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Fair Trial in a Sensationalist Society: Charles Manson and the Tate-LaBianca Trial

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FAIR TRIAL IN A SENSATIONALIST SOCIETY:
CHARLES MANSON AND THE TATE-LABIANCA TRIAL

In the dawning hours of a fateful August morning in 1969, the silence of the narrow street of Cielo Drive was abruptly shattered. A man pleading for his life, screaming, "*Oh God, no, please don't! Oh, God, no, don't, don't, don't . . .*" Gunshots were fired, dogs were barking, yet few neighbors stirred. It was not until about 8 a.m. that morning that anyone realized five people were dead. Winifred Chapman, housekeeper of Roman Polanski and Sharon Tate's Los Angeles home, was the first to encounter the bodies. Police arrived on scene shortly after nine, and the grueling investigation process began. Two bodies were found in the main living room surrounded by pools of blood. They were later identified as the very pregnant Sharon Tate, famous actress, and her friend and hairstylist Jay Sebring. Tate had suffered sixteen fatal stab wounds, lacerating her heart, lungs, and liver; the baby had died before anyone arrived on scene. Sebring died from exsanguination after being stabbed seven times and shot once.

Two bodies were displayed horridly on the lawn, identified as Voytek Frykowski, a Polish actor and writer, and Abigail Folger, granddaughter of coffee mogul J.A. Folger. Folger had been stabbed twenty-eight times. Frykowski had two gunshot wounds, had been hit on the head with a blunt object thirteen times, and was stabbed fifty-one times. The final

body, belonging to a young man with red hair, was in the driver's seat of a vehicle parked in front of the house. He had been shot four times and suffered a minor slash wound. His death seemed relatively tame when compared to the other bodies. His parents later confirmed his identity—eighteen-year-old Steven Earl Parent, an acquaintance of the man who became the first suspect, William Garretson.¹ In the living room, the word "PIG" had been written on a bare wall, presumably in the blood of one of the victims.

The police could find no clear motive for this violent crime. There was a correlation with another crime, however. Less than two weeks prior to these murders, police had found Gary Hinman, a mid-thirties music teacher, dead in his Malibu home. Two aspects of the murders tied these crimes together: Hinman had been stabbed multiple times and 'POLITICAL PIGGY' was written in the victim's blood on the living room wall. Robert Beausoleil had been arrested for this murder on August 6th, 1969, three days before the Tate murders took place.

A similar scene was found at the home of Rosemary and Leno LaBianca the following day. Leno LaBianca had a pillowcase around his head, a cord around his neck, and a carving fork sticking out of his stomach. The word 'WAR' was carved into his abdomen. He suffered from twelve stab wounds. His wife, Rosemary, was in the bedroom, lying face down in the pool of her own blood. She, too, had a pillowcase around her head and a cord around her neck. Two pools of blood suggested she might have tried to crawl away from her attacker, only making the cord tighter. She had been stabbed forty-one times. A

¹ Garretson had been in the guesthouse during the time of the murders. Though claiming not to know anything about the deaths, the police took him into custody for questioning after seeing the terrible disarray the guest house was in, as if a struggle had recently happened. The police found him to be "stuporous and non-responsive". After taking and passing a polygraph exam, he was allowed to leave police custody.

detective noted, “The knife recovered from his throat appeared to be the weapon used in both homicides.”² Despite these similarities, many detectives originally dismissed the potential connection with the other murders.

The police continued to analyze each case separately, desperately trying to find anything to soothe the growing fears of the local residents. After newspapers printed several stories and editorials on the murders, gun purchases throughout California skyrocketed. People were frightened. It was not until mid-October that the Los Angeles Police Department and Los Angeles Sheriffs Office began working together.

The joint forces conducted two raids on the Spahn Family Ranch and the Myers Ranch shortly after receiving reports of stolen vehicles on the premises. Police arrested 24 “Family members”, as they called themselves, living on the ranch, including Charles Manson.

One of the women apprehended in the raids, Kitty Lutesinger, was the first to put the idea of the Manson Family in the investigation. The LASO had previously arrested Bobby Beausoleil, a family member himself, as a subject for the Hinman murder. “For a while, the group lived with Gary Hinman, a musician, in his Topanga home (Hinman was found dead last July and Atkins and another family member, Robert Beausoleil, have been charged with the murder)”.³ Lutesinger had unofficially left the Family prior to the Tate-LaBianca murders, and was open to police questioning. She said that Manson sent Beausoleil and Susan Atkins to kill Hinman. She also said that Beausoleil had stabbed Gary Hinman three or four times in the leg. After looking at the autopsy, the police found that it

² Noted in an early report filed by the LaBianca Detectives who were at the scene of the crime.

