the ranch. George
24 didn't want too many on the ranch."

25 Well, in -- in the space of an instant, she
26 changes her duties, as far as Mr. Shea is concerned. She
27 changes her duties from just keeping track of the horses to
28 including the hippies, and -- and the people from breaking up

4c-2

1 the place.

2 Now, at -- all right. Here we go.

3 "Q Now, directing your attention to the time
4 that you saw Mr. Shea on this evening, what was the
5 condition of the weather?

6 "A At that evening, it was cool outside. It
7 was always cool up in the mountains.

8 "Q Well, how was the visibility?

9 "A Like it always was. Never had lights.
10 Learned to work in the dark.

11 "Q Well, as far as seeing what people were
12 there --

13 "A At one point, they passed me. I could
14 see them.

15 "Q You had no difficulty seeing them?

16 "A No.

17 "Q How long was it that you stayed at the
18 ranch, that you stayed in your car after these people
19 arrived, Mrs. Pearl?

20 "A Barely a few minutes. Barely more than a
21 few minutes; just -- just as Shorty left, I started
22 the engine and was going to start creeping away when
23 the car came in.

24 "Q Now, would you tell us, Mrs. Pearl, how
25 could you tell Mr. Shea that there was nothing to be
26 ascares of; you did tell him that?

27 "A I told him that. I had seen nothing to
28 indicate that he should be afraid.

4c-3

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"Q You saw nothing whatsoever? This is after the raid, people are carrying these knives around that you are speaking about, and you saw nothing for anybody to be afraid about?

"A We all worked together. We never expressed our feelings. We had to work. There was no getting around that. We had to stay there until way after dark and work."

5 fls.

5-1

1 And then, it goes on.

2 Here she says:

3 "Q You had no reason -- er -- to change
4 that feeling except when you spoke to law enforce-
5 ment, is that right?

6 "A No, I got a shuddering feeling as I
7 left, seeing that, and then I realized what Shorty
8 was thinking about.

9 "Q And then, you realized what Shorty
10 was thinking about; when was that?

11 "When I was leaving I got the message that
12 he was trying to put across.

13 "Well, did anybody interfere with his
14 putting across any message to you, Mrs. Pearl?

15 "No one interfered. It was between us right
16 then."

17 Now, on this night when she says it was so dark,
18 this is the very same night that Barbara Hoyt says that she
19 looked out the window and said she saw a moon and said she
20 could see everything that was very, very well lit up.

21 And so the question is, whether or not -- whether
22 or not Ruby Pearl is telling it the way it is or Barbara Hoyt
23 is telling it the way it is.

24 "Q He owed you quite a bit of money,
25 Mrs. Pearl, didn't he?

26 "A Not that anyone knew about."

27 She's speaking now about her financial arrangements
28 with Mr. Shea.

1 "Tell us about it right now. Now is the
2 right time.

3 "A. At times I gave him money. When I give
4 money to the boys, I know I'll never see it again.

5 "Q. I see. And so how much did Mr. Shea
6 owe you?

7 "Oh, I can't say exactly.

8 "Well, give us your best estimate.

9 "\$20 at a time maybe, now and then.

10 "How much does he owe you right now?

11 "I wouldn't say he owed me anything because
12 I never expected it back when I gave it to him.

13 "You gave it to him?

14 "No, we never acted as if it was a long period
15 when they needed money --

16 "When you say 'we' --

17 "Mr. George.

18 "You mean --

19 "Mr. George. I always asked George if I
20 could give him some. It wasn't always my money
21 I was handling.

22 "You handled Mr. Spahn's money?

23 "I handled Mr. Spahn's money.

24 "Mr. Spahn was blind?

25 "Right."

26 Excuse me.

27 Now, I think what shows -- what shows the -- uh,
28 what shows the actual -- reliability of Ruby Pearl's testimony

1 is right here.

2 "Now, directing your attention, Mrs. Pearl,
3 to the time that you tell us you saw these people,
4 and you drove up to the ranch and all of that, you
5 remember discussing that a little while ago with
6 Mr. Manzella?

7 "Yes.

8 "On that occasion, how many people -- how
9 many men did you see get out of the car that you've
10 spoken of, Mrs. Pearl?

11 "Well, I didn't sit down there and count them.
12 I just recognized them, as they were pouring out.

13 "Well, would you tell us now how many there
14 were?

15 "There were four, maybe five, but I recognized
16 definitely the ones I mentioned."

17 She's trying to protect herself. She's trying to
18 protect her testimony. She remembers, and this is the
19 deceit that the jury instructions warns us about in the
20 credibility of witnesses. This woman knows that she lied when
21 she tells us previously about the four people that she men-
22 tions. And she knew it when she stated those four people.
23 She told -- she testified in this courtroom the first time,
24 she testified Steve Grogan, Bruce Davis, Tex Watson and Charles
25 Manson. And she leaves out Bill Vance because she knows that
26 Bill Vance is close to Ella Jo Bailey. And she knows that
27 Ella Jo Bailey, from her talking with police officers, and
28 the people that are prosecuting this case, she knows that

1 Bill Vance was sort of an untouchable. He's the kind of person
2 in these proceedings that we must not -- we must not put any-
3 thing upon him because there are people that don't want that.
4 She says:

5 "There were four, maybe five. But I
6 recognized definitely the ones I mentioned."

7 She's remembering back to when she testified about
8 those four. Nobody even asked her that.

9 The question was:

10 "Would you tell us now how many there were?"

11 And she is already defending herself in connection
12 with an answer that she knew was a -- that she remembered that
13 she had given previously.

14 "Q Maybe five, maybe six, maybe seven?

15 "A There weren't that many in the gang."

16 And there in the word "gang," you get Ruby Pearl's
17 feeling towards Mr. Manson and the people on the ranch. And
18 that's an interesting thing about the relationship of these
19 people. Ruby Pearl probably had some kind of a little empire
20 there. She was king pin. Mr. Spahn was blind. She's the one
21 that ran the show.

22 And then, what happens? Somebody comes in, like
23 Squeaky, Lynn Fromme. Mr. Spahn has some kind of a feeling
24 of affection for Squeaky. Mr. Manson and his friends are there.
25 And they're invading her province. Ruby Pearl doesn't like it.
26 She wants it the way it has been for 17 or 18 years.

27 And so the question is -- the question is, can we
28 depend upon Ruby Pearl's testimony? Can we depend upon her

credibility when she uses, for instance, the word "gang."

Now, you don't use the word "gang" in the context of somebody you like, a group of people you like. You use the word "gang," when you don't like a particular group of people.

And that word "gang," gives us a real insight into what Ruby Pearl thinks about Mr. Manson and -- and his friends.

"Q. There weren't that many in the gang; is that right?

"Right.

"And -- do you remember testifying before the Grand Jury?

"A. Yes.

"Did you testify before the Grand Jury that Bill Vance --"

And then, this is her answer, after the word "Vance" was uttered, she says, "Might have been there."

"Q. May I finish the question? Mrs. Pearl?

"A. Go ahead.

"Previously you -- today, you have told us -- you have not mentioned Bill Vance up to this point; right?

"A. I didn't mention him.

"Q. Did you tell the Grand Jury that Mr. Vance was one of the people that you saw in this automobile?

"A. I said he could have been there.

"Q. Was Mr. Vance one of the people that you saw in the automobile?

1 "A. I didn't recognize him. I was too
2 busy watching the others."

3 Now, what does that mean?

4 "I was too busy watching the others."

5 In her contrived way, she's trying to let us know
6 that -- that for sure, there's no question about it, she was
7 keeping her eyes upon the others. But when people get out of
8 an automobile and you are just watching a scene and have no
9 reason for remembering it, there's no reason for focusing your
10 attention on what she now calls "the others." It is just --
11 it is just not true. I mean, the woman's testimony is
12 clearly --

13 THE COURT: Ladies and gentlemen, we'll recess now
14 until 1:45. During the recess, you are obliged not to converse
15 amongst yourselves, nor with anyone else, nor permit anyone
16 to converse with you on any subject connected with the matter,
17 nor are you to form or express any opinion on it until it is
18 finally submitted to you.

19 See you at 1:45.

20 (Whereupon, a recess was taken to reconvene at
21 1:45 p.m., same day.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 18, 1971 1:50 P.M.

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4 THE COURT: All the jurors are present, the record may
5 show.

6 Mr. Kanarek, you may proceed.

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

8 (Whereupon, Mr. Kanarek conferred with the Clerk.)

9 MR. KANAREK: Well, ladies and gentlemen, some of the
10 exhibits pertaining -- I guess all the exhibits pertaining to
11 Mr. Shea are in another courtroom, but I will try to work
12 around them so that we can cover this material, try to change
13 the outline that I have had so that we can make best use of
14 the time, because the exhibits are in another courtroom.

15 And the testimony of Ruby Pearl reveals that --
16 that on occasion she has given Mr. Shea some money that
17 belongs to Mr. Spahn. She --

18 "Q So when you gave Mr. Shea money, you gave
19 him Mr. Spahn's money on occasion?

