

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

200

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, March 12, 1971

APPEARANCES:

For the People:

VINCENT T. BUGLIOSI,
DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~ROBERT J. HUGHES, Esq.~~
MAXWELL KEITH, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

VOLUME 200

PAGES 26564 to 26766

JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

I N D E XDEFENDANTS' WITNESSES: DIRECT CROSS REDIRECT RECROSS

AMBROSINI, Carmela

26590S

26641F

26651Ka

26653Ka

MILLER, Pete

26671F

26681Ka

GROGAN, Steve

26683Ka

26744B

LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 12, 1971

10:00 A.M.

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(The following proceedings were had in the chambers of the court out of the hearing of the jury and the defendants, all counsel being present.)

THE COURT: All counsel are present.

I wanted to discuss a few matters with you gentlemen.

First of all, I am concerned that the jury have before it all of the evidence connected with this agreement between the District Attorney's Office and Susan Atkins and her attorney, Mr. Caballero.

I want to review with you now what the state of the record is as to whether or not all that evidence is before the jury, because I am not sure that it is.

That is, things that I know that may or may not be in front of the jury, that have been brought up during the course of the trial, sometimes at the bench and sometimes during the course of examination, but at least I want to clarify it.

What is the state of the record with respect to when Mr. Shinn was substituted as attorney of record for Miss Atkins?

MR. BUGLIOSI: March, 1970.

THE COURT: I am not asking for the date. I am

1 asking what is the state of the record.

2 MR. BUGLIOSI: Yes, Caballero testified that his
3 meeting, and also Susan Atkins testified, that the meeting
4 between him and Manson was in early March, 1970 at Sybil
5 Brand, and a day or two thereafter he was fired.

6 They both testified to that.

7 THE COURT: Who is "both"?

8 MR. BUGLIOSI: Susan Atkins and Mr. Caballero both
9 testified that the meeting between Caballero, Atkins and
10 Manson was in early March of '70.

11 Caballero said early March, '70; Susan said,
12 "I think late February or early March."

13 And a day or so later Caballero was fired,
14 and Mr. Shinn became her lawyer.

15 MR. FITZGERALD: Why don't we do this?

16 Why don't we enter a stipulation. We will get
17 the Superior Court file; we will get the date of the
18 substitution and stipulation.

19 MR. BUGLIOSI: Okay.
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1 THE COURT: Yes, I think it should be.

2 I am not sure. What is bothering me, I
3 don't care how the chips fall, I simply want to know that
4 they have before them all of the facts relating to the
5 transaction.

6 MR. FITZGERALD: Yes.

7 THE COURT: Now, another thing. My recollection is
8 that Mr. Caballero testified that Mr. Shinn -- that he
9 advised Mr. Shinn of the agreement and the terms of that
10 agreement.

11 Is that your recollection?

12 MR. BUGLIOSI: I don't recall.

13 THE COURT: I think, if that is a fact, it should
14 be brought out.

15 MR. FITZGERALD: What agreement are you referring
16 to?

17 THE COURT: The agreement with the District
18 Attorney's office regarding Susan Atkins' testimony before
19 the Grand Jury.

20 MR. FITZGERALD: He said he discussed it with
21 Shinn.

22 THE COURT: There was something said.

23 MR. FITZGERALD: But there was no evidence as to
24 whether the discussion took place on or about the time
25 Shinn was substituted in or later during the course of
26 the trial.

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1 MR. SHINN: No. I think he testified that when I
2 went to his office that he did inform me that they would
3 not seek the death penalty because she testified at the
4 Grand Jury.

5 That is what he told me, and I think that is
6 what he testified to.

7 THE COURT: Well, that is something that should
8 be cleared up if there is any question in the record
9 about it.

10 I am not sure that the record is clear as to
11 this declaration of Susan Atkins that was attached as an
12 exhibit to some document -- was that a petition?

13 MR. BUGLIOSI: Yes.

14 MR. SHINN: Yes. I think it was Charles Manson's
15 995 motion to dismiss, or a writ of habeas corpus.

16 MR. BUGLIOSI: It was a writ of habeas corpus.

17 I intended to ask for a stipulation.

18 The declaration of Susan Atkins was attached
19 to Manson's motion for a writ of habeas corpus.

20 THE COURT: Who filed that?

21 MR. BUGLIOSI: It was on behalf of Manson, and I
22 think Shinn --

23 MR. SHINN: No. I think it was in pro per.

24 MR. BUGLIOSI: I have it out here. It was dated
25 March the 11th, 1970.

26 This was one of the things that I wanted to

1 have a stipulation on.

2 Let's see if I can find it here.

3 Petition for a writ of habeas corpus for
4 Mr. Manson, then Susan Atkins' declaration is attached to
5 the back of it.

6 THE COURT: Her declaration bears a different date.

7 MR. BUGLIOSI: Hers is May 11th.

8 THE COURT: No. There is a date of April --

9 Go get the original, will you, Mr. Darrow.

10 MR. BUGLIOSI: There is another one in addition to
11 this.

12 This is the only one that I am aware of,
13 Judge, although I have heard someone mention that there
14 were two. I am only aware of one.

15 MR. SHINN: What date is that?

16 MR. BUGLIOSI: May 11th. I said March 11th before.
17 It is May 11th.

18 MR. SHINN: Whose petition is it?

19 MR. BUGLIOSI: It is Manson's petition for a writ
20 of habeas corpus but there is a declaration attached to it
21 by Susan Atkins in which she said she lied at the Grand
22 Jury.

23 MR. KEITH: Who filed the declaration?

24 THE COURT: It is an exhibit to this petition.

25 MR. KEITH: I understand. But who prepared it?

26 MR. BUGLIOSI: It would have to be you, Daye. You

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1 were her attorney at the time.

2 MR. SHINN: Who is the attorney of record for
3 Manson there?

4 THE COURT: It doesn't show. He was in propria
5 persona.

6 If this was prepared by Mr. Shinn, I think that
7 fact should be known to the jury, that he was aware of it.

8 MR. SHINN: Your Honor, I don't see the relevancy of
9 it, your Honor.

10 THE COURT: Well, I do. The relevancy is very simple.

11 MR. SHINN: What is it, your Honor?

12 THE COURT: The jury is entitled to know all of the
13 facts.

14 This certainly is a relevant fact as to what
15 was done, as to who knew about what, as to who filed what
16 papers, and so forth.

17 MR. BUGLIOSI: Incidentally, your Honor, are you
18 going to give an instruction to the jury with respect to
19 this agreement?

20 We are preparing a proposed instruction and I
21 would strongly recommend it.

22 THE COURT: We are going to talk about
23 requested jury instructions in a moment. Let's take one
24 thing at a time.

25 MR. BUGLIOSI: Okay.

26 (The clerk enters and hands the file to the
Court.)

1 THE COURT: Yes. The declaration of Susan Atkins is
2 Exhibit B to the petition of Charles Manson for a writ of
3 habeas corpus.

4 It was filed on May 12, 1970, and her
5 declaration is dated May 11, 1970.

6 Now, this declaration is not in evidence.
7 It has been marked by reference, I believe.

8 THE CLERK: The declaration? I don't think so, your
9 Honor.

10 THE COURT: Wasn't it?

11 THE CLERK: No, your Honor.

12 THE COURT: Well, I think it should be in evidence.

13 MR. BUGLIOSI: Well, let's see if there is anything
14 in here that shouldn't be in here.

15 MR. KANAREK: I will object to it going into evidence.
16 I will object to this procedure, your Honor, in that your
17 Honor has been quite technical about direct, redirect,
18 cross-examination.