³ “Charlie Manson: One Man’s Family.” *New York Times*, (January 4, 1970), 180.

was not Hinman who had been stabbed in the leg, but rather Voytek Frykowski, a casualty in the Tate murders.

After this statement, police began looking into Family members, attempting to find solid evidence to connect them to these malicious crimes. Charles Manson quickly became the main focus.

Court documents showed that Manson lived a very troubled young life. His mother, a sixteen-year-old prostitute, tried to give him up on many occasions, but never successfully. Around twelve years of age he started committing crimes. At seventeen, he was institutionalized, “In spite of his age, he [was] criminally sophisticated.”⁴ In short, with very little education and a lack of care, Manson’s life was doomed since childhood. By thirty-two, he had spent over half of his life in prison. He was released the last time in 1967, two years before the Tate-LaBianca murders.

And we slept in the park and we lived on the streets and my hair got a little longer and I started playing music and people liked my music and people smiled at me and put their arms around me and hugged me—I didn’t know how to act. It just took me away. It grabbed me up, man, that there were people that are real.⁵

Shortly thereafter, Manson started accumulating followers. They were mostly female college students in the beginning—many freethinkers among them. A few young boys started to follow him as well. Sex and drugs were usually how he ‘initiated’ his followers, trying to break down the walls of social convention they had been brought up with.

⁴ Excerpts from Manson’s files the Federal Reformatory at Chillicothe at age 18. He stayed at the institution for about a year.

⁵ Interview with Charles Manson in the underground paper *Tuesday’s Child*

Manson used his natural charm to his advantage when gaining followers. He convinced women they were beautiful, toyed with their 'daddy-issues', and even implied he was Jesus Christ at times. He bonded with men over LSD trips and discussions of love. Making acquaintances seemed easy for Manson, and he convinced his followers to embrace his philosophy in a similarly effortless way. To some, he seemed like the reincarnation of Hitler, able to recruit people to his bizarre worldview. His looseness and free-spirited attitude drew them in, overshadowing his psychotic and racist tendencies. They all grew to love him—physically, mentally, and spiritually. "Manson's ability to 'psych people out' and discern their hang-ups was so acute that some of his disciples believed he could read minds."⁶ He was, at the same time, very different from the dictators and violent loners that come to mind when thinking of mass murderers. To many he was a musician, a free-spirit, a man whom the conventional world had wronged.

Manson believed, "There was no death . . . Death was only a change. The soul or spirit can't die . . . He said that death was a fear that was born in man's head and can be taken out of a man's head, and then it would no longer exist . . ."⁷ This seemingly mentally unstable man became more interesting and enigmatic in the eyes of the public and the prosecution with each passing day. "He needed people to live with him, to make love, and liberate the white race."⁸ It made little sense. This man was so clearly confused: an advocate of inter-racial marriage, yet a racist. A believer in peace and love, yet an advocate of violence.

⁶ Charlie Manson: One Man's Family." *New York Times*, (January 4, 1970), 180.

⁷ Excerpt taken from an interview with Gregg Jacobson, a man personally acquainted with Manson. Bugliosi, 223.

⁸ Bugliosi, 225

In mid-November a chief prosecuting attorney was assigned to the Tate-LaBianca case.⁹ Vincent Bugliosi took the head prosecutor position. Then the interrogations began.

Bugliosi and the LAPD/LASO started interviewing different Family members one-by-one. They could not keep all the raid victims incarcerated, but managed to speak with a fair few. The females, who all seemed childlike, were mostly unhelpful. “They seemed to radiate inner contentment . . . And their truth was ‘Charlie is love’,”¹⁰ Bugliosi noted while questioning two ex-Family members.

Susan Atkins seemed to be the most fruitful source of information initially. She openly admitted that after killing Sharon Tate and perhaps others, “I felt so elated . . . I knew this was just the beginning of Helter Skelter. Now the world would listen.” Few connected this reference to the Beatle’s song released the previous year.

Music was a major focus for Manson. He wanted to be a musician and songwriter. He seemed to have an obsession with the Beatles, especially the “White Album”, which had been released in 1968, one year after he was released from prison. This, however, could not be used as evidence during a trial, as “it was simply too absurd.”¹¹The five songs that seemed to speak to Manson most were Blackbird, Piggies, Revolution 1, Revolution 9, and Helter Skelter. His followers said he frequently quoted long sets of lyrics from these songs when speaking with his Family.

⁹ The arrests led to the connection between the Tate and LaBianca murders after Straight Satan biker and Family friend Al Springer recalled how Manson had mentioned killing people and writing on refrigerators.