20 "A On occasion.

21 "And on occasion you gave him your money?

22 "A Yes.

23 "How much of your money have you given
24 Mr. Shea that is not yet repaid?

25 "A I don't think that's anyone's business."

26 And then, after the Court asks her to answer the
27 question, she says:

28 "How much money I have given him over a

1 "period of all of those times?

2 "THE COURT: That he owes you.

3 "THE WITNESS: Well, I give him money now and
4 then. I can't say even how much he owes me. If he
5 owes it.

6 "Q The question, Mrs. Pearl, is how much
7 have you given to Mr. Shea that he has not returned?

8 "A That he has not returned? Well, some
9 things I gave him, not giving it to him, I bought
10 things off of him. I bought a movie projector and
11 things like that when he needed money. So that's
12 not giving it to him.

13 "Those boys always come up with something
14 to sell if they needed money."

15 And Mr. Shea is one of these people she is
16 including in "those boys always come up with something to
17 sell if they needed money." For whatever that may be
18 worth.

19 "Mr. Shea always came up with something
20 to sell when he needed money?

21 "A Not often, no.

22 "He came up with a movie projector one
23 time when he needed money?

24 "A Yes.

25 "When was that?

26 "That was recent. That was recent.

27 "Would you tell us when it was, Mrs. Pearl?

28 "A It was in June.

1 "169 -- 1969?

2 "A Yes.

3 "He came up with a movie projector?

4 "A Uh-huh.

5 "How much did you give him for the movie
6 projector?

7 "A That was \$50.

8 "Q And he gave you -- you got -- in other
9 words, that would be full price for the movie projector?

10 "A Yes, yes."

11 Uh, so, we see that -- that Mr. Shea -- that also
12 goes into the state of mind, and gives us some insight into
13 Mr. Shea's activities.

14 There's one thing that we would like to discuss,
15 and that is as far as -- this police officer testimony and
16 the place of the police in all of these things. We're --
17 the police are just people, I suppose, like all of us. And
18 they are subject to the same -- to the same human traits that
19 all of us have.

20 Now, there -- there -- there have been Los Angeles
21 police officers that have literally committed burglaries out
22 of black and white cars. There's been a District Attorney of
23 Los Angeles County that's gone to prison for bribery.

24 There have been Deputy District Attorneys that
25 have been convicted of murder.

26 There -- there -- in the last couple of years,
27 there was a sergeant, a sheriff in the -- a sheriff's argument
28 out here on Topanga Canyon in Canoga Park that sat across a

1 table, pulled out a gun and killed his wife, bang, just like
2 that.

3 Now, what -- the reason we're saying this, is not
4 to damn police officers. The reasons we're pointing this
5 up -- that police officer that killed his wife, by the way,
6 got probation, but -- for whatever that means. But the fact
7 of the matter is, and I'm saying this on the record here,
8 the fact of the matter is that what does it prove?

9 It proves that these people are just plain flesh
10 and blood like all of us. And that when they inject themselves
11 and when they -- when they use the force of their personality
12 to convert testimony into a viewpoint that they want, that they
13 want to foster, then we have to give pause. We have to realize
14 the great power that these people have, especially in connec-
15 tion with the types of witnesses that have come before us
16 here. And we have to realize that in assessing the
17 credibility, in assessing the credibility of these people,
18 there lurks in the background police pressure. There lurks
19 in the background a great power. That's why you hear these
20 police organizations wanting to do away with jury trials, cut
21 down the number of people on juries. We don't need jury
22 trials. We don't need juries.

23 And the -- the Court will instruct us that any
24 kind of an oral-- supposed oral confession or oral admission
25 that supposedly somebody made, that that is to be viewed
26 with caution, that, and the Court will instruct in that
27 regard.

28 And the reason for that is because of -- one of

1 the reasons is because of what we are talking about at this
2 point. The fact that these statements that come to us by
3 word of mouth cannot be depended upon, not only because of the
4 lack of the -- of the human species to memorize and remember
5 everything that he hears, but because of the bias and preju-
6 dice and the source that the -- the fact that some of these
7 people, shall we say, to say the least, are influenced by
8 police officer relationship, by what the police can do for
9 them in connection with getting cases dismissed and everything
10 that we've seen in this courtroom. It looks like the best
11 way, the best way to get a case resolved if you are suspected
12 of doing wrong, is to say something or other bad about Charles
13 Manson.

5b fls. 14

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1 We've seen this in the courtroom here, and so it
2 is, uh, it is something that is a very live part of this case.
3 And so the theme has to do with Ruby Pearl.

4 Now, Ruby Pearl, when we look at her credibility
5 and her -- her motivation in connection with this case, it
6 would appear that she is taking sides. And what we just read,
7 it is clear she's not a neutral. She's not a person who
8 is looking at this -- this subject matter without any passion
9 or feeling. Clearly she has a passion or feeling and her
10 passion or feeling is against Mr. Manson. And going into --
11 going into, now, --

12 (Whereupon, Mr. Kanarek confers with the Clerk.)

13 MR. KANAREK: I'll try -- this particular exhibit is in
14 another courtroom. I'll try to work around it.

15 "Now, for instance, taking People's 80-C,
16 where you have 'SS' at this point (indicating), you
17 have intended that to mean Shorty Shea --

18 "A Yes.

19 "Q -- is that correct?

20 "On how many different occasions have
21 you seen Mr. Shea in that area, that general area,
22 depicted in 80-C, in the summer of 1969?

23 "A Oh, quite a few times.

24 "Q And on how many different occasions did
25 you see automobiles with people in the automobiles
26 in the summer of 1969, in that general area?

27 "A Every day. Only during business hours.

28 "Q Well, you never saw any automobiles in

1 "that area except during business hours during the
2 summer of 1969, is that correct?

3 "A No, not exactly. There was friends came
4 up once in a while and parked along --

5 "Q Well, when you say --

6 "A -- the boardwalk.

7 "Q Then, when you said a few moments ago that
8 only during business hours, that is incorrect?

9 "A Well, you said many cars, you said.
10 Many cars weren't there. Only during business hours.

11 "Q Well, what do you state are business hours?

12 "A Well, usually from morning until 6:00 in
13 the evening.

14 "Q Now, as a matter of fact -- well, I'll
15 withdraw that.

16 "On occasions, then, did you go home at
17 6:00 in the evening; is that the end of the business
18 day for you?

19 "A No, not for me."

20 Now, if what she says there is true, then it is
21 only -- that there are very few automobiles coming up there
22 in the later hours, that even makes that surveillance that
23 we're speaking of more effective because the police -- if
24 there are very few cars coming up, the police have an easier
25 chance to make their surveillance, and which we -- this is
26 supposedly during the time of -- when all of these arrests
27 and the raid at the Spahn Ranch has been taking place. And
28 it -- it would pinpoint -- it would pinpoint when they write

1 down on their -- their interrogation sheets and on their
2 notes this -- the fact -- the fact of an automobile coming
3 up there at night would certainly be something that would be
4 written down on a Sheriff's log. And the -- and -- I mean,
5 it would seem like there -- that is just -- that is just --
6 there's no question but what that would be the case.

6* fls.

6-1

1 "On occasions, then, did you go home at
2 6:00 in the evening; is that the end of the
3 business day for you?

4 "A. No, not for me.

5 "Q. Well, what dictates the end of the
6 business day at the Spahn Ranch?

7 "A. When the customers don't come in after
8 dark, then I did my other work.

9 "Q. Well, after 6:00 in the evening,
10 during the summer of 1969, did only one automobile
11 come into that area after 6:00?

12 "A. No.

13 "Q. So that during the summer of 1969
14 there were many automobiles that came into that
15 area with people in them; is that correct?

16 "A. Not outside people. Those that
17 live there came in.

18 "Q. All right. Those that lived there
19 came in many times during the summer of 1969,
20 into that area where you have the FS; is that
21 correct?

22 "A. Yes."

23 Well, now, in connection with --

24 (Pause in the proceedings while a discussion off
25 the record ensued at the clerk's desk between Mr. Kanarek and
26 the clerk.)

27 Well, due to a problem with the exhibits, if I
28 may, there's one interesting point, if I may digress a little

1 bit.

2 Mr. Springer, we will recall -- Mr. Springer stated
3 that when he came to the ranch on August the 15th, 1969.

4 "Q Now, when you went back to Spahn
5 Ranch on August the 15th of 1969, did you take
6 anything from the ranch?

7 "A Yes. I took this knife (indicating).

8 "Q And you are referring to the exhibit
9 marked People's 20 for identification?

10 "A Yes. That one and another bayonet,
11 which I don't know what become of it."

12 Now, that's the one that we know that was broken.

13 Now, looking back at August the 15th, 1969, and
14 looking back that that is after August the 1st, 1969, and
15 realizing that Mr. De Carlo is a friend of Mr. Springer's,
16 and realizing that of all the things on that ranch, Mr.
17 Springer took that knife -- which ended up broken -- does
18 that tell us anything?

19 Does that tell us that maybe it hasn't -- maybe
20 these events have not happened the way that some people want
21 us to believe it?