19 This should have come up on cross-examination.
20 She wasn't cross-examined about it. And I can't stipulate
21 to it, your Honor.

22 THE COURT: I am not asking you to stipulate to any-
23 thing.

24 MR. KANAREK: Well, I believe it would be --

25 THE COURT: Mr. Kanarek, I have the power, which
26 I do not want to exercise, to call witnesses, if I want to.

1 I am suggesting that it be done in some other
2 way.

3 MR. KANAREK: Regrettably, your Honor, I can't
4 stipulate to it.

5 THE COURT: No one is asking you to stipulate to it,
6 Mr. Kanarek. Don't raise a straw man. No one is asking you
7 to.

8 MR. KANAREK: I am sorry. There was talk of a
9 stipulation. I am sorry.

10 THE COURT: Not by me.

11 MR. BUGLIOSI: Daye typed this up.

12 MR. KEITH: Off the record. Did I see that document?
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1 THE COURT: There is nothing in your declaration
2 that I can find --

3 MR. BUGLIOSI: No.

4 THE COURT: -- objectionable.

5 MR. BUGLIOSI: Right. I was going to ask for a
6 stipulation as to the contents of that, but I think the
7 Court is right, I think we should introduce the entire
8 exhibit, and the jury should know that Mr. Shinn prepared
9 it.

10 MR. SHINN: Let me read it first, will you?

11 MR. BUGLIOSI: All right.

12 THE COURT: I don't know about the rest of the
13 petition. The declaration is only an exhibit.

14 I don't know whether the petition -- I haven't
15 read that recently -- whether it contains anything objec-
16 tionable.

17 MR. BUGLIOSI: I think it does. I don't think
18 there is any necessity for introducing Manson's petition.

19 THE COURT: The declaration can be introduced
20 separately.

21 MR. BUGLIOSI: As I say, I do think --

22 You don't want to talk about instructions now?

23 THE COURT: Well --

24 MR. BUGLIOSI: I was going to say, an instruction
25 on this particular issue should be given.

26 THE COURT: All I want to know is, what if anything

1 is going to be done about these matters I am talking about.

2 I am talking specifically about the date of
3 substitution of Mr. Shinn, the question of whether he knew
4 of and was familiar with the terms of the agreement between
5 Miss Atkins and the District Attorney's office.

6 Who prepared and filed the declaration of
7 Susan Atkins, attached as an exhibit to the Manson
8 petition for habeas corpus, the declaration being dated
9 May 11, 1970, and the receipt of that declaration in
10 evidence?

11 MR. BUGLIOSI: I agree with the Court.

12 MR. KANAREK: Since your Honor is seeking such
13 completeness, may I ask your Honor to consider that we
14 then have the District Attorney prepare the memorandum --
15 get us a copy of the memorandum Mr. Younger alluded to,
16 and in the absence of that memorandum that we prove the
17 negative, that it does not exist.

18 Because that, also, your Honor has injected --
19 that is, the Court has injected itself into this, although
20 that subject, the record clearly reveals we were going on
21 to other things today.

22 So I say that is a matter also that your
23 Honor perhaps should think about, because that is my
24 belief, there is no such memorandum.

25 I may be wrong.

26 It is my believe there is no such memorandum,

1 and it shows the cavalier and political way that this was done

2 It is just a matter of politics.

3 THE COURT: What shows it?

4 MR. KANAREK: Well, Mr. Younger testified something
5 about --

6 THE COURT: The absence of a memorandum, if it
7 doesn't exist?

8 MR. KANAREK: If it doesn't exist it shows --

9 THE COURT: All right, Mr. Kanarek, save the argu-
10 ment for the jury.

11 I agree with you if there is such a memorandum
12 it should be part of the record.

13 You won't get any argument from me on that.
14 I obviously cannot go down and go through the District
15 Attorney's files.

16 MR. BUGLIOSI: You will stipulate that you prepared
17 this?

18 MR. SHINN: I don't recall.

19 MR. BUGLIOSI: Daye, Daye, Susan Atkins did not
20 prepare this!

21 MR. SHINN: It's not my stationery but I will
22 stipulate it may be entered into evidence.

23 MR. BUGLIOSI: You were representing her, and here
24 there is a declaration that was filed with the court.

25 MR. SHINN: I don't recall.

26 THE COURT: If there is going to be any pussyfooting

1 about it, it is a very simple matter for the Court to call
2 you to the stand and ask you under oath.

3 Let's not play games.

4 MR. SHINN: I assume I prepared it.

5 THE COURT: Check your files and refresh your
6 recollection and be prepared either to stipulate to it or--

7 MR. SHINN: I will stipulate to it.

8 THE COURT: That you did prepare it?

9 MR. SHINN: Yes, I will stipulate it can be entered
10 into the evidence, your Honor.

11 THE COURT: Now, what about the memorandum referred
12 to by Mr. Younger.

13 MR. BUGLIOSI: There is a memorandum, your Honor,
14 and I can get it for the Court.

15 There is nothing in the memorandum setting
16 forth the reasons why, that she lied at the Grand Jury,
17 or the nature of her lies.

18 All it is is a request that Younger approve
19 the death penalty, not just for Susan Atkins but for all
20 of the defendants.

21 MR. KANAREK: Including Linda Kasabian?

22 MR. BUGLIOSI: I don't know if Linda is mentioned
23 in there or not.

24 I have the memorandum, and I will bring it.

25 MR. KANAREK: What is the date of it, Mr. Bugliosi?

26 MR. BUGLIOSI: I don't know, but that memorandum

1 merely asks for approval from Younger for the death penalty for
2 all of the defendants.

3 It does not set forth how Susan Atkins lied
4 at the Grand Jury or anything like that.

5 THE COURT: All right, whatever it is, bring it in
6 and I take it that is the only one.

7 MR. BUGLIOSI: Yes, that is the only one there is.
8 There is a memorandum from Stovitz and me to Younger.

9 THE COURT: If the defendants wanted to put that in
10 evidence, there is no reason that it shouldn't be put in.

11 MR. KANAREK: Then I would want to put in the nega-
12 tive by the custodian of the record, that they have searched
13 their files and found out this is the only document.

14 Mr. Younger indicated certain things on the
15 witness stand that I think it is incumbent upon us --

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1 THE COURT: I am just thinking of the technical
2 problem.

3 You know, we are not talking now about the
4 official records of the Department of Motor Vehicles where
5 you can prove a negative by a search by a custodian.

6 I don't know the District Attorney's Office is
7 conducted in such a way that its files can be examined in
8 that manner.

9 You are talking about how many files? How do
10 you know where?

11 MR. KANAREK: But the District Attorney himself has a
12 certain secretary --

13 THE COURT: I think if they don't produce any other,
14 it is a legitimate inference that there is no other, and
15 that can be argued.

16 But I don't know how you can prove it.

17 MR. KANAREK: I can issue a subpoena duces tecum
18 asking them.

19 THE COURT: That is up to you. I'm not going to tell
20 you how to try your case. If you want to, do that.

21 MR. KANAREK: As I am saying, your Honor has brought
22 these matters up.

23 THE COURT: That's right, because these are matters
24 that have come to my personal attention during the course of
25 the trial.

26 I want to be sure the record is absolutely clear

1 so we don't get into a situation or argument where we are
2 not all certain as to what the record says and shows.

3 MR. KANAREK: Well -- because the memorandum that
4 Mr. Younger spoke of had a different purport, that subject
5 matter, than what Mr. Bugliosi is alluding to in the
6 memorandum he is speaking of --

7 MR. BUGLIOSI: Stovitz and I orally discussed with
8 Mr. Younger the fact that we thought she did not tell the
9 complete truth at the Grand Jury.