¹⁰ Bugliosi, 132

¹¹ Bugliosi, 241

Manson had an immense fear and obsession with his ideas of Helter Skelter. He believed the oppressed black men were going to rise up and start a race war between the blacks and whites. The blacks, in Manson's views, were going to win. Manson and his followers planned to hide in a secure place until this war passed. Then they would join the victorious blacks who would turn control over to Manson and his family. Manson was frustrated that the race war had not happened, and saw the killings as the only way to ignite it. The song 'Piggies' seemed to explain the horrendous writings on the walls and the horrific writing of 'DEATH TO PIGS' carved into Leno LaBianca's stomach. It also showed Manson's attempt to start his predicted race war.

It did not, however, explain how Manson coerced his followers into killing people. 'The arrests [from Spahn ranch] evoked a new surge of public panic . . . According to Miss Atkins, the killers did not even know who their victims were; the deaths were arbitrary, random. Dying 'freaky' could happen to anyone".¹² By this time, the details of the Tate-LaBianca killings were being discussed at great length in the media. The general public was intrigued by the case, given the celebrities involved, the gruesome nature of the killings, and the uncertainty as to who had committed the crime and why. Though many mass murders through history had been similar, Americans were particularly intrigued by Manson's character and image. The media aided in the crazy atmosphere by printing rumors and false reports, flaming a strong desire in the American public to punish the perpetrators of these shocking crimes.

Atkins provided some in-depth information about the killings in return for immunity after the trial had ended. She said Manson had ordered the Tate killings, but was

¹² "Charlie Manson: One Man's Family." *New York Times*, (January 4, 1970), 180.

not physically present. She was there, along with Charles “Tex” Watson, Patricia “Katie” Krenwinkel and Linda Kasabian. She admitted that Manson did directly participate in the LaBianca murders. Atkins was not inside the LaBianca home, but heard the details from Manson later. She, more so than other family members, seemed to idolize Manson. Nothing she said was intended to aid the prosecution in implicating Manson, but she was slowly sentencing him to death with every detail she shared.

By late November, the team had verification that Family members Sadie Mae Glutz, Krenwinkel, and Kasabian had been the three females present at the Tate murders.

The grand jury had decided there was enough evidence for a case. Judge Charles H. Older, the adjudicator residing over this already boisterous case, recognized that too much media attention was being drawn in so early in the trial so the courts imposed a ‘gag order’, prohibiting anyone involved with the case from sharing details with the greater public. The order was intended to prevent prejudicial information about the case from getting to the general public and prospective jurors. The gag order was largely ignored, and the details of the Tate-LaBianca trial made major headlines around the globe.

This particular case was not unlike other major trials that had taken place in America. The fanfare surrounding this particular trial, however, was abnormal. The trial seemed to be entirely unfair for the defendants, given that the media, government opinions, and the drama surrounding it all had the potential to sway the public and jury. The question stands, then, can any defendant ever truly receive a fair trial if faced with the same level of media attention that surrounded the Tate-LaBianca trial?

“What caused the void, the terrible emptiness that drove so many young people [into] . . . seeking refuge from the culture of their parents? What is still sending them out

into the world, so lost and confused?"¹³ It can be argued that at the center of every person there is some sort of goodness. This goodness, however, is so malleable and people so willing to change. People need to belong, and that desire can make them susceptible to corruption. "... the mechanism of violence that can operate in these groups is the same as what is indicated by the recent stories from Vietnam. What you do with soldiers is strip away all normal social controls, and you substitute a form of nationalism."¹⁴ The greater public feared that their children too could be susceptible to the persuasive powers of men as charismatic and dangerous as Manson. They were frightened by the prospect that segments of society could be recruited to do horrible things that they would normally be incapable of.

Manson's public image varied widely. To many young people, "Manson and his 'Family' [had] become culture heroes . . . who . . . [had] been treated unfairly by the police."¹⁵ In Manson and his Family, many people saw themselves—the younger generation.

The adult onlookers of the trial had a very different opinion from their younger counterparts. They, according to one of Manson's female followers, wanted "to see a vicious monster . . . They want to read about sadism and crime."¹⁶ They saw Manson and his followers as representing the worst of the changes that were happening in America and the

¹³ "Charlie Manson: One Man's Family." *New York Times*, (January 4, 1970), 180.

¹⁴ Part of Dr. David Smith's interview with *New York Times* for the January 1970 article "Charlie Manson: One Man's Family"

¹⁵ Charlie Manson: One Man's Family." *New York Times*, (January 4, 1970), 180.