22 He takes the very weapon, supposedly, that is
23 used to cut Mr. Hinman. Maybe Mr. De Carlo -- could Mr. De
24 Carlo have had any part in the proceedings?

25 Could Mr. De Carlo, who knew Mr. Hinman, could
26 Mr. De Carlo have been over there and cut Mr. Hinman?

27 Why would Mr. Springer, who is certainly not a
28 friend of Charles Manson -- in this record, he tells us he

1 doesn't like Charles Manson.

2 But if you look at the sequence of events, on
3 August the 15th, he comes up there and gets the weapon that
4 they say cut Mr. Hinman. And he has that great friendship
5 for Mr. De Carlo. It's after Mr. Hinman's body has been found.

6 He wants to take Mr. De Carlo away, but not just
7 take Mr. De Carlo. As a matter of fact, Mr. De Carlo stayed
8 there.

9 Mr. De Carlo was arrested. Mr. De Carlo didn't
10 want to leave. He has got this vast affection for him.

11 So, he takes the item of evidence that we -- that
12 the prosecution tell us was used to cut Mr. Hinman. He takes
13 that item of evidence back to Venice with him -- of everything
14 there, that's what he takes.

15 Then, he -- he is a very knowledgeable person
16 with -- in connection with police activities and -- and
17 police methods. He -- he does nothing in connection with
18 that until he is arrested, until the chips are down, as far
19 as he's concerned, and his liberty is at stake -- which we
20 know, from the record, is after October the 12th, 1969, when
21 Mr. Manson has been arrested, and it's spread out in all the
22 papers and all the television stations, that Mr. Manson is
23 arrested.

24 Then after that, after Mr. Manson is arrested,
25 then he comes up with this, with this what is now People's 20,
26 and extricates himself from his legal difficulties, and --
27 and keeping -- knowing what the prosecution viewpoint is in
28 connection with Mr. Manson, he gets this weapon -- he gets

1 this weapon, and he uses this weapon to get out of custody,
2 in his statements that he makes.

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1 So, look at the relationship that he had with
2 Mr. DeCarlo. He wasn't doing anything when he took that
3 thing away from there to help Mr. Manson; he was helping Mr.
4 DeCarlo.

5 So does that tell us anything in invoking the
6 doctrine of reasonable doubt -- especially, in view of the
7 fact that Mr. Vance and Mr. DeCarlo are not brought here by
8 the prosecution, despite their having contact with all of these
9 items?

10 For instance -- for instance, the pawn ticket;
11 there's no showing that Mr. Manson had any relationship
12 to that pawn ticket -- which supposedly redeemed the guns --
13 there's just no showing of Mr. Manson having any relation-
14 ship with any of these physical items.

15 The only thing -- the only thing that they --
16 that they have are these alleged statements of Mr. Manson;
17 that's all that, really, there are. And Mr. Manson has --
18 has a right that we analyze these statements; that we look
19 at these statements, and look and see if they come from a
20 tainted source.

21 The -- the interesting thing about Mr. Springer's
22 testimony is, he tells us -- he tells us that Mr. Manson
23 told him something about Mr. Hinman's ear.

24 Mr. Springer tells us that.

25 Now, if that indeed happened -- if that indeed
26 happened, why would Mr. Springer hold on to that information,
27 say nothing about it, take the weapon that's -- that
28 supposedly did it back with him to Venice? Why would he do

6a-2

1 that?

2 The point is that we have a tendency, when we
3 listen to these words from the witness stand, to get a think-
4 ing -- to get a -- to sort of follow a path that superficially
5 the words tend to take us on.

6 But that's why we have to -- that's where we have
7 to be very cautious; and not allow -- not allowing those
8 words to take us down that path, when the words come from
9 someone who is motivated the way Mr. Springer is motivated.

10 So, if we look at what his thinking was when these
11 events happened, we come to no other conclusion. His purpose
12 was to defect Danny DeCarlo, -- I think that we all would
13 agree.

14 (Pause in the proceedings.)

15 I'll try to --

16 (Further pause in the proceedings.)

17 Now, if I may, so that we can make best use of
18 the time, I'll -- I'll discuss Barbara Hoyt and her testimony.

19 Now --

20 (Pause in the proceedings while a discussion
21 off the record ensued at the Clerk's desk between
22 Mr. Kanarek and the Clerk, following which Mr.
23 Kanarek, together with the Clerk, repaired to the
24 antechambers, returning shortly, whereupon the
25 following proceedings were had:)

26 MR. KANAREK: Well, in any event, we don't -- there's --

27 (Further pause in the proceedings while a
28 discussion off the record ensued at the Clerk's

6a-3

1 desk between Mr. Kanarek and the Clerk.)

2 Obviously, a very critical portion of the prosecu-
3 tion's viewpoint in this case involves the screams of Barbara
4 Hoyt. And in connection with those screams that she says she
5 heard, her word for word testimony illustrates that the lady
6 is just not telling us the truth.

7 First of all -- first of all, even assuming it's
8 someone that you know very well, can you detect a person's
9 voice from a scream, especially when you are supposedly --
10 like she says she was -- awakened in the middle of the night?

11 But in this case, the evidence makes it clear
12 that this lady didn't even know Shorty Shea's voice, talking
13 -- just plain ordinary talking. She says:

14 "Q All right. Now, would you name any other
15 occasion when you walked by or were in the presence of
16 Mr. Shea when he was speaking to you or anyone else?

17 "A I don't know. It was just that -- you know,
18 when you see somebody or they say, 'Hi,' you say,
19 'Hi,' or whatever. I don't know exactly each time,
20 you know, how many times I heard him say 'Hello' or
21 whatever. You know.

22 "Or if he ever did?

23 "He did.

24 "Well, would you tell us to whom he said
25 'Hello'?

26 "A Sometimes to me; sometimes to other people.

27 "Q Well, would you tell us the names of these
28 other people?

6a-4

1 "A I do not remember. I really didn't pay
2 that much attention.

3 "Q Tell us the name of one other person?

4 "A I don't remember.

5 "Q You paid no attention; right, Miss Hoyt?

6 "A I didn't pay that much attention, like,
7 'Who did he say that to?' You know? Or, 'Who did
8 he say this to?'

9 "I didn't think it about it at the time.

10 "Q And you paid no attention to what he said;
11 right?

12 "A When he said, 'Hi,' I said, 'Hi' back;
13 that's all.

14 "Q And you had no occasion to remember what
15 the voice of Mr. Shea sounded like; is that correct?

16 "A Well, only when I heard -- well, only
17 when I heard him screaming, I remember thinking that
18 that was him, or that was -- so I guess I recognized
19 his voice. But now, I wouldn't."

6b fls.

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1 Now, what do those words mean? She says -- now,
2 when Shorty Shea -- when she sees Shorty Shea, she wouldn't be
3 able to tell us that she would recognize his voice.

4 "My question is: Let's take a time before
5 the day that you say you heard these screams -- or
6 the night you say you heard these screams, Miss
7 Hoyt.

8 "Did you have any occasion to remember what
9 Mr. Shea's voice was like?

10 "I knew what his voice was like, or I'd know
11 it was him, if he was talking or whatever.

12 "Q Did you, Miss Hoyt, at any time
13 before you heard these screams, make it a point to
14 remember what Shorty Shea's voice sounded like?

15 "THE WITNESS: No, I don't think so."

16 All right. Then -- then she tries to -- even
17 though we know that she didn't have any glasses on, she says --
18 she says that she recognized him. She says he was coming out --

19 "Q And when you last -- the last time
20 that you saw Mr. Shea, at a time that these people
21 that you mentioned were there, what was Mr. Shea
22 doing?

23 "A He was coming out from -- well, by the
24 bathrooms there's a -- a door, sort of; not a door,
25 but an entrance.

26 "It's like a door next to a door; you know?

27 "And -- only it's under the house, and he was
28 turned around, and he was looking under the house,

1 "and that's about all.

2 "Q And how far away was he from you
3 when you last saw him?

4 "A Oh, about 30 feet; I don't know.

5 "Q 30 feet. Then you don't know that
6 it was Mr. Shea, do you, Miss Hoyt?

7 "A I can recognize people without my
8 glasses.

9 "Q You can? Without your glasses?

10 "You can't recognize five fingers
11 closer -- or, further away than a couple of feet;
12 right?

13 "A Yes.

14 "Q Is that correct?

15 "A Yes.

16 "Q And at night, you could recognize
17 Mr. Shea 30 feet away?

18 "A It wasn't at night.

19 "Q Who was Mr. Shea with, Miss Hoyt?

20 "A He was alone.

21 "Q And he was 30 feet away from you?

22 "A About that, I suppose.

23 "Q Or further?

24 "A I don't know.

25 "Q Or closer?

26 "A I don't know.

27 "Q And did you testify -- did you answer
28 this question as indicated?

1 " 'What kind of a conversation, if any,
2 did you have with Shorty at dinnertime?

3 " 'A. I didn't have any.'

4 " 'A. Which dinnertime?