10 And he orally told us we could go for the death
11 penalty.

12 And then there is a memorandum also which is
13 written which I will bring to court.

14 But as far as I know that is the only memorandum
15 there is.

16 THE COURT: All right, let's get on to another subject
17 then, gentlemen.

18 Well, then, whether you do this by stipulation
19 or some other way I will leave up to you gentlemen, but I
20 think it should be done.

21 Now, as to jury instructions.

22 MR. BUGLIOSI: I am having them typed up right now,
23 the proposed ones by the prosecution.

24 THE COURT: All right. What about the defendants?

25 MR. KEITH: Expert witness-hypothetical question
26 instruction is all I can think of right offhand.

1 THE COURT: If those are the only ones, you don't
2 have to submit them because those are CALJIC instructions
3 which I will give anyway.

4 MR. KANAREK: The problem that I have, your Honor, is
5 in trying to -- trying to write a jury instruction, in view
6 of People vs. Terry and in view of the right of the
7 defendant to put on a defense at the penalty phase, I think
8 that we are entitled to a jury instruction to that effect,
9 so the jury will know in their absolute discretion they have
10 a right to decide guilt or innocence.

11 And in view of Terry, I think that the quan-
12 tum of proof has to be greater, that is, I think we are
13 entitled to a jury instruction to the effect --

14 THE COURT: You show me some authority for that,
15 Mr. Kanarek.

16 MR. KANAREK: People vs. Terry.

17 THE COURT: I am familiar with Terry, yes, that talks
18 about what evidence is admissible and the penalty phase.

19 MR. KANAREK: Right.

20 THE COURT: No question about that.

21 Now you are talking about an instruction.

22 MR. KANAREK: Right, and since death has that final
23 note to it, I think --

24 THE COURT: You mean passing away, don't you,
25 Mr. Kanarek?

26 MR. BUGLIOSI: No one has been killed in this case,

1 Irving, you realize that.

2 MR. KEITH: Also other crimes have to be proven
3 beyond a reasonable doubt.

4 MR. BUGLIOSI: Yes. The only other crime, there are
5 two crimes:

6 The Franklinboulevard, the shooting, and the
7 Hinman case.

8 MR. KEITH: How about Susan Atkins' deal in Oregon?

9 MR. BUGLIOSI: Of course, we introduced the
10 conviction, the fact she was convicted.

11 MR. KEITH: I am not saying you did not prove it
12 beyond a reasonable doubt.

13 I am talking about an instruction.

14 MR. FITZGERALD: I think you have certain problems
15 with respect to the Bernard Crowe incident on Franklin
16 Avenue.

17 MR. BUGLIOSI: With respect to reasonable doubt?

18 MR. FITZGERALD: I think you will have to instruct
19 on attempted murder, assault with intent to commit murder,
20 assault with deadly weapon, simple assault.

21 You will have to do the whole thing.

22 MR. BUGLIOSI: Right.

23 MR. KEITH: I won't offer a corpus delicti
24 instruction.

25 MR. BUGLIOSI: As to Hinman, Mr. Shinn, we can
26 stipulate the cause of death was multiple stab wounds?

1 MR. SHINN: Right.

2 MR. KEITH: Gypsy testified that Leslie would come
3 back from town after stealing things, that kind of
4 thing.

5 MR. BUGLIOSI: I am not going to argue about that.
6 I will give you my word on that.

7 I'm not going to make any issue of that at
8 all.

9 In fact, I will stipulate with you that Leslie
10 Van Houten was not at the Hinman residence.

11 I mean, the jury is apt to think she was and
12 hold it against your client.

13 I don't think it is right for her. She says
14 she was just there.

15 MR. FITZGERALD: He cannot stipulate that his
16 client is lying.

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1 MR. KANAREK: I couldn't enter into that stipulation,
2 Mr. Bugliosi.

3 MR. BUGLIOSI: You what?

4 MR. KEITH: I could not enter into that stipulation.

5 MR. BUGLIOSI: I'm saying that between me and him,
6 Leslie Van Houten had nothing to do with the Hinman murder.

7 THE COURT: What I want to know, gentlemen, is
8 when will you be ready with the jury instructions?

9 It appears from what you said yesterday the
10 case will be concluded either today or perhaps Monday as
11 far as the taking of evidence is concerned.

12 I want to consider the jury instructions at
13 the first possible moment after both sides rest.

14 MR. BUGLIOSI: My guess is -- we will have the jury
15 instructions, I think, by this afternoon, it is my guess,
16 your Honor, that it will take us a good morning or after-
17 noon to go over these, to agree on all of the jury instruc-
18 tions because there are several instructions which we are
19 going to offer, particularly one on this agreement.

20 THE COURT: I don't doubt it. You know how long we
21 took to discuss the others.

22 MR. BUGLIOSI: Right, right, it took us a week. It
23 might even take a day.

24 THE COURT: Then you should be prepared to submit
25 your instructions no later than Tuesday morning.

26 MR. BUGLIOSI: Okay.

1 THE COURT: So that if we in fact conclude on
2 Monday, we can begin right then to go over the instruc-
3 tions.

4 Now, again I would like your estimates on
5 argument. I don't intend to pin you down to the minute,
6 not even the hour, but I think we should talk at least
7 about days.

8 MR. BUGLIOSI: It's my guess that everybody should
9 conclude their arguments within two and a half to three
10 days, that is, everyone, opening and closing.

11 MR. FITZGERALD: I won't argue more than two and a
12 half hours.

13 MR. KEITH: I won't either.

14 THE COURT: Bearing in mind, of course, that if you
15 rebut, they have a right --

16 MR. BUGLIOSI: Yes, they have the final word.

17 THE COURT: -- they have the right to the final
18 argument.

19 MR. BUGLIOSI: Right.

20 THE COURT: Well, does anybody disagree with that
21 estimate of two to three days?

22 MR. FITZGERALD: Maybe we can do like this:

23 How long do you think your opening will last,
24 do you know?

25 MR. BUGLIOSI: My opening should last about ten
26 minutes.

1 MR. FITZGERALD: Max says no more than two and a
2 half hours.

3 I say no more than two and a half hours.

4 MR. SHINN: Less than two hours.

5 MR. FITZGERALD: Less than two hours?

6 MR. KANAREK: I would say a day, maybe a little
7 more.

8 I will try to make it less.

9 THE COURT: I don't think a day is unreasonable.
10 I am not trying to pressure you, Mr. Kanarek.

11 MR. FITZGERALD: We also discussed amongst ourselves,
12 if the Court please, subject to the Court's ratification,
13 we would like to alter the order of the argument, if we
14 could.

15 THE COURT: Argue in any order you like.

16 Now, as to the sequestration of the jury,
17 my present intention is they will be sequestered during
18 their deliberations.

19 MR. BUGLIOSI: I agree, I think that is almost
20 mandatory.

21 Of course it is within the discretion of the
22 court.

23 THE COURT: We have enough problems without asking
24 for the possibility of harassment or distractions of the
25 jury from whatever source.

26 MR. KANAREK: Has the District Attorney's memorandum

1 been brought to your Honor's attention?

2 MR. BUGLIOSI: That is another point. I've got a
3 memorandum here -- well, do you want to pass on to the
4 next subject?

5 THE COURT: Yes.

6 MR. BUGLIOSI: There is a memorandum here from Bill
7 Farr, the news secretary; he is from the Herald-Examiner.

8 He is the news secretary for the District
9 Attorney's office. He is Mr. Busch's news secretary.

10 THE COURT: I did not know that. I know who he is
11 but I did not know that he had a new position.

12 MR. BUGLIOSI: Are you going to argue that, Mr.
13 Kanarek:

14 "It has been brought to my attention from
15 several sources that members of the jury are being
16 approached for their stories.