¹⁶ Five girls were present each day, outside of the courthouse. The names of these five girls were withheld from the *New York Times* article, "Five Girls Keep a Three-Month Vigil at Tate Trial", published in the December 2, 1970 paper on page 28.

world—the dark culmination of the sex, drugs, Rock ‘n Roll hippie lifestyle. The media further enflamed the division between the older, more conservative citizens—the Establishment—and the younger people who were rejecting the status quo and trying to change the world.

The media stoked the fear in adults who daily watched the cruelties of human nature on the news. It was from these divided adults and youth who watched for months as more came to light about these malicious murders, that twelve were to be chosen from who could impartially decide whether Charles Manson and his counterparts were guilty.

By April 1970, the prosecutors had enough evidence to finally bring the murderers to trial. Still, there was nothing simple in the month preceding the trial. In early May, Susan Atkins filed a declaration repudiating her earlier testimony, and Bugliosi had record of her visiting with Manson. Mary Brunner also signed an affidavit that her testimony regarding Bobby Beausoleil’s stabbing Gary Hinman to death was false.

The trial began on June 15, 1970. The jury members consisted of seven males and five females, ranging from the ages of twenty-five to seventy-three. These twelve were immediately sequestered upon Judge Older’s request.

Bugliosi made his opening statement. “What kind of a diabolical mind would contemplate or conceive of these seven murders? What kind of mind would want to have seven human beings brutally murdered?”¹⁷ A simple, yet compelling question that the American people had pondered during the eleven months between the first spilled blood and the trial. The principal witness was Linda Kasabian, who helped in answering the

¹⁷ Bugliosi, 311

question on everyone's mind: Why? Bugliosi's opening statement set the stage for what became a fascinatingly twisted trial.

Linda Kasabian's testimony came first. After Atkins recanted her testimony, which the prosecution believed was due to Manson's influence, Kasabian became integral in making the case against Manson. If she testified to everything she knew about the murders, the prosecution would grant her total immunity.

Kasabian testified that as they pulled up to the Tate residence, 'Tex' Watson got out of the car, walked up to Steven Parent, who was begging for his life, and shot him three times. She continued to tell the story of what happened that night, in less gruesome detail than Atkins had. She told it in such a way, however, that the jury seemed to really connect with what she was saying.

Q: When the man was screaming, do you know what he was screaming?

A: There were no words, it was beyond words, it was just screams.

Kasabian had admitted to taking LSD over fifty times in her life, which the defense used many times throughout the case to prove that she and the other Family members were not mentally sound.¹⁸ This was one of their few defense tactics, though and it had no real effect in court.¹⁹ Kasabian did not seem to have any mental problems, actually making some of the sanest remarks throughout the entire trial. "I was not really together in myself . . . I was extremely impressionistic . . . I let others put ideas in me."²⁰ She admitted she feared

¹⁸ The last abuse of the drug had been in May of 1969, three months prior to the Tate/ LaBianca murders.

¹⁹A defense attorney, Irving Kanarek, had already and continued to interject so many times throughout the testimony that he was sentenced to a night in prison for contempt of court.

²⁰ Linda Kasabian Testimony

Manson, but that she also loved him. During cross-examination, the defense managed to get little out of her. All the angles they had planned to use to make the jury believe she was mentally unstable or untrustworthy were futile.

One staggering piece of evidence emerged (though it had been in police custody for over five months) at Spahn Ranch. It was a mural on the back of a door, reading, “1, 2, 3, 4, 5, 6, 7—All Good Children Go to Heaven”²¹ and underneath “HELTER SKELTER IS COMING DOWN FAST”. This was finally the link the prosecution was looking for. It directly tied, in the eyes of the prosecution, Manson and the Family members living at Spahn Ranch to the LaBianca murders where a similar phrase was written on the wall in the blood of one of the victims.

As the trial progressed, another calamity struck. President Nixon, in a brief remark in a Denver airport, said that Manson “was, whether directly or indirectly, guilty of eight murders without reason.”²² This caused quite a commotion in the courtroom. The defense was shocked by the bluntness of the President’s words. The jury had to be questioned to make sure that no one’s opinions were swayed by arguably the most powerful man in America. Manson himself even noted, “here’s a man who is accused of murdering hundreds of thousands in Vietnam who is accusing me of being guilty of eight murders.”²³

This, of course, was a delight for the media and sparked tremendous public controversy. Famous western actor John Wayne commented on all of the fanfare surrounding Nixon’s remark and the trial in a *New York Times* article, saying, “The

²¹ A line from a Beatles’ song on the album “Abbey Road”