5 " 'Q. Well, was there every a dinnertime
6 when Mr. Shea was present, that you had no
7 conversation with him?

8 " 'A. Yes.

9 " 'Q. And --

10 " 'A. No, wait. There was only that time
11 that I told you about this morning, when he just
12 asked -- you know, if this was all the meat there
13 was. And that was all.

14 " 'But I don't remember him -- any time, that
15 the Family had dinner, him being there."

16 So now, she's telling us that it's this one time,
17 and she previously had testified that she had no conversation
18 with this person at any time.

19 " 'Q. So this is the only time that you have
20 in mind; right?

21 " 'A. Yes.

22 " 'Q. And you did testify --

23 " 'What kind of a conversation, if any,
24 did you have with Shorty at dinnertime?'

25 " 'You didn't have any; that's what you
26 previously said; is that correct?

27 " 'A. Yes.

28 " 'Q. On August the 5th, 1971, Miss Hoyt?

1 "A. Yes."

2 Now, so when she was in another courtroom on
3 August 5th, 1971, she stated that. And so it's only because
4 that was pointed out to her that she told us what she told us.
5 If that hadn't been pointed out to her, she would have gone on
6 and told us that she had conversations with him on many
7 different occasions.

6c

6c-1

1 So there is an aspect of credibility that we
2 have, as far as: Can we depend upon a witness like this,
3 who is telling us the truth, only because she knows she's
4 going to be nailed down by the next question? And not
5 because she is -- it's coming from her heart, or it's coming
6 from her thinking, because this is what actually happened?

7 But she's trying to tailor her testimony, so
8 that it will make what she says right now look consistent
9 with something that she said on another occasion.

10 And then -- then, this is an answer to a later
11 question by the prosecution.

12 "Q Miss Hoyt, did you ever have a conversation
13 with Shorty Shea?

14 "A No.

15 "Q How do you use --

16 "When you answered that question, how were
17 you using the word 'conversation'? What does the word
18 mean to you?

19 "A What does it mean to me?"

20 That's an answer.

21 And the prosecution asks:

22 "Right."

23 And she says:

24 "Like a discussion."

25 "Can you be any more elaborate about what
26 the word 'conversation' means to you?"

27 And then the question is asked:

28 "Miss Hoyt, did you talk to Shorty Shea, and

6c-2
1 "did Shorty Shea talk to you?"

2 Now, she says:

3 "Yes."

4 The answer to that question is: "Yes."

5 So, now, I think a -- let's see.

6 (Pause in the proceedings.)

7 Miss Hoyt -- well, I'll have to have one of those
8 exhibits that's in the -- which we will get momentarily, I
9 hope.

10 Now, we know -- we know that Miss Hoyt was living
11 there at the Spahn Ranch, and that she partook of drugs. She
12 tells us, for instance, that she took something once -- I
13 mean, I'm sure we'll all recall that she says she took -- I
14 think it was -- LSD once; and it didn't have any effect on
15 her.

16 She tells us that she -- she tells us that she
17 smoked marijuana a lot, but only took LSD once.

18 If everybody out there is taking LSD, is it
19 believable that she took it just once? There's no question
20 about it, but what this young lady is a person who has
21 managed, by means of her -- of her youthfulness, her beauty,
22 her projection of being naive -- she's managed to get away
23 with an awful lot in her lifetime.

24 Well, you remember the -- the various and sundry
25 names that she -- that she had used in her lifetime -- eight
26 or nine or ten different names.

27 Remember that she was living with Mr. DeCarlo.
28 She was living with Mr. DeCarlo in the middle of the summer of

6c-3

1 1969.

2 So undoubtedly, she has some affection for Mr.
3 DeCarlo. And so -- and so the best place to put whatever
4 she wants to do by way of testimony is to put it on Mr. Manson.

5 And in that manner, she accomplishes two things.
6 She protects the person that she lived with, the man that she
7 has this affection for, Mr. DeCarlo; and at the same time,
8 she assists the prosecution in whatever -- in whatever they
9 may desire, as far as Mr. Manson is concerned.

10 Oh, yeah. She -- I think a critical analysis --
11 a critical analysis of Barbara Hoyt will show that this --
12 what this particular witness, for instance, is willing to do,
13 as far as her testimony is concerned.

14 "Q Did you tell Mr. Whiteley, the gentleman
15 sitting to my left, on November 18th, 1970, that on
16 one occasion you heard male screams, the screams of
17 a male voice, while you were at the Spahn Ranch?

18 "A I don't remember the words. I remember
19 telling the police that I heard Shorty screaming.

6d fls.

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6d-1

1 "Q My question is: On November the
2 18th, 1970, did you state that you had heard
3 the sound of a male?

4 "A I don't remember.

5 "Q You don't remember what you told
6 them; is that it?

7 "A I don't remember what words I used.

8 "Q Did you tell the law enforcement
9 people that the voice you heard was that of a man?

10 "A Yeah. That it was Shorty."

11 Now, is she being a witness, when she testifies
12 like that? Or is she being a -- a person who is arguing the
13 case for the prosecution?

14 Clearly, she's an advocate, from the witness stand.
15 We know -- we know from what happens later that there is no
16 question that, supposedly, she said it was a male voice that
17 she heard screaming.

18 Now, "You told them that it was a male voice, and
19 it was Shorty?

20 "A I told them that I heard Shorty
21 screaming.

22 "Q When you first talked to the law
23 enforcement people, did you state that it was a
24 male voice, and as far as who the voice belonged
25 to, you did not know?

26 "A No."

27 (Pause in the proceedings.)

28 And then they tell us that she went down the

1 next morning; supposedly, she went down the next morning and
2 supposedly there was a conversation about a -- about a body,
3 about lye versus lime in connection with a body there, that
4 was supposedly buried under some leaves.

5 Now, she doesn't present this information to any
6 law enforcement person or agency. She doesn't bring this to
7 the attention of anyone -- until when? Until all of the
8 publicity and all of the -- all of the emphasis is placed upon
9 Mr. Manson, not only by the news media, but also by the law
10 enforcement people.

11 And then she joins the group, concerning the
12 statements about Mr. Manson, and about what she heard and
13 the screams and all of that.

14 But the fascinating part about it is that she is
15 willing to lie on the witness stand. She is willing to get up
16 on this witness stand and tell us things that we know, from
17 her previous statements, are untrue.

18 We know -- we know that she told law enforcement
19 people that it was a male voice that she heard.

20 (Pause in the proceedings.)

21 She says --

22 "I'm talking about law enforcement people.

23 "Did you tell any law enforcement people?

24 "A. Did I tell them what?

25 "Q. That you knew that someone had been
26 killed at the Spahn Ranch?

27 "A. Did I tell them?

28 "Q. Yes.

1 "A. Yes.

2 "Q. When?

3 "A. When? I think the first time I
4 told them was in December, 1969.

5 "Q. December, 1969, is the first time
6 you told anybody about it; right? Any law
7 enforcement person?

8 "A. Any law enforcement person?

9 "Q. Right.

10 "A. Yes.

11 "Q. Is that right?

12 "A. Yes.

13 "Q. That was after Mr. Manson was
14 arrested; right?

15 "A. Yes."

16 So the question is: Did it ever happen? Did it
17 ever happen? Can we believe -- can we believe that she allowed
18 all of this information to reside within her, all of this
19 period of time, and not tell any law enforcement people about
20 it? This is a question which obviously comes to mind.

21 Here she is. Here she is. She goes -- she goes
22 up to the desert with Mr. Manson; she comes up there; and
23 during all of this period of time, she knows that Mr. Shea
24 has been killed.

25 Well, obviously -- obviously, this is untrue.
26 She wouldn't -- it's -- it defies the imagination, to
27 believe that she's going to -- that she's going to live with
28 anyone who is this dangerous.

1 She tells us -- she tells us she heard, in fact,
2 all about the body being buried and all of this. And she
3 didn't do anything about it; she didn't do anything about it
4 until December of 1969.

5 Now, she tells us that she left -- she left in
6 September -- in September of 1969; she left the Barker-Meyers'
7 area there. There's no reason, no reason, then, why she
8 shouldn't tell somebody about it, if it indeed happened.

9 But what happens in connection with these
10 publicity type of things is that she reads in the paper --
11 she reads the papers; and they have a self-generating aspect.
12 She reads in the paper something, and then it's read back as
13 supposed evidence from that witness stand.

14 And this is what happened in connection with
15 Barbara Hoyt. Barbara Hoyt had nothing to do -- nothing to
16 do after September, 1969; she had nothing to do with living
17 up there, with Mr. Manson. She had -- there's no reason what-
18 soever, no reason whatsoever why she should keep that
19 information to herself.

20 The fact of the matter is that Barbara Hoyt is
21 -- she becomes -- she becomes sort of a darling of the
22 prosecution; she becomes a person -- she becomes a person who
23 is -- who is -- she -- she's catered to; she's looked upon as
24 if she were a princess.

7-1

1 And she, because of the things that they wish
2 her to say --

3 (Whereupon, Mr. Kanarek confers with the Clerk.)