17 "Specifically, Life magazine has contacted
18 all jurors either by telephone or letter.

19 "A representative of REDbook, I understand,
20 is planning to do the same.

21 "Some jurors have recently been approached
22 by NBC TV.

23 "I think it is particularly dangerous, from
24 a legal point of view, if some juror or jurors
25 should enter into some financial agreement with
26 some publication prior to the completion of their

1 "deliberations.

2 "I have discussed this with District Attorney
3 Joseph P. Busch, Jr. and he feels that this informa-
4 tion should be relayed to Superior Court Judge
5 Charles H. Older so that he might admonish them
6 against any such arrangement."

7 I think that could be a conceivable issue on
8 appeal, if it turns out that prior to their verdicts they
9 had entered into a financial arrangement.

10 I think something should be done about it,
11 if this is in fact true.

12 MR. KANAREK: Then, your Honor, I make a motion
13 for an evidentiary hearing that they be voir dired in
14 connection with this.

15 It is my belief -- we opposed the ending of
16 the sequestration -- and it is my belief that this is
17 enough to cause and should --

18 Mere admonishment not sufficing, with this
19 kind of atmosphere, that I do make a motion for a mistrial.

20 But in the alternative I ask for an evidentiary
21 hearing, that the jury be voir dired to find out exactly
22 what has happened in this regard, because I think your
23 Honor will agree it is common knowledge among all of us
24 that there is one juror, for instance, who sits there
25 drawing pictures of everybody.

26 He draws pictures, and whether he is paying

1 any attention to the questioning or not is problematical.

2 And there are some rumors which all of us know
3 about that this person is making a book, is writing a
4 book, and there is a question as to whether the defendants
5 are getting a fair trial, if the juror is sitting there
6 drawing pictures of all witnesses.

4 fls.

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1 THE COURT: Maybe after nine months he is getting a
2 little bored, Mr. Kanarek.

3 MR. KANAREK: Well, your Honor --

4 THE COURT: There is no requirement that a juror take
5 notes or that he can't doodle occasionally to keep from
6 going out of his mind.

7 MR. KANAREK: Actually I am bringing this to the Court's
8 attention. I haven't seen the pictures.

9 THE COURT: I haven't either.

10 MR. KANAREK: But I have been informed. I am just
11 relating what people have told me. I, myself, didn't see it.

12 THE COURT: Let's get on to something else.

13 MR. KANAREK: I ask that there be a voir dire at this
14 time.

15 THE COURT: There will be no voir dire.

16 MR. KANAREK: The juror's name is Mr. Zamora. That is
17 the juror I have been told is doing it.

18 THE COURT: Is there anything else, gentlemen, before
19 we resume?

20 MR. KANAREK: Your Honor is denying the request
21 for mistrial?

22 THE COURT: I certainly am.

23 MR. KANAREK: And voir dire?

24 THE COURT: Yes.

25 (The following proceedings occur in open court.
26 All defendants, counsel and jurors present:)

1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may call your next witness.

4 MR. SHINN: Miss Ambrosini, your Honor.

5 THE CLERK: Would you raise your right hand, please.

6 Would you please repeat after me.

7 I do solemnly swear --

8 THE WITNESS: I do solemnly swear --

9 THE CLERK: -- that the testimony I may give --

10 THE WITNESS: -- that the testimony I may give --

11 THE CLERK: -- in the cause now pending --

12 THE WITNESS: -- in the cause now pending --

13 THE CLERK: -- before this Court --

14 THE WITNESS: -- before this Court --

15 THE CLERK: -- shall be the truth --

16 THE WITNESS: -- shall be the truth --

17 THE CLERK: -- the whole truth --

18 THE WITNESS: -- the whole truth --

19 THE CLERK: -- and nothing but the truth --

20 THE WITNESS: -- and nothing but the truth --

21 THE CLERK: -- so help me God.

22 THE WITNESS: -- so help me God.

23 THE CLERK: Would you be seated, please.

24 Would you please state and spell your name.

25 THE WITNESS: Carmela Ambrosini; C-a-r-m-e-l-a,

26 A-m-b-r-o-s-i-n-i.

1 MR. SHINN: May I proceed?

2 THE COURT: Yes, you may.

3
4 CARMELA AMBROSINI,

5 called as a witness by and on behalf of the defendants,
6 being first duly sworn, was examined and testified as
7 follows:

8
9 DIRECT EXAMINATION

10 BY MR. SHINN:

11 Q What is your business or occupation?

12 A Certified Shorthand Reporter.

13 Q Now, directing your attention to on or about
14 December 10, 1969, did you meet a Mr. Caballero or a
15 Mr. Caruso?

16 A Yes.

17 Q Do you know Mr. Caballero and Mr. Paul Caruso?

18 A Yes.

19 Q You did work for them, work for their office,
20 prior to December the 10th, 1969?

21 A Yes.

22 Q And were you directed by someone to go to their
23 office?

24 A Yes, I was.

25 Q And that is from your employer?

26 A That's right.

1 Q Now, did your employer tell you the purpose or
2 why you were going to Mr. Caruso's or Mr. Caballero's
3 office that day?

4 A Yes, they did.

5 Q What did he say?

6 A It was to take a statement from Miss Atkins.

7 Q Okay.

8 So, you did, in fact, go to Mr. Caballero's
9 office or Mr. Caruso's office?

10 A Yes, I did.

11 Q Now, did you meet Mr. Caballero or Mr. Caruso
12 at the office?

13 A Yes, I did.

4a-1

- 1 Q Now, approximately what time was this?
- 2 A 5:00 p.m.
- 3 Q And do you recall whether or not you did, in fact,
- 4 meet Mr. Caruso or Mr. Richard Caballero?
- 5 A Yes. I met Mr. Caballero. I did see Mr.
- 6 Caruso.
- 7 Q And did you have a conversation with Mr.
- 8 Caballero, Richard Caballero -- that is the attorney,
- 9 correct?
- 10 A Yes.
- 11 Q Did you have a conversation with Mr. Caballero
- 12 at that time?
- 13 A I believe so.
- 14 Q Do you recall the conversation that you had
- 15 with him?
- 16 A I was to wait until we were to go to Sybil
- 17 Brand.
- 18 Q Did he say anything else about who else is
- 19 going to be present, who you were supposed to meet?
- 20 A I was told prior, from the office that I received
- 21 the assignment, that I would meet Mr. Schiller.
- 22 Q And did you know Mr. Schiller before December the
- 23 10th, 1969?
- 24 A No, I did not.
- 25 Q And when you say Mr. Schiller, you mean
- 26 Lawrence Schiller?

1 A Yes.

2 I am sorry. Did you say Lawrence Schiller?

3 Q Yes. That is his first name.

4 Larry Schiller?

5 A Yes. I was told it was Mr. Schiller. I
6 don't think I knew the first name.

7 Q But later you found out that his name was
8 Lawrence Schiller?

9 A Right.

10 Q Now, do you recall any other conversation you
11 had with Mr. Richard Caballero when you went to his office
12 that day?