²² Excerpt from Nixon’s Denver statement; August 3, 1970

²³ Manson’s response to Nixon’s remark; August 3, 1970

newspapers give heavy play to the exploits of criminals, and young people 'tend to glorify and to make heroes out of those who engage in criminal activities'"²⁴. In Nixon's comment, he stated that Manson, "as far as the coverage was concerned, appeared to be rather a glamorous figure, a glamorous figure to the young people whom he had brought into his operations."²⁵ The defense moved for a mistrial after this inappropriate statement was released, which Judge Older rejected, saying there "was no basis for a mistrial" as the jury was sequestered.²⁶

Shortly thereafter, Nixon recanted his statement, saying, "The last thing I would do is prejudice the legal rights of any person, in any circumstances."²⁷ Which was ironic, because that was exactly what he did. Defense Attorney Paul Fitzgerald commented, "The President is a significant leader, an attorney. He was campaigning for law and order. Subliminally, maybe unconsciously, this cannot help but influence in an extraordinary fashion the mind of the jurors."²⁸ Ideally the jurors would have been kept from this accusatory opinion under their sequestration, but they were not. One defense attorney, whether maliciously or not, brought a physical copy of a newspaper with a headline surrounding Nixon's comment, which Manson took hold of and showed to the jury. Older sentenced the attorney to a night in prison, but that did not change what the jury had seen.

²⁴ "Nixon Calls Manson Guilty, Later Withdraws Remark: Refers to Coast Murder Trial in Talk in Denver, Then Says in Washington He Didn't Mean to Prejudge Case," *New York Times*, (August 4, 1970), 1.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Nixon retracting earlier statement on Manson; August 3, 1970

²⁸ Defense Attorney Paul Fitzgerald's response to Nixon's response, arguing it was grounds for mistrial.

Though slightly unsettled, the trial continued. Kasabian's time on the stand had lasted over five days, and her charges were dropped on August 13. Following her lengthy testimony came a series of witnesses and family members whose stories corroborated Kasabian's testimony.

Another prolonged testimony took place between the last days of September and early October. Juan Flynn was the witness, and described himself as "manure shoveler" at the Ranch. His testimony lined up almost perfectly with Kasabian's, even matching the color of the clothes some of the Family members were wearing. He testified to hearing Atkins say, "We're going to get some fucking pigs" around the night of LaBianca murders.²⁹ He also noted that Manson drove the car away that night, placing him in the vehicle that was driving to the LaBianca residence. The most important evidence he could offer, though it was not hard evidence, but rather memory—Manson putting a knife to his throat, saying, "You son of a bitch, don't you know I'm the one who's doing all of these killings?"³⁰ The defense asked why Flynn remained with a man and Family who threatened him and clearly were murdering people, and he admitted he thought Manson was "bullshitting," "nobody in their right mind is going to kill somebody and then boast about it."³¹

Intermittently throughout the court proceedings, Manson and Family members in the courtroom stood up and yelled things, which typically took the headline over the actual trial. During Flynn's time on the stand, Manson rose, saying, "Look at yourselves. Where are you going? You're going to destruction, that's where you're going. *It's your Judgment Day,*

²⁹ Manson and the Family used the word 'pig' to describe members of the Establishment. He saw the Beatles song "Piggies" as telling him that the Establishment needed "a damn good whacking."

³⁰ Flynn's Testimony,; September 27, 1970

³¹ *Ibid.*

not mine."³² These obstructions had Manson and 'his girls' removed from the court on many occasions. However, the most serious threat he made, "I will have *you* removed if you don't stop. *I have a little system of my own . . . Do you think I'm kidding?*"³³ He suddenly leapt with great strength over the counsel table, while simultaneously grabbing a sharpened pencil, and bounded towards Judge Older. He fell on one knee however, allowing the bailiff to tackle him. As he was being walked out of the room, he screamed, "*In the name of Christian justice, someone should cut your head off!*"³⁴ This, however, showed the jury and the people, for the first time that Manson was not the loving, knowledgeable soul he made himself out to be. This was the first time most had seen of his animalistic side, a side that was capable of murder. The jury was frightened, but Judge Older seemed unfazed. He did, however, carry a .38 caliber revolver with him in court and in the chambers from then on.

Susan Atkins cellmate, Virginia Graham, was able to outline a story that had the potential to aid in Atkins' incarceration. She and Atkins had become very close in prison, and Graham told the story of Atkins' confession to her.