4 MR. KANAREK: Your Honor, may we approach the bench?

5 THE COURT: Yes, you may.

6 (Whereupon, the following proceedings were had
7 at the bench among Court and counsel, outside the
8 hearing of the jury:)

9 MR. KANAREK: Wait, excuse me just a second.

10 Your Honor, I need those exhibits that are over
11 there, the Shea exhibits, your Honor.

12 THE COURT: What do you need?

13 MR. KANAREK: I need the keyring and the keys, and the
14 shoe, and the letter, and the -- the check, Mr. Binder's
15 check.

16 THE COURT: Do you have the numbers for those?

17 MR. KANAREK: People's 74.

18 THE COURT: Keyring, very well, go ahead.

19 Give Mrs. Holt the numbers of those. I can't see
20 why you -- except for the letter, which the contents of which
21 you might want to read -- unless there's something peculiar --
22 or perhaps a check of which you may want to read. Unless
23 there is something peculiar about it, I think reference to
24 it -- give Mrs. Holt the numbers.

25 MR. KANAREK: Here.

26 THE COURT: Why don't you proceed now. Give her the
27 numbers. Why don't you proceed now and we'll attempt to
28 get them during the next hour.

7-2

1 MR. KANAREK: All right.

2 THE COURT: While you're at it, if you have any more
3 that you need, you might give her the numbers.

4 (Whereupon, the following proceedings were had
5 in open court within the presence and hearing of the
6 jury:)

7 THE COURT: You've been sitting there about an hour.
8 We'll give you a recess. During the recess you are admonished
9 not to converse amongst yourselves, nor with anyone else, nor
10 permit anyone to converse with you on any subject connected
11 with the matter, nor form or express any opinion on the
12 matter until it is finally submitted to you.

13 A little over ten minutes.

14 (Afternoon recess.)

15 THE COURT: Mr. Kanarek, you may proceed.

16 The record may show that all the jurors and
17 alternates are present.

18 MR. KANAREK: Before we leave Barbara Hoyt for just
19 a moment, I think without reading the transcript, that we
20 all remember that she says that she woke up on the floor of
21 the parachute room that night. And, I mean, all of that --
22 all of her testimony and her -- her statements, uh, where
23 she used the word "male," -- she never identified Shorty
24 Shea even to the police when she first talked to them.
25 I'm sure you remember that, that Officer -- without reading it
26 -- that Officer Whiteley's report, law enforcement report,
27 clearly shows that it was a male voice she said at that time.
28 But she -- she begins with the male voice, and time has a

1 tendency to make it sweeter and sweeter, and so she boot-
2 straps the male voice into Shorty Shea.

3 And so it is for the jury to determine whether
4 or not that -- that little girl can be believed in terms of
5 what the prosecution is asking us to use her testimony for.

6 And going on to Mr. Watkins.

7 THE CLERK: Here is 74, Mr. Kanarek.

8 MR. KANAREK: Oh, yes, thank you.

9 I just wanted, if I may, with People's 74, which
10 refers to the person, Richard Alan Smith, which Mrs. Holt
11 has kindly just got it for us from the other courtroom, you'll
12 notice that this person who, I'm sure we now believe to be
13 Danny DeCarlo, is a person who is five foot four inches tall,
14 weighs 130 pounds, and we've seen -- his picture is here
15 before us, also. He's certainly not a person who is tall and
16 lanky. He's certainly not a person who, in connection with
17 -- with receipting the pawn ticket, where we see the signature
18 of "Donald Shea," and the name of this R. A. Smith under --
19 in People's 57 -- remember Mr. Launer testifying about a
20 tall, lanky person?

21 But what about -- what has that all got to do
22 with Mr. Manson, in any event? What's that got to do with
23 Charles Manson? It doesn't have anything to do with him.

24 Now, like I -- I say, we don't -- I don't know
25 the pawnbroker business that intimately, but I can't picture
26 a hardbitten pawnbroker just giving items of valuable --
27 value to anybody that just walks in.

28 Now, getting to Mr. Watkins, his testimony, we

1 know that Mr. Watkins is a person who at least has made 1100
2 bucks off of Charles Manson's -- uh, the incidents revolving
3 around Charles Manson.

4 And, again, Mr. Watkins tells us that -- makes
5 a statement to us about that supposedly Mr. Manson made,
6 when supposedly there's an actual statement by Mr. Shea
7 supposedly being killed.

8 And looking at what Mr. Watkins tells us is the
9 time that this occurred, the time was --

10 "And while Mr. Manson was at the ranch,
11 before -- before you left the ranch on September 1st,
12 1969, did he talk to you?

13 "A Yes."

14 And we all heard the statement about wherein he
15 says about -- supposedly about we had to kill Shorty and
16 Clem cut off his head and all of the things that he said.

7a fls.

7a-1

1 Now, if you take that statement, standing alone,
2 and don't look at the surrounding material concerning Mr.
3 Watkins, you get one view. But if you look at what Mr.
4 Watkins -- what Mr. Watkins is, what Mr. Watkins has been,
5 and what his credibility is, maybe you get a different view.

6 First of all, we have a relationship -- we have
7 a relationship between Mr. Watkins and Barbara Hoyt. There's
8 no question that they are friends of long standing.

9 And Mr. Watkins stated that he has made -- and
10 I'll try to go through with it -- go through this as -- as --
11 without -- as speedily as possible.

12 "Q In directing your attention to
13 people, editorial people, book people, in
14 connection with those events which allegedly
15 occurred on August 8th, 9th and 10th of 1969,
16 those alleged Tate-La Bianca murders, you have
17 made certain money; is that correct?"

18 And he says, "That is correct."

19 And we know without going into all the detail
20 that he is -- that he got this 1100 bucks.

21 But, furthermore, Mr. Watkins has an expectancy in
22 the future. And he states in answer to this question:

23 "So now, you are free to go ahead and sell what-
24 ever you want to sell to completely new people,
25 if you so desire, right?"

26 And he says -- he answers:

27 "If I so desire.

28 "Q Correct?

1 "A. Correct."

2 And then, he tells us a very interest point, that
3 one time during December of 1968, both he and Mr. Hinman -- and
4 Mr. Beausoleil were thrown out of the Gary Hinman house.

5 Now, there's no showing in this record, whatsoever,
6 of any animosity between Mr. Manson and Mr. Hinman. You take --
7 you take away this -- the -- the accomplice testimony of
8 Mary Brunner, you take away the -- the tainted information
9 that we've discussed, you don't see anything -- you don't see
10 anything of any kind of a bad feeling between Mr. Manson and
11 Mr. Hinman.

12 Now, he makes the point that Bobby Beausoleil
13 had the argument with Mr. Hinman and I just watched the whole
14 thing. That's what Mr. Watkins tells us.

15 And then, Mr. Watkins tells us that he has taken
16 LSD. And he says he's taken it approximately 150 times,
17 the very powerful hallucinatory, dangerous drug, LSD.

18 And he says -- I asked -- the question was:

19 "Hundreds of times, right?"

20 And he answers: "150, perhaps 200," in answer to
21 my question. And he says he didn't -- he didn't start -- he
22 didn't keep a log of it. And he says that he first started
23 taking LSD when he was 16. And he's now 21. And he says that
24 he has taken LSD at the Barker Ranch, the Meyer Ranch and the
25 Spahn Ranch. And he smoked marijuana on hundreds of occasions.

26 Now, he stated that he has spoken to law enforce-
27 ment officers on many occasions.

28 "Is that right?"

1 "That's right.

2 "Concerning Mr. Manson; right?

3 "Right.

4 "On how many different occasions?

5 "Oh -- I'd say dozens of occasions.

6 "Dozens --

7 "Yes.

8 "-- literally, that you've spoken to law
9 enforcement officers?

10 "A. Yes.

11 "About Mr. Manson?

12 "Yes."

13 Why is it necessary -- why is it necessary to speak
14 dozens of times to law enforcement officers concerning
15 Mr. Manson?

16 Now, he then talks about -- then, he tells us
17 -- I'm sure we will remember where he spoke about being gone
18 for some three hours.

7b

7b-1

1 "Well, you did have words with Mr. Manson
2 then before you came back three hours later?

3 "A. 'Why?' That was the words I had.

4 "You came three hours later?

5 "A. Yes.

6 "And saw Mr. Manson again?

7 "A. Yes.

8 "What did you say then?

9 "Well, I was asking him about another story.
10 He told me some other guy had killed somebody else
11 and so I was asking him about that.

12 "Anything else?

13 "No, that was all there was for that day.

14 "Well, after -- this blew your mind, you say,
15 right? You went around, sort of wandering around
16 in a daze for three hours? You were so disenchanted
17 with Mr. Manson, is that it?

18 "That -- you ain't too far off.

19 "I see. So you came back after three hours,
20 and now you've told us everything you said after you
21 came back in three hours and spoke to Mr. Manson,
22 is that right?

23 "A. Yes.

24 "Then, where did you go after this three-hour
25 period?

26 "A. Well, the next day I left for Los Angeles.
27 For -- via Las Vegas.