13 A At his office?

14 Q Yes.

15 A No. There was no other conversation at the
16 office that I recall.

17 Q Well, in other words, you just walked into his
18 office and you introduced yourself?

19 A Yes.

20 Q And Mr. Richard Caballero said, "Hello," and
21 you just sat down. No conversation, no nothing?

22 A That's right.

23 Q Until you got into a car?

24 A Until we proceeded out to Sybil Brand.

25 Q You say "we," Did you later meet Mr. Paul
26 Caruso?

1 A No.

2 Q I mean, on December the 10th I am talking
3 about, December the 10th, 1969.

4 A Well, he was in the outer room of the offices.

5 Q Did you --

6 A I just nodded hello.

7 Q You saw Mr. Paul Caruso there?

8 A Yes.

9 Q You nodded hello?

10 A Yes.

11 Q Was anything said between you and Mr. Caruso?

12 A No.

13 Q Concerning your job that day?

14 A No.

15 Q You don't recall?

16 A I know nothing was said. I didn't speak to
17 Mr. Caruso.

18 Q Now, did you sit in the lobby or the reception
19 room, or did you go into Mr. Richard Caballero's office?

20 A I sat in the reception room.

21 Q And you don't recall any other conversation you
22 had with Mr. Richard Caballero concerning the job that day?

23 A So far as in the reception room of the office,
24 I had no other conversation.

25 Q Did he mention to you that he was going to take
26 you to visit Susan Atkins?

1 A Not in his office.

2 I was told this prior to going out there by
3 the office that took the assignment that I was to meet
4 them and then we would go to Sybil Brand.

5 Q To see Miss Susan Atkins?

6 A Yes.

7 Q Now, did Mr. Caballero tell you the purpose of
8 taking a statement from Susan Atkins?

9 A At any particular time?

10 Eventually, yes.

11 Q When you say eventually, you mean after you got
12 to Sybil Brand?

13 A Yes. And after we left, to the best of my
14 recollection, then I became aware of the purpose for the
15 assignment.

16 Q What did Mr. Caballero say in that respect?

17 A And I don't recall whether I learned this from
18 Mr. Caballero or the other two gentlemen in the car.

19 Q When you say the other two gentlemen in the car,
20 do you know their names?

21 A Yes. Mr. Schiller and Mr. Cohen.

22 Q Do you know his first name? Is it Jerry Cohen?

23 A Yes.

4b

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4b-1

1 Q Did he tell you, or do you know, that he was
2 a reporter for the Los Angeles Times newspaper?

3 A No, he didn't tell me, and I didn't know.

4 Q You didn't know?

5 A No.

6 Q But you later found out?

7 A Yes.

8 Q Okay.

9 Now, Lawrence Schiller, Jerry Cohen, Richard
10 Caballero and yourself were in the automobile; correct?

11 A Yes.

12 Q And when did Mr. Caballero tell you the
13 purpose of your job?

14 A Well, I can't say that I learned the purpose
15 of it from Mr. Caballero.

16 Q Well, you heard it from Mr. Schiller or
17 Jerry Cohen?

18 A Yes.

19 As far as the ultimate use of the statement?

20 Q Yes.

21 A I don't recall how I became aware of that,
22 It was someone in the car, through their conversation,
23 after the statement had been taken.

24 Q What did they say in that respect?

25 A That it was for publication in the European
26 papers, not the United States.

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Q There was talk about European publication?

A Yes.

Q Not in the United States?

A Right.

Q Now, was there any discussion of a gag order?
Do you know what a gag order is?

A Yes.

Q It is regarding publicity in a certain type
of case; right?

A Yes.

Q Now, who discussed this gag order?

A I asked about the gag order when I became
aware of what the ultimate use of the statement was going
to be.

I had heard about it on a newscast earlier
that day.

Q And are you speaking of this gag order that
Judge Keene issued on or about December the 10th, 1969?

A Yes.

Q Concerning the Tate-La Bianca case?

A Yes.

Q Okay.

Now, what did -- let me strike that. When
you talked about the gag order, did either Mr. Schiller,
Jerry Cohen or Richard Caballero say anything?

A Yes.

One of them did reply to my question.

Do you recall which gentleman replied to your question?

A I am not certain. I can't recall. I really don't recall which gentleman answered the question.

Q What did they say or he say regarding the gag order?

A Something to the effect that it did not apply to this because they had already begun the statement prior to that day.

This is the impression I have of the reply that I received.

Q Okay.

What else was said about the gag order that you can remember?

A I believe that was all.

Q Now, getting back to Caballero's office, did a Mr. Lawrence Schiller later come to the office?

A Upon my first arrival at the office?

Q Yes.

A At 5:00 o'clock?

Q Yes.

A Yes.

Q And then did a Jerry Cohen later come to the office?

A I recall meeting Mr. Cohen on the outside,

1 on the street, in front of the office. He was waiting
2 by Mr. Schiller's car.

3 Q Okay.

4 Was Mr. Lawrence Schiller introduced to you?

5 A I don't actually recall it, but I assume he
6 was.

7 Q Well, did you talk with Mr. Lawrence Schiller?

8 A No.

9 Q Not one word?

10 A Not that I recall.

11 At 5:00 o'clock, when I first arrived you
12 are referring to, right?

13 Q Yes.

14 Or at a later time, when you met Mr. Schiller,
15 when he arrived at the office. Did you have a conversation
16 with Lawrence Schiller?

17 A Not that I recall.

18 Q You didn't say hello to him?

19 A I may have been introduced. I don't really
20 recall it.

21 Q Did someone tell you that Mr. Schiller is
22 a writer and a photographer?

23 A No.

24 Q You didn't know what his occupation was at
25 that time?

26 A No, I did not.

1 Q Did you later find out?

2 A Yes, I did.

3 Q When did you later find out?

4 A On our way back to, first, Mr. Caballero's
5 office, after taking the statement from Miss Atkins.

6 Q You found out that Mr. Schiller was a writer
7 and was writing a book?

8 A Not a book.

9 I became aware that he was a photographer
10 and writer.

4c fls.

1 Q Did he mention anything about writing a book
2 on behalf of Susan Atkins?

3 A No. I recall no reference to a book.

4 I recall it was going to be an article to be
5 released in the European newspapers.

6 Q Okay. So, now, Mr. Schiller came in, and then
7 you said you met Jerry Cohen outside?

8 A Yes.

9 Q Approximately what time did you leave Richard
10 Caballero's office?

11 A 5:30.

12 Q 5:30?

13 A Yes.

14 Q When you walked out of Mr. Caballero's office,
15 you say you met Jerry Cohen. Was he waiting in his car or
16 was he waiting outside the door?

17 A He was waiting on the sidewalk next to Mr.
18 Schiller's car.

19 Q Okay.

20 Now, did someone introduce you to Jerry Cohen?

21 A No.

22 I asked his name.

23 If I may explain?

24 Q Yes.

25 A I went into the waiting room, and then we were
26 told we were all going in one car to Sybil Brand.

1 I had left my shorthand equipment in my car.
2 So I said, "I will go and get my equipment."

3 I had parked four or five cars down from
4 Mr. Schiller's car.

5 So, then, when I came back with my equipment,
6 I just waited at Mr. Schiller's car, and Mr. Cohen was
7 standing there.

8 Q At sometime later, did Mr. Cohen tell you that
9 he was a reporter for the Los Angeles Times newspaper?

10 A No.

11 Q You did later find out?

12 A Yes. Not that day.

13 Q You mean a week later, a month later, you found
14 out?

15 A No. Just recently I became aware of it.

16 Q Did anyone mention his occupation?

17 A No.

18 Q Now, whose car did you drive down to Sybil
19 Brand Jail in?

20 A I believe it was Mr. Schiller.

21 Q Schiller?

22 A Yes.

23 Q Was he driving?

24 A Yes.

25 Q So, Jerry Cohen, Richard Caballero, yourself,
26 and Lawrence Schiller all went in the one car; correct?

1 A Yes.

2 Q Now, was there any conversation on the way
3 down to the jail?

4 A Yes.

5 Q Do you recall the substance of the conversation?

6 A Yes.

7 Q Will you relate the substance of the conver-
8 sation?

9 A Mr. Caballero was discussing the tape recordings
10 they had already taken of Miss Atkins' confession -- I
11 assume you would call it a confession -- the contents of
12 it.