She said she was holding Sharon Tate's arms behind her, and that Sharon Tate looked at her and she said she was crying and said to her, 'Please, please don't kill me, I don't want to die. I just want to have my baby.' She said, 'And I looked Sharon straight in the eye and I said to her, 'Look, bitch, you might as well face it right now, you're going to die, and I don't feel a thing behind it,' and in a few minutes she was dead.³⁵

³² Manson interrupting Flynn's testimony; October 2, 1970

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ Virginia Graham Testimony

Graham's testimony was brief, but painted a vivid picture for the jury. Atkins was psychotic. Graham claimed Atkins spoke of how it felt to stab someone, soft and exhilarating. Atkins, supposedly, sounded very excited when she told this story. She said she had an alibi, and could use her childishness for her own good. She admitted to even sticking her hand in her mouth, the hand covered in Sharon Tate's blood, and saying, "To taste death and yet give life, wow, what a trick."³⁶ She said that Atkins had her own murder list, and intended to murder them in horrific ways, to make the people afraid.³⁷ The testimony was effective, again shocking the jury.

At this point in the trial, it seemed obvious that the prosecution was going to win. The defense had few competent arguments, none of which stood their ground. They overused objections, hoping something might happen in their favor. They called many photographs and other evidence the prosecution had collected against Manson "absolutely horrifying and gruesome", arguing that, with such provocative evidence, the jurors would be "unable to give the defendants a fair trial."³⁸ Upon returning to his chambers, Older remarked, "It is becoming perfectly clear that this entire maneuver by the defense is simply one . . . to wreck the trial . . . I do not intend to permit this to happen."³⁹

The Manson girls, specifically Susan Atkins, Patricia Krenwinkel, and Leslie Van Houten, wanted to plead guilty, which would allow Manson to walk free. The right to testify

³⁶ *Ibid.*

³⁷ It was unknown whether this "hit list" was entirely Atkins'. It was entirely possible that Manson had influenced many of these decisions. The list included Frank Sinatra, Elizabeth Taylor, Richard Burton, Eddie Fisher, Tom Jones, Steve McQueen, and potentially others.

³⁸ Defense Attorney Paul Fitzgerald's reaction to Bugliosi's admission of 297 pieces of evidence. These exhibits included color photographs of the victims' wounds and their autopsies.

³⁹ Comment by Judge Older after the defense rested without calling a single witness to the stand.

superseded their attorneys' advice, and the girls were permitted to testify against the advice of their attorneys. Manson still refused to say anything, which would have allowed the girls to take the fall for him. Fitzgerald even voiced his opinion, saying, "As far as I am concerned, [letting the girls testify] it would be sort of aiding and abetting a suicide."⁴⁰

In another surprising turn of events, the following day Manson agreed to testify. Manson, the Prophet, was speaking unthreatening words for the first time in the trial. "*These children that come at you with knives, they are your children. You taught them. I didn't teach them. I just tried to help them stand up.*"⁴¹ His accusatory rant shocked the jury-less courtroom.⁴²

You invent stories, and everybody thinks what they do, and then they project it from the witness stand on the defendant as if that is what he did. . . I have nothing against none of you. I can't judge any of you. But I think it is high time that you all started looking at yourselves, and judging the lie that you live in . . . I am whoever you make me, but what you want is a fiend; you want a sadistic fiend because that is what you are . . . No, I am not responsible for you. Your karma is not mine.⁴³

After leaving the stand, he turned to the girls who wanted to testify and told them they no longer needed to. Court was adjourned for ten days.

⁴⁰ Defense Attorney Paul Fitzgerald's comment on having to potentially question his own client, at her request, to defend Manson.

⁴¹ Charles Manson testimony; November 19, 1970

⁴² Once Manson decided he wanted to testify after all, Older chose to have Manson testify first without the jury present, to avoid possible problems with Aranda. Aranda was an important legal case establishing that one defendant's testimony cannot be used to incriminate another. Assuming that two defendants are being tried jointly, if the first confesses that they committed the crime along with the second defendant, that testimony would not be admissible.

⁴³ Manson Testimony; November 19, 1970

In the first days of January 1971, the *New York Times* published an article entitled “Manson: The Two Faces of A Man On Trial.”⁴⁴ The three-column opinion piece by Steven V. Roberts discussed a point of interest surrounding Manson. In Bugliosi’s final statement, he described Manson as a man who surrounded himself with “bizarre, weird concepts . . . He’s nothing but a cold- blooded murderer who places absolutely no value on another human being’s life.”⁴⁵ Roberts ran with this statement, adding to the fanfare that surrounded the impending end of this grueling trial. For the entirety of the trial, Manson family members stood outside the courthouse—some even sleeping there in protest— and inflicted self damage to show their dedication to Manson, and caused many disturbances during the trial.⁴⁶ “These [were] the wanderers; the rejects, hitching a ride from Nowhere to Oblivion, looking for a place to belong.”⁴⁷ The end of the trial was near, and public opinion was still divided. Was Manson “the cold-blooded killer” that the prosecution painted him to be? Or was he “the neglected waif” that his past defined him as?⁴⁸