28 "Now, is there -- yes, you've told us everything

1 "that was said after you came back in three hours,
2 is that right?

3 "A Yes, it was a very short-type
4 conversation. I didn't tell you everything,
5 though, because I didn't think it makes any
6 difference. I told you the essence of it."

7 So, in other words, he is telling us that he is
8 telling us the essence of it and he's deciding, not us, as to
9 whether or not it makes any difference.

10 "Well, when you came back after three hours,
11 Mr. Watkins, this having blown your mind, you made
12 no mention of Mr. Shea?

13 "A Right."

14 In other words, he supposedly heard this about
15 Mr. Shea. He comes back. He makes no mention of the very
16 subject matter that is supposedly -- he tells us what blew
17 his mind.

18 "And Mr. Shea was not mentioned in this
19 conversation that you say occurred three hours
20 later?

21 "A Correct.

22 "And you tell us that you didn't want to
23 believe it --"

24 "That's --"

25 "-- right?"

26 "A Right."

27 Now, he states -- then, he deviates. He says,
28 then -- he says here, finally, he says:

1 "Now, in -- on this occasion, after this
2 three-hour period, Mr. Watkins, is there some
3 reason that you didn't mention Shorty Shea to
4 Mr. Manson in this -- after this three-hour
5 period when you saw Mr. Manson again, you tell us?

6 "A. Yes.

7 "Is that because your mind was blown?

8 "A. Yes, I'd say so. Didn't want to.

9 "Q. You didn't want to?

10 "A. No.

11 "Because your mind was blown?

12 "A. Well, because -- because it --
13 because, uh, I didn't want to press it.

14 "You didn't want to press it?

15 "It was surely none of my business in the
16 first place.

17 "It was none of your business. You didn't
18 want to press it?

19 "A. Right.

20 "And so you -- and what do you mean when you
21 say it wasn't any of your business, Mr. Watkins?

22 "I mean I wasn't involved in it, so it wasn't
23 any of my business."

24 And he states:

25 "Anything Charlie was doing or the Family was
26 doing at that point was none of my business."
27
28

7-c-1

1 "I wanted it to remain none of my business
2 because I didn't want to get involved, yes.

3 "You didn't want to be involved, right?

4 "Right.

5 "You didn't want to be involved in murder?

6 "Right.

7 "You didn't want to be accused of the
8 murder of Shorty Shea, right?

9 "I didn't consider such.

10 "What do you mean you didn't consider such?

11 "I didn't consider being accused of the
12 murder of Shorty Shea.

13 "Well, then, when you say you didn't want
14 to be involved, what was it that you didn't want to be
15 involved in?

16 "I didn't want to be involved in -- if I
17 had got interested in that, then, I'd get interested
18 in other things, and interested in other things, and
19 pretty soon I'd be right back there in it again. And
20 then, it would have been all my business. I had other
21 things to do.

22 "You'd be in it again?

23 "Yes.

24 "What were you in before that you didn't
25 want to be in again?

26 "The Family.

27 "And that -- and that's the reason or
28 you've told us the reasons why you didn't mention

7c-2

1 "Shorty Shea?

2 "Not totally. There are other reasons.

3 "Well, give us other reasons.

4 "The other reasons was I told you before,
5 I didn't really believe that it was true and I didn't
6 want to believe that it was true because I thought
7 it was just -- Charlie was just trying to stir fear
8 with me and so I just sort of shined it on like the
9 breeze blowing by because it didn't really amount to
10 that thing, because at that point it didn't really
11 pay to be afraid because when you are afraid you're
12 subject to control.

13 "And you felt that if you -- if you were
14 afraid, you were subject to control?

15 "A Yes.

16 "This way you're not afraid?

17 "A Yes.

18 "Is that right?

19 "A Yes.

20 "But you came -- after leaving on this
21 occasion, you came back to the Barker area, right?

22 "Yes, yes.

23 "And you knew that Mr. Manson was there?

24 "Yes.

25 "And you thought that Shorty was dead?

26 "I didn't think too much about that.

27 "What do you mean, you didn't think too
28 much about that, Mr. Watkins?

7c-3

1 "A I kind of just put it out of my mind and
2 didn't -- didn't even think about it until I talked
3 with police officers."

4 Then, "Did you, uh -- did you, uh, report
5 your thinking, whether it was back in your mind or
6 in the front of your mind or wherever it was in
7 your mind, did you report this to any law enforcement
8 officer?"

9 "A Yes.

10 "When?

11 "Uh, about the 15th of October I reported
12 it to Sergeant Whiteley."

13 And we have Mr. Manson arrested on October 12,
14 and then Mr. Watkins reports it to Sergeant Whiteley. Mr.
15 Manson was then in the Inyo County Jail.

16 "Now --

17 "And you decided that you were going to
18 make as much hay as possible out of Mr. Manson's
19 being arrested, is that right?

20 "A As much what?

21 "Q Hay?

22 "A Hay?

23 "Q Hay, money.

24 "A Oh, money.

25 "I decided to make a certain amount. I
26 didn't decide to make as much as possible. Maybe I
27 should have,

28 "You decided to make a certain amount?

7c-4

1 "A Yes.

2 "Q You put a limit on how much you were going
3 to make?

4 "A No.

5 "So you were out to get as much as the
6 traffic would bear, is that right?

7 "No, I tell you how I did it, I decided
8 to publish stories in foreign countries because the
9 United States was in sort of a state of shock, and
10 they didn't -- I didn't think that the people in the
11 United States were in any position to hear the truth
12 and view it objectively. And so all the publications
13 that I was responsible for having written, were
14 published in foreign countries. Anything that was
15 published within the United States was without my
16 knowing."

17 And then, he tells us the incredible thing that
18 the people who published his book, the people who gave him
19 the money --

20 "Well, Iver Davis and Mr. LaBlanc
21 published a book?

22 "A Without my knowing.

23 "From which you have received proceeds
24 and you've taken the money and used it for your
25 personal advantage, right?

26 "A No, that's not.

27 "Q Is that right?"

28 And the Court -- the Court would not allow any

7c-5

1 further interrogation at that point.

2 Now, then, Mr. Watkins goes on and tells us
3 about Mr. Vance.

4 "Q Mr. Vance is a person whose girl friend
5 was Ella Jo Bailey, is that correct?

6 "A I guess you could say that."

7 Then, we come to the -- then, we come to the --

8 (Whereupon, Mr. Kanarek conferred with the Clerk.)

9 MR. KANAREK: Well, we, I'm sure, remember the map,
10 wherein --

11 (Whereupon, Mr. Kanarek again conferred with the
12 Clerk.)

13 THE COURT: Is there some problem, Mr. Kanarek?

14 MR. KANAREK: Well, your Honor, yes.

15 (Pause in the proceedings.)
16
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27
28

7d fls_M

7d-1

1 MR. KANAREK: There, I'm sure everybody recalls this
2 map which shows on this dot where the car was found, where
3 Mr. -- allegedly Mr. Shea's car was found.

4 Now --

5 THE COURT: Now, let's see, for the record you are
6 referring to People's --

7 MR. KANAREK: 83, I think, your Honor.

8 THE COURT: People's 83.

9 Now, Mr. Watkins tells us that this was a
10 house that was owned by Bill Vance. Bill Vance is the person
11 who owned this house near Grésham and Independence. That's
12 where the car was found. And that's the house that the --
13 that the people who are friends of Mr. Manson and Manson's
14 friends lived in at one time.

15 Now, we know that this car is found
16 there in December of 1969. So it is quite -- it
17 is quite fascinating to consider who put that car
18 there. Who put the car in December of 1969 at that
19 spot, and we'll come to -- but Mr. Watkins goes on
20 to say:

21 "Now, after you came, Mr. Watkins, to
22 the Los Angeles area, how many days was it before
23 you saw Bill Vance?

24 "Just about three.

25 "Would you tell us your -- tell us the
26 date that you saw Bill Vance?

27 "Yes. It was about the fifth, sixth
28 and seventh."

7d-2

1 And this is of September.

2 "You saw him for three -- on three
3 separate days during that period of time; is
4 that what you are telling us?

5 "A Yes, at three different occasions,
6 different times during days.

7 "Sometimes in the morning, sometimes
8 late in the evening, sometimes in the next morning,
9 late the next evening, and then early the next
10 morning.

11 "At the Spahn Ranch?

12 "Yes.

13 "Q At the Spahn Ranch?

14 "A Yes.

15 "In Los Angeles County?

16 "A Yes."

17 And, again, it is a part of the iceberg. All we
18 see is that which is above the water. Mr. Watkins comes to
19 Los Angeles County and sees Mr. Vance. He talks to him,
20 evidently has some kind of relationship with him.

21 Then, the question is asked:

22 "When, Mr. Watkins, did you, in your mind,
23 think that for sure Shorty Shea was not living, if
24 you ever did think that?"

25 And he says, "I can give you a -- uh, the approxi-
26 mate date, the 6th or 7th of September.

27 "Q About the 6th or 7th of September you
28 are telling us now is the time that in your mind you

7d-3

1 "felt sure that Mr. Shea was not living, right?