13 Q Yes.

14 What was said in that regard that you can
15 recall?

16 A Parts about how the crimes were committed.

17 Q Yes. I mean --

18 A But I don't recall the exact detail of what he
19 said.

20 Q I am not asking you for what was in the tapes.
21 I am asking what was said regarding the tapes, what the
22 purpose of the tapes were and what they were going to do
23 with the tapes and who had the tapes, and all of that.

24 A There was no discussion about that at that
25 time.

26 Q Was there a discussion about it later then?

1 A Not with Mr. Caballero.

2 Q Well, anyone in the automobile driving down to
3 the jail. Was there a discussion of what they were going
4 to do with all this material?

5 A I don't recall that there was.

6 Q Well, what did you think? What was your state
7 of mind that you were going to go into Sybil Brand Jail
8 and take a statement of Susan Atkins for? What was your
9 state of mind as to the purpose of taking such a statement?

10 MR. BUGLIOSI: Calls for a conclusion, your Honor.

11 MR. SHINN: I am just asking for her state of mind,
12 your Honor.

13 THE COURT: Sustained.

14 MR. SHINN: Q Have you ever, in the past -- let
15 me ask you this -- how long have you been a shorthand
16 reporter?

17 A 11 years.

18 Q 11 years?

19 A Yes.

20 Q Have you, in the past, ever gone to a jail to
21 take a statement?

22 MR. BUGLIOSI: Irrelevant.

23 THE COURT: Sustained.

24 4a

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4d-1

1 MR. SHINN: Q Okay.

2 Now, was there any conversation on the way down
3 to the jail, was there any conversation about psychiatrists
4 by anyone?

5 A Not that I recall.

6 Q You don't recall anyone talking about, saying
7 anything about taking the statements of Susan Atkins so
8 he could take it to a psychiatrist? Nothing was said about
9 that?

10 A I don't say it was not said, I don't recall it.

11 Q Now, when you got down to Sybil Brand Jail,
12 were you instructed by anyone before entering the jail?

13 A As to what? I don't understand.

14 Q You were supposed to do something. They hired
15 you. Did they tell you what you were supposed to do?

16 A No.

17 Q You just got out of the automobile?

18 A Yes.

19 Q Did someone tell you to get out of the automo-
20 bile, or did you just get out of your own volition?

21 A We all got out of the automobile.

22 I knew we were going to proceed inside to the
23 jail to take the statement.

24 Q Okay.

25 Did they all go in the jail?

26 A No.

1 Q Who went in?
2 A Mr. Caballero, Mr. Cohen and myself.
3 Q And Lawrence Schiller stayed in the automobile?
4 A Yes.
5 Q When you went in, did you sign a slip?
6 A Yes.
7 Q Do you recall what you put down on this slip?
8 A To the best of my recollection, my name and
9 business address.

10 Q Okay.
11 Now, did you put down the purpose of your
12 going into the jail?

13 A I don't think so. I don't recall that I did.

14 Q Now, were you present when Jerry Cohen signed
15 his slip?

16 A Yes.

17 Q Do you recall what he put down?

18 A No. I didn't see what he put down.

19 Q Did he say what he was going to put down?

20 A No.

21 Q Was there any conversation by Jerry Cohen
22 just before he signed his slip to go in, did he say anything
23 about being a witness or a newspaper reporter or an investi-
24 gator?

25 A Not that I recall.

26 Q Did you have a conversation with Mr. Richard

1 Caballero just before you went inside the jail?

2 A I don't think so. I don't recall that I had
3 one.

4 Q You don't recall what was said by Richard
5 Caballero just before you went inside the jail?

6 A We first waited outside. There are double
7 gates. We stood there for a while.

8 Q "We" means you?

9 A Mr. Caballero, Mr. Cohen, and myself.

10 Q All right.

11 A I don't recall a conversation at that time.

12 Q Was there a reason for waiting outside for a
13 long time?

14 A I am sorry, I didn't hear you.

15 Q Was there a reason for waiting outside?
16 Were you waiting for someone else to come,
17 or what?

18 A No, we weren't waiting for someone else.
19 I thought it had to do with the security,
20 that they were waiting to permit us to enter.

21 Q Did Mr. Caballero tell you why you had to
22 wait outside so long?

23 A No.

24 He spoke to someone who was enclosed in an
25 office like, I believe it was a glass partition that they
26 opened, and he told them, I believe, the purpose of our

1 meeting there, or who we were.

2 Q Did you hear what Mr. Caballero told the officer,
3 the purpose of being there?

4 A The best I recall, I remember him announcing
5 that he was Miss Atkins' attorney, but after that I don't
6 recall anything, that anything more was said. I was
7 standing further away.

8 Q So you eventually got into the jail; is that
9 correct?

10 A Yes.

11 Q Do you recall, you went to a certain room
12 there?

13 A Yes.

14 Q A private room?

15 A It was a rather large room.

16 They have partitions for people to speak to the
17 inmates, but we used a small glassed-off room.

18 Q You could close the door?

19 A Yes.

20 Q So you all sat in a room there together?

21 A Yes.

22 Q And did Miss Atkins later come into the room?

23 A Yes.

24 Q Now, before Miss Atkins came into the room,
25 was there a conversation between you, Mr. Caballero, and
26 Mr. Jerry Cohen?

1 A I don't recall.

2 Q You don't recall what was said?

3 A No.

4 I recall I set up my equipment and waited.

5 Q Was there anything said about the statement
6 of Miss Atkins being under oath or not being under oath?

7 A I asked that prior, I believe on the way out,
8 on the trip out, whether they wanted me to swear her in
9 prior to taking her statement.
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1 Q Now, you recall the conversation you had,
2 was this in Mr. Caballero's office?

3 A I don't think it was in the office, I think
4 it was on the way out.

5 I asked Mr. Caballero whether it was to be
6 a sworn statement or just a statement.

7 Q And what was his reply?

8 A She was not to be sworn.

9 Q Did you ask why?

10 A No.

11 Q But you yourself are authorized, are you not,
12 to administer an oath?

13 A Yes.

14 Q When you take statements?

15 A Yes.

16 Q Okay, so now you don't recall what was said
17 by either Mr. Caballero or Mr. Jerry Cohen while you were
18 waiting for Miss Atkins to enter the room, is that correct?

19 A That is correct.

20 Q But there was a conversation, correct?

21 A I don't recall.

22 Q I'm not asking for the exact words.

23 A Right.

24 Q I'm asking for the substance of the conversa-
25 tion, the topic of the conversation.

26 A There could have been a conversation but I

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1 don't recall it. Possibly -- I am certain we did not sit
2 and wait without saying a word.

3 Q Well, was there a conversation regarding you
4 taking down every word of Miss Atkins when she entered the
5 room?

6 A Not that I recall.

7 Q Well, let me ask you this, now, when would
8 you know when to start your machine?

9 A When the questioning began.

10 Q Oh, in other words you would start your
11 machine when you were instructed by either Mr. Caballero
12 or Mr. Cohen, "Let's get this on the tape now"?