After the ten-day break, court reconvened. The drama in and of this case was building. The victims “are not here with us now in this courtroom, *but from their graves they cry out for justice*. Justice can only be served by coming back to this courtroom with a verdict of guilty,” Bugliosi argued in his final statement. The defense attorneys closing arguments were poor, unrehearsed, and even bore many false statements, varying from

⁴⁴ “Manson: The Two Faces of A Man On Trial”, *New York Times*, (January 3, 1970), E3.

⁴⁵ *Ibid*.

⁴⁶ At many points during the trial Manson and his family showed examples of self-harm, even scratching the letter X into their foreheads to symbolize their being “x’d” by society.

⁴⁷ “Manson: The Two Faces of A Man On Trial”, *New York Times*, (January 3, 1970), E3.

⁴⁸ *Ibid*

mixing up the murders to fictitious facts. In the end, it was up to the jury. The jury of twelve men and women who were supposed to remain neutral in opinion, though the hellish world around them could focus on nothing else but this trial, were supposed to come to a final, unbiased decision. These “twelve individuals, from completely different backgrounds, had been locked up together longer than any other jury in history.”⁴⁹

On Monday, January 25, 1971, the jury reached a verdict. They found Manson guilty of murder of the first degree. Manson seemed shaken, Kanarek seemed unfazed, and Fitzgerald commented, “We expected the worst from the start . . . We had a hostile and antagonistic jury. The defendants had the same chance Sam Sheppard had in Cleveland—none.”⁵⁰ He was sentenced to death, but as the death penalty was outlawed in California in 1972 Manson’s punishment was changed to life in prison. After his conviction, Manson stated,

Mr. And Mrs. America—you are wrong. I am not the King of the Jews nor am I a hippie cult leader. I am what you have made of me and the mad dog devil killer fiend leper is a reflection of your society . . . Whatever the outcome of this madness that you call a fair trial or Christian Justice, you can know this: In my mind’s eye my thoughts light fires to your cities.⁵¹

The entirety of the trial placed Manson in a horrendous light. He clearly appeared to be guilty “whether directly or indirectly” of seven or more murders, but he walked into a trial where he stood no chance.

⁴⁹ Bugliosi, 410

⁵⁰ Sam Sheppard was accused of murdering his pregnant wife in 1954. His trial had the same glamour and drama surrounding it as Manson’s. He was found guilty of second degree murder.

⁵¹ Manson’s statement after being found guilty of first degree murder in the Tate-LaBianca murders

The American Justice System was founded on many basic principles intended to ensure that the accused receive the fairest trial possible. One such principal is that the accused party cannot be tried unless they are mentally competent. This in itself could have been a basis for mistrial. If Manson's attorneys had truly had his best interest in mind, not just that of the girls, they would have motioned for a hearing to determine Manson's mental competency. While they attempted earlier in the trial to suggest the frequent LSD usage held them legally insane, it was fruitless. Judge Older seemed to believe Manson was incapable of representing himself, because he was not entirely competent. Then why was his prevalent psychosis not grounds for mistrial? Manson was clearly insane. Everything he said was essentially incriminating himself. He frightened the jury; their sentence likely could never have been anything but guilty.

The burden of proof lies with the state. For serious crimes the state must prove beyond a shadow of a doubt that the accused is guilty. The evidence against Manson primarily relied on the testimonies of his criminally insane co-conspirators and crime scene similarities. With each man's legal rights in mind, it is safe to assume that each trial would give both the prosecution and defense equal chances to argue their cases, with the ultimate decision being left up to the jury. "All of those charged with crime are not guilty. But let us well understand, too, that the system, the system in which we protect the rights of the innocent, in which the guilty man receives a fair trial and gets the best possible defense, that the system must be preserved."⁵² Though each person is innocent until proven guilty, there are still potential flaws in the legal process.

⁵² Excerpt from Nixon's remarks in Denver on August 4, 1970

The American legal system rests on the ability of a jury to judge a case solely on its facts. But are Manson, or the Chicago Seven, or the Black Panthers, really being judged by their peers? And in a time of such wrenching cultural and political conflicts, can they get a fair hearing from the very people on whom they have declared war?⁵³

From the moment Manson walked into the courtroom, he was doomed to an unfair trial. The culmination of everything that was happening in the late sixties made it impossible for Manson to have an impartial jury—ensuring Manson a straight shot to hell. The hippie movement, arguably tarnished by the Manson murders, caused social disarray, stirring the anti-establishment feelings inside many people. The protests and the war in Vietnam seemed to be creating a huge divide between the citizens of America.