2 "A --"

3 And I'm sure we'll all remember Paul Watkins.
4 He'll play with the questions back and forth.

5 He said, "First you said 'Think,' now you say
6 'felt sure.'"

7 And he's differentiating between "think" and
8 "felt sure."

9 "Well, I'll ask 'felt sure.'"

10 "When did you feel sure that Mr. Shea
11 was not living?

12 "I'd say the same time I began to feel
13 sure around the 6th or 7th."

14 And the time that he was with Bill Vance in the
15 Spahn Ranch area.

16 "You then --" -- this is what he is telling
17 us.

18 "And after -- you now tell us -- feeling
19 sure that Mr. Shea was not alive, you then went back
20 to live at the Barker Ranch? Is that correct?

21 "A That's correct.

22 "And you went back to live at the Barker
23 Ranch and you slept at the Barker Ranch and stayed
24 on the Barker Ranch at the same time that Charles
25 Manson was on the Barker Ranch, Barker-Meyers Ranch
26 areas?

27 "That's correct.

28 "Q Is that correct?

7d-4

1 "A That's correct."

2 Does that make sense to you, ladies and gentlemen?
3 Does it make sense to us that he is going to sleep in an
4 isolated area where supposedly someone told him that somebody
5 had someone's head cut off and this person had something to
6 do with it.

7 The fact of the matter is, that Mr. Watkins --
8 and this is -- this is -- this is one of the problems in
9 connection with this case, that -- that's in your laps
10 to discuss.

11 Mr. Watkins has at this point in history, he
12 has many reasons to fabricate.

13 One, one reason to fabricate is his own economic
14 advantage.

15 It is to his economic advantage to perpetuate,
16 to -- to keep going -- the stories that he has told concerning
17 Mr. Manson. It means money to him.

18 The fact -- the fact, though, the relationship
19 between him -- he says he's no longer a member of the Family.
20 He says that he no longer -- he no longer is a part of that
21 group.

22 He then goes back up to an isolated area and
23 doesn't tell anybody about it, about what Mr. Manson told him.
24 He goes back up there and sleeps in the same area where this
25 -- where Mr. Manson is and all of that. It is -- it is hard --
26 it is -- I hate to use the word again, but it is hogwash. It
27 just -- it just doesn't make sense.

28 Just look -- look at our own -- look into our

7d-5

1 own personalities and our own thinking. Would we? Would we
2 go into an isolated area if we thought that any such thing
3 had occurred with a person that was going to be the same
4 general area? It -- that's one of the things we have to
5 decide, because he makes the bald statement -- he makes the
6 bald statement, he tells us these were the statements made
7 by Mr. Manson.

8 "And in connection with this period of
9 time, when you went back to the Barker-Meyers Ranch
10 area, you went of your own free will; is that correct?

11 "That's correct."

12 And so here, of all the places in the world that
13 he can go, he goes back -- he goes back to the area of where
14 this person is supposedly did what he tells us.

15 Now, he -- he was asked this:

16 "And you have stated to the best of your
17 recollection you left for Los Angeles about August
18 31st, 1959 -- '69?

19 "A Yes.

20 "So Charles Manson would have been there
21 around the 27th or 28th of August, is that correct?

22 "Yes."

23 So previously he told the Grand Jury, told the
24 Grand Jury that Mr. Manson would have been in the Barker
25 area around the 27th or 28th of August.

26 Why is that important? That's important because
27 this pawn ticket, this pawn ticket, ladies and gentlemen,
28 was redeemed on September 3rd, 1969.

8 fls.

8-1

1 It was redeemed. And the man has testified --
2 the expert, Officer Campbell, testified that Mr. Shea signed --
3 that these are all signatures of Mr. Shea's; and that
4 includes -- that includes this 57-C.

5 We are in -- in a -- in a situation where previous-
6 ly -- you see -- you see, Mr. Watkins is changing his tune,
7 because he's now apprised of further details, as far as
8 the evidence goes. And so he changes from August the 27th or
9 the 28th, he changes it to a later time.

10 He makes it later, when he comes to this courtroom.
11 But when he was in the Grand Jury, he said the 27th or the 28th.

12 "I actually so testified.

13 "Q And did you testify at the Grand
14 Jury?

15 "A Yes."

16 (Pause in the proceedings.)

17 Now, remember the point that was made about
18 September the 1st? That was the date that Mr. Watkins
19 supposedly left? Well, at the Grand Jury, --

20 "Did you testify:

21 "'Q And you have stated to the best of
22 your recollection you left for Los Angeles about
23 August 31st, 1969?

24 "'A Yes.'

25 "Did you so testify?

26 "A Yes, I so testified.

27 "Now, I'm being exact, when I say that I
28 left there on the 1st."

1 In other words, he's -- he's cleaning it up; he's
2 cleaning up the testimony in order to make it fit something
3 that he wants us to believe.

4 He says, "Now, I'm being exact." Now, would any-
5 body, really, as you look back at the events that have
6 occurred, back to 1969, September of '69, would anyone
7 possibly remember that kind of detail?

8 Again, it's -- it's up to the jury to decide
9 whether Mr. Watkins is telling us the truth or whether
10 Mr. Watkins is telling us something that is other than the
11 truth.

12 Now -- now, I think that -- I think that Mr.
13 Watkins, in connection with a certain sequence, clearly shows
14 that the man -- I hate to use the word, but I have to -- the
15 man is a liar.

16 Now --

17 (Pause in the proceedings.)

18 Now, you remember that -- I am sure that if -- I
19 think that we will remember in this courtroom where Mr.
20 Watkins -- Mr. Watkins tried to deceive us. It started out,
21 and he was trying to break -- break something up into two
22 conversations.

23 And I could sit up here -- stand up here and argue
24 and make argument to you about what my interpretation of these
25 words is, but no matter how much I pound on the table or how
26 -- or how I talk about it, if you don't get precise with the
27 actual evidence, maybe some of the effectiveness of it is
28 lost.

1 And here is a case where the man so clearly tried
2 to deceive us:

3 "Now, you say, then -- who were the
4 people that were present at the time that this
5 conversation took place, about where Mr. Retz
6 was the person that -- that was mentioned?

7 "Myself, Charlie Manson, Bruce Davis,
8 Tex Watson and Paul Crockett.

9 "Q That's all that was present?

10 "A As near as I recall.

11 "Q I see. Yesterday, Mr. Watkins, did
12 you testify as follows?

13 "'Q So you came in, and
14 Mr. Manson was there. And then what
15 happened?'"

16 And this is what he testified, which was
17 yesterday -- that is, before he -- the day -- the day before he's
18 now testifying.

19 "'A Oh, there was -- they were already
20 in the midst of a conversation, and they conversed
21 for a while and talked on and on.

22 "'Q Who's "they"?

23 "'A Oh, there was -- there was Brooks
24 Posten, Paul Crockett, Bruce Davis, Charlie
25 Manson, Tex Watson were all sitting around the
26 table.'"

27 That's what he testified to on the previous day.

28 "Did you so testify yesterday?

1 "A Sure did.

2 "Q Today, you testified that Mr. Posten
3 was not present?

4 "A I am talking about a different time.

5 "Q Oh. This is a different time, now?

6 "A Perhaps ten minutes later than the
7 time I was speaking of there."

8 And that's -- and that's the heart of -- that kind
9 of an answer is the heart of why these people cannot be
10 believed.

8a
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8a-1

1 You see, if you have -- if you bring two people
2 to the witness stand, who both observe or hear the same thing,
3 and you exclude witnesses, then you may not get -- you may
4 not get what is consistent.

5 And this is why the prosecution has not brought
6 to us a single instance, in connection with these so-called
7 conversations or statements of Mr. Manson -- they have not
8 brought to us two people who hear, supposedly, this thing
9 at the same time.

10 They bring one person for one conversation
11 and another person for another conversation, another person
12 for another statement.

13 But never two people, as far as the same statement
14 goes.

15 But here is Mr. -- here is Mr. Watkins playing
16 prosecutor. Mr. Watkins is trying to deceive us, and he
17 says:

18 "I am talking about a different time."

19 And so the question is asked:

20 "Oh. This is a different time, now?

21 "A Perhaps ten minutes later than the time
22 I was speaking of there.

23 "Q What was ten minutes later, Mr. Watkins?

24 "A The conversation that we are talking
25 about, with Frank Retz.

26 "Q The conversation that you are talking
27 about with Frank Retz occurred ten minutes later
28 where?

8a-2

1 "A In the very same place, at the Barker
2 Ranch.

3 "Q Who was present?

4 "A Bruce Davis, Tex Watson, Charlie Manson,
5 Paul Crockett and I -- and I'm not sure if Brooks
6 was there or not.

7 "I don't recall him being there.

8 "Q Well, Mr. Watkins, is there -- let me
9 withdraw that.

10 "Was Mr. Poston present or was Mr. Poston
11 not present?

12 "A I just gone done telling you: I don't
13 recall him being there.