13 A Yes.

14 Q Was that said, do you recall?

15 A I'm sure someone indicated to me to start
16 reporting.

17 Q Now --

18 A -- the conversation.

19 Q Okay.

20 Do you recall whether or not you started
21 reporting as soon as Miss Atkins started to talk?

22 A I don't believe I did.

23 Q Was there a preliminary conversation between
24 Mr. Caballero, Mr. Cohen and Miss Atkins?

25 A I believe there was, not a conversation,
26 possibly an introduction.

5-3

1 Q You say possibly. Now, you don't recall?

2 A No, I don't.

3 Q Do you recall whether or not there was a
4 conversation between Richard Caballero and Susan Atkins
5 when Miss Atkins entered the room?

6 A Yes.

7 Q Do you recall the conversation, the substance
8 of the conversation or the topic of the conversation?

9 A No, I don't.

10 Q Well, you saw Miss Atkins walk into the room?

11 A Yes.

12 Q Did she look happy? Was she smiling?

13 A I don't believe she was smiling. I really
14 don't recall.

15 Q And for approximately how long after Miss
16 Atkins entered the room did you start your machine?

17 A I would estimate five minutes.

18 Q Now, during this five minutes that you say
19 there was a conversation between the parties there, Richard
20 Caballero, Jerry Cohen and Miss Atkins?

21 A I tend to recall there was a conversation
22 between Mr. Caballero and Miss Atkins.

23 Q You cannot tell us at this time what the topic
24 of the conversation was?

25 A No, I cannot.

26 Q So after five minutes did someone tell you to

1 start taking down the conversation?

2 A Yes.

3 Q Who gave you that instruction?

4 A I believe it was Mr. Caballero.

5 Q Now, before he instructed you, do you recall
6 or do you remember anyone in the room talking about a
7 psychiatrist?

8 A No, I do not.

9 Q Approximately how long did Miss Atkins --
10 I mean, approximately how long did you stay
11 in the room with Miss Atkins?

12 A Approximately a half hour to 45 minutes.

13 Q Okay, now, who was asking most of the questions,
14 or doing most of the talking, Jerry Cohen or Richard
15 Caballero?

16 A I am having difficult recalling that, but I
17 seem to recall it was Mr. Cohen.

18 I am not 100 percent on that.

19 I do believe he did ask more questions,
20 though, than Mr. Caballero.

21 Q Now, after you started your machine did you
22 take down every word said by everyone in the room?

23 A Yes.

24 Q Now, during the conversation by Jerry Cohen,
25 Richard Caballero and Susan Atkins, did anyone at any time
26 tell you to make a portion of your -- what do you call that,

1 tape?

2 A Shorthand notes.

3 Q Notes, did anyone stop you and say "Make a
4 mark on that"?

5 A I don't recall.

6 Q So you could refer to it later?

7 A I don't recall.

8 Q You don't recall.

9 But later, in fact, did you not tear out
10 portions of that shorthand -- what do you call that?

11 A Tape.

12 Q Tape?

13 A Yes, I did.

14 Q That was after you left Sybil Brand?

15 A Yes.

16 Q Is that correct?

17 A Yes.

18 Q How did you find the spot to tear out?

19 A Mr. Caballero said there were two spots, parts
20 of Miss Atkins' answers, he did not want transcribed and he
21 told me the substance of it.

22 I went through my notes and found the two
23 spots.

24 Q And did you in fact tear these spots out?

25 A Yes, I did.

26 Q Do you recall what topic the portion that you

1 tore out concerned?

2 A No, I don't.

3 Q You don't recall what the topic was?

4 A No, I do not.

5 Q Isn't it highly irregular to tear out tapes
6 like that?

7 MR. BUGLIOSI: Irrelevant, calling for a conclusion.

8 THE COURT: Sustained.

9 BY MR. SHINN:

10 Q Have you ever torn tapes out in that manner
11 before?

12 MR. BUGLIOSI: Irrelevant.

13 THE COURT: Sustained.

14 BY MR. SHINN:

15 Q Was this the first time that you tore tapes
16 like this?

17 MR. BUGLIOSI: Irrelevant.

18 THE COURT: Sustained.

19 BY MR. SHINN:

20 Q Now, getting back into the jail with Susan
21 Atkins, Richard Caballero and Jerry Cohen.

22 DEFENDANT MANSON: Who told her not to remember?

23 MR. BUGLIOSI: Motion to strike the gratuitous
24 remark of Mr. Manson.

25 THE COURT: The comment is stricken.

26 The jury is admonished to disregard it.

1 Mr. Manson, bear in mind my admonition.

2 DEFENDANT MANSON: I find it hard to give the Court
3 respect it doesn't give itself.

4 THE COURT: That will be enough, sir, that is your
5 final warning. If there is any more today you will be
6 removed.

7 BY MR. SHINN:

8 Q Now, after you stopped your machine, was there
9 a conversation between Mr. Richard Caballero, Susan Atkins
10 or Jerry Cohen or yourself?

11 A If I may answer it this way:

12 After the statement was over I left the room.
13 I stepped outside the door.

14 Q Did someone tell you to step outside the door?

15 A No, but there had been quite a bit of smoking,
16 and it was very --

17 I think my eyes were tearing from the smoke
18 at that point.

19 In fact, I recall they did, so I stepped
20 outside for some fresh air, right out into the larger room.

21 Q While you was in this room with Miss Atkins,
22 did Mr. Caballero tell you the purpose of taking Miss Atkins'
23 statement?

24 A In the room at the jailhouse?

25 Q Yes.

26 A No, not that I recall.

1 Q You don't recall?

2 A I don't recall that he told me at that time.

3 Q Did he tell you at a later time the purpose of
4 taking down Miss Atkins' statement?

5 A My best recollection of when I became aware
6 of the purpose for the statement was on the trip back to
5a fls. 7 Mr. Caballero's office.

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Q Okay, now --

A And it was through a general conversation with the three gentlemen in the car.

Q All right, now, did you learn at that time the purpose of Miss Atkins' statements?

A Yes.

Q What was the purpose?

A It was for an article to be published in the European press.

Q Okay, now, did they say anything about a deadline they had to meet?

A They wanted the transcript that evening, but as far as the -- yes, they did.

Q They did?

A Yes.

Q They did discuss a deadline, correct?

A Yes.

Q And do you recall the date they had mentioned?

A I am not certain if the discussion of the deadline was in the car.

I became aware of the reason for the rush transcript on the statement.

Q When did you find this out?

A Either in the conversation on the way back to Mr. Caballero's office, or else at Mr. Schiller's home where we did transcribe the statement.

1 Q That same night?

2 A Yes.

3 Q Approximately what time did you leave Sybil
4 brand that night?

5 A I would estimate 7:30 or 8:00 o'clock.

6 Q And from there you went directly -- I mean,
7 after you dropped off Richard Caballero --

8 A Yes.

9 Q -- you went directly to Lawrence Schiller's
10 house?

11 A Yes.

12 Q To transcribe these tapes?

13 A Yes.

14 Q And did Mr. Schiller or Mr. Richard Caballero
15 say that "We are in a rush to get these transcribed"?

16 A Yes.

17 Q And how long did you work then at Lawrence
18 Schiller's house that day transcribing?

19 A I think it took about an hour and a half or two
20 hours.

21 Q All right, how many people worked in
22 transcribing these reporter's notes into a statement or
23 words?

24 A I dictated the notes on a Stenorette and there
25 was one typist there who transcribed them.

26 Q And approximately how long did you and

1 Mr. Lawrence Schiller and the typist work that day to get
2 these statements out?

3 A I'm sorry, I did not hear all the question.

4 Q How long did you stay at Lawrence Schiller's
5 house?

6 A I did not leave until approximately 6:30 the
7 next morning.

8 Q You worked all night on them?

9 A No, I did not.

10 Q Did you sleep there?

11 A No, I did not.

12 I waited for the two transcribers who were
13 there, who were from the same reporting agency that I was
14 working for so that I could ride back to my car which had
15 been left at Mr. Caballero's office.

