

Manson Mistrial Barred Again; Jurors Held Still Unprejudiced

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LOS ANGELES, Aug. 5—Superior Court Judge Charles H. Older refused again today to declare a mistrial in the murder trial of Charles M. Manson and three young women co-defendants.

In a continuation of the dispute touched off by President Nixon's remark in Denver on Monday that Manson, the 35-year-old hippie cult leader, "was guilty, directly or indirectly, of eight murders without reason," the defense sought today, as they had immediately after the President's statement was made public, to have a mistrial declared.

This time they based their arguments on the testimony yesterday of all but one of the 12 regular jurors and six alternates that they had seen a headline in a copy of The Los Angeles Times that Manson held up in court earlier. The headline said, "Manson Guilty, Nixon Declares."

Although all the jurors swore that their judgment would not be affected by the headline, the defense argued that their clients had suffered "severe and substantial prejudice."

In addition to Manson the defendants are Patricia Krenwinkle, 21; Susan Denise Atkins, 21, and Leslie Van Houten, 19. They are charged with the slayings last August of seven persons including Sharon Tate, the actress. Manson is also charged with the slaying of Gary Hinman, a musician.

New Plea for Mistrial

Paul Fitzgerald, Miss Krenwinkle's counsel, argued:

"The President is a significant opinion maker, 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 minds of the jurors. They were selected because of their virginal characters [in regard] to pretrial prejudicial publicity. Now that character has been exposed."

Although the headline referred only to Manson, Mr. Fitzgerald argued that it would prejudice the case against all the defendants since they were "jointly charged and jointly tried."

Irving Kanarek, counsel for Manson, also offered a second motion that the President and his press secretary, Ronald L. Ziegler, be called to court to present "evidentiary evidence" regarding Mr. Nixon's statement, which both the President and Mr. Ziegler said Monday should have contained the word "allegedly" in reference to Manson's guilt.

Judge Older denied Mr. Kanarek's motion as he did one by Daye Shinn, a defense attorney sentenced to three nights in jail for contempt for having placed the newspaper with the Manson headline where it was available to the defendants. Mr. Shinn, saying his back was bothering him, had sought a delay in the trial until his sentence was up.

After listening to the motions in the absence of the jury, Judge Older said:

"The time has come to put this whole matter in the proper perspective. As for what Mr. Nixon said, the jury was sequestered. I am satisfied after examination they are able, can and will in accordance with their oath be fair and impartial and base their verdict solely on the evidence brought out at the trial."

The jury was then called back into the courtroom. As they were seated, the three wo-

men defendants rose and chanted:

"If President Nixon thinks we're guilty, why go on with the trial?"

Judge Older watched them for a moment and then said firmly:

"Sit down, ladies."

They quickly sat down and remained quiet while Mr. Kanarek continued his cross-examination of Linda Kasabian, 20, a former member of the Manson group who was to have been a co-defendant but was granted immunity when she agreed to testify for the state.