14 "Q Did Mr. Poston get up and leave, and then
15 ten minutes later there was another conversation, Mr.
16 Watkins?

17 "A From when to when? What are you talking
18 about?

19 "Q You have just told us, Mr. Watkins, about
20 another conversation ten minutes later.

21 "A Okay.

22 "Q Who was present at the conversation ten
23 minutes later?

24 "A All right. I told you those people.

25 "Q Well, who was present ten minutes earlier,
26 Mr. Watkins?

27 "A The same people, and I know Brooks was
28 there then. And those -- there was the two girls

8a-3

1 "around, but I don't know which ones they were, because
2 they were wandering around the back rooms.

3 "Q Now, you know Brooks was present then, ten
4 minutes earlier?

5 "A Yes.

6 "Q And you know that Brooks was not present
7 ten minutes later; right?

8 "A I said: I'm not sure.

9 "Q I see. And where was the first conversation,
10 the ten-minute earlier conversation? Where did that
11 take place?

12 "A Sitting around the table in the Barker
13 ranch house.

14 "And where did the second conversation
15 take place, ten minutes later?

16 "A The same place.

17 "Q And in between the ten minutes, in that
18 period of time, what occurred?

19 "A Talking.

20 "In fact, Mr. Watkins, there was no two
21 conversations, was there?

22 "A Well, we are calling it two conversations,
23 so that we can look at it. But actually, we just sat
24 around there and talked for an hour or so."

25 And there it is, ladies and gentlemen. There
26 it is. The man tried to deceive us, tried to make it like
27 there were two conversations. Deliberately, intentionally,
28 so that he could clean it up the way he wanted us to believe

8a-4

1 that it happened.

2 "Well, question --"

3 Well, let me just repeat it again.

4 "Well, we are calling it two conversations,
5 so that we can look at it. But actually, we just sat
6 around there and talked for an hour or so.

7 "Q And actually, there was just one conversa-
8 tion?

9 "A Well, we could cut that up into a thousand
10 little parts, if you want to, --

11 "Q Right.

12 "A -- and call it a thousand conversations,

13 "Mr. Watkins, so, in fact, there were not
14 two conversations, ten minutes apart; there was just
15 one group of people sitting at the table, talking, --

16 "A That's correct.

17 "Q -- is that right?

18 "A That's right.

19 "Q So, in fact, that is untrue about there
20 being two conversations --" well, the Court sustained
21 that objection.

8b fls.

8b-1

1 "Well, were there two conversations
2 ten minutes apart?

3 "A. It was one conversation, in which we
4 covered many subjects; and so I was -- and the
5 Court was really calling it two, and I was just
6 going along with it, because we were looking at
7 different parts of it, two parts of the conver-
8 sation.

9 "Oh, the Judge said there were two; is that
10 it?

11 "A. Well, no. The -- This just seemed to
12 be the way it went, that we were calling it --
13 talking about one part, and then talking about
14 another part; and, in order to have reference
15 points, we was calling it two.

16 "But you're right; it was just one flowing
17 conversation."

18 So there you have a situation -- there you have a
19 situation on the part of Mr. Watkins, who is deliberately
20 trying to deceive us. I mean, there's no other explanation,
21 no other way that that can be explained -- except for the fact
22 that that's what he was doing.

23 Then, we come -- and again, this all -- this all
24 has significance in connection with the doctrine of
25 reasonable doubt, because nobody -- we can't -- that's why the
26 doctrine is there, to -- to protect all of us, including
27 Mr. Manson.

28 In fact, when we protect someone like Mr. Manson,

1 when we protect someone in his station in life, we are pro-
2 tecting our children; we are protecting us; we are protecting
3 everybody; we are protecting our institutions.

4 If we find a man innocent when a man is not guilty,
5 when the evidence shows he's innocent, we are doing -- we are
6 doing a service, not only for the -- for the particular
7 person, we are doing a service for every one of us.

8 We are doing a service, if we may say so, in fact,
9 for the -- for the people that prosecute.

10 So that these kinds of things -- so that these
11 kinds of actions do not constitute the sort of situation in
12 which -- they have no place in a free society, the kinds of
13 things that are being presented to us in this case.

14 For instance, going on further in connection with
15 Mr. Watkins and his credibility, and his animosity towards
16 Mr. Manson, Mr. Manson was arrested, and we -- I am sure we
17 recall that -- that Mr. Manson was approached by Mr. Watkins
18 with a lawyer in the County Jail.

19 "Mr. Watkins, was that your state of mind
20 when you came to jail after Mr. Manson was arrested
21 with a lawyer, trying to get Mr. Manson --"

22 Well, that was sustained.

23 "Do you remember when Mr. Manson was arrested?

24 "A. Yes.

25 "Q. And he was in the Los Angeles County
26 Jail?

27 "A. Yes.

28 "Q. Did you come with a lawyer to see

1 "Mr. Manson and ask Mr. Manson to sign papers so
2 that you could participate, you and the lawyer
3 participate in making money from the publicity
4 surrounding Mr. Manson?

5 "A. That was the lawyer's idea."

6 "That was the lawyer's idea."

7 Now, here, we have a witness on the witness stand.
8 Whoever that lawyer was didn't know Mr. Manson. Mr. Watkins
9 knew Mr. Manson, and he says it was the lawyer's idea.

10 "Q. That was the lawyer's idea?

11 "A. Yes.

12 "Q. You came with the lawyer to partici-
13 pate in the publicity surrounding Mr. Manson; is
14 that correct?

15 "A. That's correct.

16 "Q. When was it that you visited Mr. Manson
17 in the County Jail with this lawyer?

18 "A. It seems like it was around December,
19 as near as I recall. It was in December.

20 "December of 1969?

21 "A. Yes.

22 "And you and the lawyer came to the County
23 Jail, and your state of mind was that you wanted
24 to participate in the making of money by virtue of
25 the publicity surrounding Mr. Manson; is that
26 correct?

27 "A. I was interested in putting out that
28 album.

1 "Q Pardon?

2 "A I was interested in putting out an
3 album, and Charlie told me that I could just go
4 ahead and do it. That I could do whatever I wanted
5 with it. I said, 'All right, that's just fine.'

6 "So I proceeded to do so. And it came to a
7 position where we needed a signature from Charlie
8 for me to participate and do so, and so we went
9 about to get the signature.

10 "Q Did you talk --" this just says:

11 "Did you talk to the County Jail?

12 "A Yes.

13 "Q I'll repeat the question.

14 "You came to the County Jail with this lawyer,
15 hoping -- your state of mind was that by virtue of
16 the proceedings in the County Jail with Mr. Manson,
17 to obtain his signature and make money off of the
18 publicity surrounding Mr. Manson; is that correct?

19 "A No. The idea was to make money from
20 an album which was going to get put out.

21 "And the album which was to be put out was
22 to have financial value because of the publicity
23 surrounding Mr. Manson's name; that was your state
24 of mind?

25 "A Good thinking."

8c-1

1 "Was it in your mind that you were coming
2 to the County Jail with the lawyer and seeing
3 Mr. Manson, have Mr. Manson sign papers, in order
4 to make money out of the fact that Mr. Manson had
5 publicity surrounding him?

6 "A. Yes.

7 "Q. What is the name of that lawyer?

8 "A. J. Freedman."

9 And so forth.

10 "Well, did you, Mr. Watkins -- were you dis-
11 appointed, Mr. Watkins, by virtue of the fact that
12 you did not make any money from this arrangement
13 that you wanted to take place between yourself and
14 Mr. Manson and Mr. Freedman?

15 "A. Was I disappointed?

16 "Q. Yes.

17 "A. Yes, I'd say so, yes.

18 "Q. You were disappointed, and you were
19 disappointed because you couldn't make any money off
20 of that; right?

21 "A. Well, I was disappointed because --
22 because Charlie lied to me. He said it was mine.
23 I could do anything I wanted to do with it. And then,
24 when it came right down to it, it wasn't mine. I
25 couldn't do anything.

26 "Q. And the signature that you say you didn't
27 have is the signature of Mr. Manson; is that right?

28 "That's right.

1 "Mr. Manson refused to sign the paper;
2 is that right?

3 "Refused to sign it over to Jay Freedman
4 or I, yes, that's right.

5 "He refused to sign it over to Jay Freedman
6 and you, and -- is that right?

7 "Or I."

8 And so forth.

9 THE COURT: Well, regrettably, ladies and gentlemen, we
10 must conclude for the afternoon.

11 You are admonished that you are not to converse
12 amongst yourselves nor with anyone else, nor permit anyone to
13 converse with you on any subject connected with this matter,
14 nor form or express any opinion on the matter until it is
15 finally submitted to you.

16 I'll see you tomorrow morning at 9:45.
17 9:45. I'll see you then.

18 Good night.

19 (Whereupon, murmurs of "Goodnight" were heard from
20 members of the jury.)

21 MR. MANZELLA: Good night, your Honor.

22 (Whereupon, at 4:01 p.m., an adjournment was
23 taken in this matter until 9:45 a.m., Tuesday, October 19,
24 1971.)
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