Once the sequestration actually began, Manson stepped in and ruined his own chances. He frightened the jury with his descriptions of his free-spirited lifestyle, his psychotic answers, and philosophies. The jury watched as he disparaged society, shattering all images of the status quo. He shared his outrageous beliefs in Helter Skelter, even attempting to spur the race war on his own. They saw in Manson what they most feared. They saw what the restless youth of the sixties might become. It did not help Manson that other revolutionaries like the Black Panthers and the Chicago 7 were also committing violent acts. The jury, like the rest of the “establishment”, wanted this dangerous man and his movement stopped.

Manson was insane, so he should not have even had to participate in a trial in the first place. He was not allowed to represent himself, as Judge Older believed him incapable, so why was he allowed to testify? He was incriminating himself, something his attorneys

⁵³ "Problem Of a Fair Trial for Manson.," *New York Times*, (August 9, 1970), pg. 123.

should have kept him from doing. His attorneys instead seemed more interested in keeping Manson's female followers out of jail, not allowing them to testify that they were guilty over Manson. This conflict of interest in the defense team hurt Manson tremendously.

The most heinous crime committed against Manson, however, was the media attention surrounding the crimes. The *New York Times* and other papers across the continent, printed hundreds of articles about Manson, the trial, his family, and even criticizing the media attention surrounding it, drawing the interest of millions of people with the drama surrounding this trial. Manson's defense attorneys had an almost impossible task placed in front of them, defending a man so closely identified in the public perception with such horrendous crimes. It was the zenith of a turbulent time. The fear that had struck Americans throughout the entire trial suddenly made sense, the "fear that things are out of control, that all the old assumptions and values don't count anymore".⁵⁴

Some of the media attention surrounding the case was grossly overdramatized. The already disturbing deaths were sensationalized, creating more fear and shock than necessary. There were rumors galore, and no one seemed to know what to believe. Some saw Manson as "an ambitious petty criminal" who "created a 'family' of disciples bound together by a macabre synthesis of antisocial pathology and communal ideals".⁵⁵ Others saw him as the representation of his time. He was "living proof that long hair, dope, and music lead to no good".⁵⁶

⁵⁴ "People Keep Asking—'What Made Those Kids Do it?'" *New York Times*, (January 31, 1971), E2.

⁵⁵ "The Family: The Story of Charles Manson's Dune Buggy Attack....," *New York Times*, (October 31, 1971), pg. BR2

⁵⁶ Geis, G., & Huston, T. L. (1971). Charles Manson and his girls: Notes on a Durkheimian theme. *Criminology*, 4, 342-353.

The varying opinions from people around the country reflected the same thoughts that jury members may potentially have had. Though intended to be impartial, no jury members can remain completely neutral toward such a seriously gruesome series of murders committed against a backdrop of radical social change and conflict. Though, ideally, this jury remained segregated from all the media attention, is it fair to assume that, over the seven-month duration of this trial, at least some of the jury members received influence from the outside world. If this seems too outrageous, the conclusion can be drawn from the eleven-month period between the actual murders and the beginning of the trial. The twelve jury members were not sequestered at that time, not even aware they would be actively participating in such a grandiose trial. For eleven months these twelve people were living their normal lives as the tabloids and newspapers ran rampant with stories and editorials on these murders.

What constitutes as a 'fair trial'? In the perfect world, it gives the defendant his or her best chance to argue their case and be judged impartially by a jury of their peers. Manson was not given a fair trial. The jury, as previously discussed, was not impartial. The sequestration had not effectively done its job. The trial was kept in California, where the actual murders had taken place, so the jury members were very familiar with many details of the crimes and the Family's history as they were being chosen. If it had been in a state across the country, the jury members may not have been as knowledgeable of the crimes and his trial could have been more fair.

So how could Manson have believed he would receive a fair trial? How can anyone believe that they will receive everything they are promised by our legal system? The legal system is only as good and fair as the people in it. The people of the United States, too, are

flawed. They are swayed by the sensational, find their opinions in the drama, and sometimes seem not to care about the actual situation that stirred the trial in the first place. Manson did not receive a fair trial, as he and we all are promised, because the majority of the United States citizens feared what he embodied. Though obviously guilty, Manson was not only judged on a supposed crime, but rather on the larger threat to society that he represented.

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