



United Press International

Jurors' bus has blackened windows to prevent their seeing anything prejudicial.

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Manson Shows Headline To Jury; Mistrial Bid Fails

By Jack V. Fox

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LOS ANGELES, Aug. 4—Charles Manson sneaked a newspaper into the Tate murder trial today and held it up before the jury the headline "Manson Guilty, Nixon Declares" while attorneys were conferring at the bench with the judge.

After a lengthy hearing into the incident, the judge once again denied a mistrial and ordered one of the defense attorneys jailed for "willful contempt."

A few hours earlier, Superior Court Judge Charles H. Older had refused to declare a mistrial because of President Nixon's remarks about the guilt of the bearded cult

leader. Then Manson took things into his own hands and brought about an incident which sent lawyers scurrying back into the judge's chambers to discuss this newest incident.

Later the judge questioned each juror out of the presence of the others. Ten of the 12 and all six alternates said they had seen the headline, but all but one said it could not affect their judgment of the case.

One juror said, "Subconsciously it may be but I certainly hope it wouldn't."

Another, a retired deputy sheriff, told the judge, "I don't believe Mr. Nixon knows anything about what it going on here and has no right to say

anything about it. And I wouldn't believe it."

One alternate, asked what he thought of the headline, said "I didn't vote for Nixon in the first place." It brought one of the few laughs in a tense courtroom day.

The afternoon session of the trial had just got under way when the 35-year-old codefend-

ant picked up a copy of The Los Angeles Times and held it in his hands so that the jurors 30 feet across the room could see it clearly.

"Your honor!" shouted Deputy District Attorney Aaron Stovitz, first to notice what Manson was doing.

A sheriff's deputy snatched the newspaper from Manson's hands.

Manson was seated as he held up the banner line paper and he smiled and fingered his beard as it was taken away from him. His three young women codefendants giggled.

Linda Kasabian, key prosecution witness who had been under cross-examination, turned to her attorney and said:

See MANSON, A4, Col. 3

MANSON, From A1

"Look what Charley's doing."

The court immediately ordered the jury out of the courtroom and an open hearing began on Manson's actions.

One member of the jury gasped as she saw the headline.

After questioning the jurors, Judge Older ruled for

the second time today against declaring a mistrial.

He found that Daye Shinn, an attorney for codefendant Susan Atkins, had left the newspaper on the defense table where Manson could reach it. Older ordered Shinn jailed three nights for willful contempt.

The newspaper and a copy of another Los Angeles newspaper had been presented as exhibits when defense attorneys argued earlier in the day for a mistrial.

Older said during the morning session that the comments made by Mr. Nixon had been "grossly overplayed" and rejected a motion to declare a mistrial.

Judge Older also turned down a defense request for a full examination into whether the jury had been "exposed" to Mr. Nixon's remarks, revealing that he had taken "special precautions" to see that they were not.

With the jury outside the courtroom, Older quickly disposed of a flurry of defense motions, including one to "censure" Mr. Nixon for his comment in Denver Monday that Manson was directly or indirectly guilty of eight murders.

Unusual Steps

The White House took unusual steps to clarify the President's statement, explaining that he omitted the word "allegedly" and adding that he did not "intend to draw guilt on Manson."

Judge Older said that as soon as he learned of Mr. Nixon's remarks the bus in which the jurors are transported to

the Ambassador Hotel, where they stay overnight, was routed so that it went past no newsstands.

On the way to the courthouse this morning the windows of the bus were blotted out with metallic paint so the jurors could see nothing.

"They could be in a Tibetan monastery and not be more secluded from the outside world than they are now," a spokesman for the sheriff's department said.

Older said their exposure to television, radio and phone calls also was stringently restricted.

One member of the prosecution staff told the judge the state wished to apologize for opposing earlier in the trial Older's order to sequester the jury.

Not Necessary

"No apology is necessary," Older replied.

Manson made one more final attempt to get court permission to act as his own attorney, standing up and telling the judge:

"Your honor, in view of the publicity and it doesn't look like it is going to stop, I request this court to allow me to be able to confront witnesses and to take part in these proceedings so that the whole world, which is so badly misinformed, will know what is going on here. "I might be able to straighten out this mess straighten out this mess you've made. You've certainly made a mess of it."

Older denied the motion and told Manson to sit down, which he did quietly.

But a few hours later, Manson sprang his bombshell.



Associated Press

Charles Manson's attorney, Irving Kanarek, meets newsmen after his motion for a mistrial was denied.

Jurors Polled

LOS ANGELES, Aug. 4—When the headline flashed before the jurors' eyes—"Manson Guilty, Nixon Declares"—Judge Charles H. Older immediately ordered the jury removed from the court room.

Then, one by one, the seven men and five women jurors were brought to the witness chair to tell what they saw and thought of the split-second courtroom action.

First was Thelma McKenzie, a middle-aged woman with a large red wig. Older asked her if she had noticed an incident while the lawyers were conferring; she said she had.

"What did you see?" asked the judge.

"I saw Mr. Manson raise a newspaper in front of him and then I turned away my eyes."

"Could you read what the

headline said?"

"I believe it said something like 'Manson Guilty, Nixon Declares' or 'Says.'"

"What do you think about what you saw?"

"Nothing, it's just a headline. Other than that, nothing."

The judge then ordered her to re-take the oath all jurors had taken, vowing they would decide impartially.

Juror No. 2, Shirley Evans, said she also read the headline. "What did you think of what you saw," Older asked.

"The first thing I thought was that's ridiculous. I don't believe the President of the United States would say a thing like that. I think he has more important things to do."

Renewed Oath

Assuming the President did make such remarks, the judge asked, did Mrs. Evans think it would affect her impartiality? She said she

thought it would not, and renewed her juror's oath.

No. 3, William T. McBride II, said he saw the headline. What did he think of it?

"If the President did say that, it was pretty stupid of him," McBride replied. Would it affect his ability to be a fair juror?

"I don't think so, but it may," McBride replied. "Subconsciously it may but I certainly hope it wouldn't."

No. 4, Alva Dawson, a retired deputy sheriff, said he saw "Manson Guilty" and that another juror told him the rest of the headline was "Nixon Declares." What did he think of it?

"I don't think anything of it. I don't believe Mr. Nixon knows anything about what is going on here and has no right to say anything about it. And I wouldn't believe it," Dawson said.

Jean Roseland, an airline secretary, said she saw the word "Manson" and looked away because she knew she had been instructed not to read anything about the case. She said she could be fair and, like the others, was resworn.

No. 6, Anlee Sisto, said he saw the bailiff snatch a newspaper out of the defendant's hands and saw the word "Manson," but that was all.

William M. Zamora said he did not see the incident at all but only heard someone shout.

Maris Mesmer, a retired newspaper drama critic, said she saw the headline. Would it affect her performance as a juror?

"No. No one does my thinking for me."

Other Four

The other four members of the panel of 12 regular jurors, John M. Baer, Mrs. Evelyn J. Hines, Walter Vitzelio and Herman Tubick, all told the court that although they saw parts of the newspaper incident they felt they could remain impartial and competent jurors. Each in turn was resworn.

Judge Older then began questioning the six alternate jurors.