16 Q But those other two transcribers worked until
17 6:00 o'clock in the morning?

18 A Yes, they were transcribing or doing other
19 typing.

20 Q When you say "other typing," you mean concerning
21 Susan Atkins' statements, right?

22 A Yes, not transcribing the portion that I had
23 reported; that only took about an hour and a half or two
24 hours.

25 But he had some other typing that he needed
26 done concerning this matter.

1 Q Susan Atkins?

2 A Yes.

3 Q Now, was there any conversation by Lawrence
4 Schiller at his house concerning Miss Atkins' statement,
5 why the rush and all that?

6 A Yes.

7 Q What did Mr. Schiller say?

8 A They wanted to have it prepared to release it
9 in countries other than the United States prior to the
10 Grand Jury transcript being released to the newspapers.

11 Q So that was all the rush about.

12 A Yes.

13 Q They wanted to get it out fast.

14 Was anything said at that time about a
15 psychiatrist?

16 A Not that I recall.

17 Q Now, after this December 10th date did you see
18 Mr. Caballero and Mr. Caruso again?

19 A No, I did not.

20 Q Didn't he call you up and ask you for your
21 notes?

22 A No.

23 Q Now, do you have the reporter's notes in your
24 possession?

25 A No, I do not.

26 Q What did you do with them?

1 A Mr. Schiller asked me to leave them with him.

2 Q Were you hired by Mr. Schiller or were you
3 hired by Mr. Paul Caruso or Mr. Caballero?

4 A I was under the impression that I was hired by
5 Mr. Caballero.

6 Q And were you instructed by Mr. Caballero to
7 turn over the notes, or your shorthand notes to Mr.
8 Schiller?

9 A No, I was not.

10 Q Any reason why you gave them to Mr. Schiller
11 then?

12 A Yes, he wanted the notes so that no one else
13 would have access to the story, the transcript.

14 And I felt her testimony was not under oath and
15 there was no need for me to keep the notes.

16 It wasn't testimony; it was not being used for
17 that purpose.

18 Q Well, was your state of mind such that you felt
19 that Mr. Caballero, Mr. Caruso, Lawrence Schiller and
20 Jerry Cohen were all working together?

21 A I would say Mr. Caballero and Mr. Schiller.

22 Q Was working together?

23 A Yes, he went out to the prison and he was the
24 one that gained entrance for everyone.

25 Q Okay, now, after they had this tape of yourself
26 transcribed, did you ever read it and see whether it was

1 correct and accurate?

2 A No, I did not proofread it.

3 Q Was there a reason for that?

4 A Yes, Mr. Schiller said it wasn't necessary; he
5 needed it right away.

6 Q So in fact you have never seen these transcribed
7 notes then, is that correct?

8 A That's correct.

9 Q And you would then not know whether or not
10 the transcribed notes of Miss Atkins' statements was true
11 or not true, is that correct?

12 A That's correct.

13 Q There may be a lot of mistakes in it.

14 A Well, I know the transcriber and I assume she
15 did a very accurate job from my dictation, but I could not
16 certify it.

17 Q Right, because you have not read it.

18 A That's right.

19 Q You have not read these transcribed notes.

20 Now, was any discussion, now, either in
21 Mr. Caballero's office, Mr. Caruso's office, or on your
22 way down to jail or in the jail, or on your way back,
23 dropping Mr. Richard Caballero at his office, or at
24 Mr. Schiller's house, was there any conversation about a
25 contract between Mr. Caballero, Mr. Caruso, and Lawrence
26 Schiller?

A No.

5b-1

1 Q There was no conversation regarding a contract?

2 A No, I don't recall one.

3 Q Was there any conversation regarding a dead-
4 line or release date of December 14th, 1969?

5 A I don't recall that.

6 Q You don't recall --

7 A Pertaining to a particular date, no.

8 Q Was there any conversation about any District
9 Attorneys during this December 10th, 1969, episode?

10 A No.

11 MR. SHINN: May I approach the witness, your Honor?

12 THE COURT: You may.

13 BY MR. SHINN:

14 Q I have a copy of the Los Angeles Times
15 December 14th, 1969, marked for identification P-PP.

16 Did you ever see this article before?

17 A Yes, I did.

18 Q In the Los Angeles Times?

19 A Yes.

20 Q December 14th, 1969?

21 A Yes.

22 Q Some of the paragraphs or sentences, is that
23 similar to some of those that you took at Sybil Brand,
24 by reading this Los Angeles Times --

25 A That Sunday I did see that, and I would really
26 want to read it again now to tell you whether I recall that

1 part of it was part of the notes that I had taken.

2 Q You want to read this section now?

3 A May I look through it briefly?

4 MR. SHINN: May she, your Honor?

5 May she read that section she wants to
6 identify?

7 (Whereupon the exhibit was handed to the
8 witness for her perusal.)

9 A If I could take the time to read; I was
10 looking for the portion that I know would pertain to what
11 I reported, but I don't find it in scanning it.

12 BY MR. SHINN:

13 Q Without finding the particular section in that
14 article there, you know at the time you read this article
15 in the Los Angeles Times, you know that some of it was --
16 I mean the conversation you took down of Susan Atkins in
17 jail, is that correct?

18 MR. BUGLIOSI: Leading question.

19 THE COURT: Are you asking her "was it"?

20 MR. SHINN: I will withdraw that question.

21 Q Now, you read that article on December 14th,
22 1969, correct?

23 A Yes.

24 Q That was in the Los Angeles Times?

25 A Yes.

26 Q The newspaper?

1 A Yes.

2 Q And at that time, you read the article?

3 A Yes.

4 Q Did you recognize portions or statements,
5 paragraphs or sentences that you took down at Sybil Brand?

6 A That is what I am trying to recall.

7 Q I'm saying at that time when you first read it.

8 A I'm trying to recall if I did recognize sections
9 of it.

10 That is why if I read it I will again recognize
11 sections, if there are sections in it pertaining to the part
12 I reported on December 10th.

13 Q Okay. Will you please look at that article
14 and --

15 (Witness peruses exhibit.)

16 MR. SHINN: Your Honor, may we have a short five-
17 minute recess, your Honor, so she can read.

18 THE COURT: Will counsel approach the bench, please.

19 (The following proceedings were had at the
20 bench, outside of the hearing of the jury.)

21 THE COURT: How long is the article, Mr. Shinn?

22 MR. SHINN: What?

23 THE COURT: How many pages is the article?

24 MR. SHINN: Seven or eight pages, very short. She
25 wants to find a certain section, your Honor.

26 THE COURT: I understand from her testimony that she

1 does not now remember whether at the time she recognized
2 certain portions.

3 I don't see how reading it is going to
4 change that. She may now recognize it.

5 MR. SHINN: But at the time she read it she did
6 recognize certain sections.

7 THE COURT: That's right.

8 MR. SHINN: She said that, she recognized certain
9 sections at that time.

10 THE COURT: Reading it now is not going to change
11 that answer.

12 MR. SHINN: It will refresh her memory.

13 THE COURT: It may refresh her memory at the point
14 where she now recognizes it, but it is not going to change
15 her answer whether she recognized it then. She already
16 stated she did not know.

17 MR. SHINN: But after read it now she may recognize
18 certain parts of it.

19 THE COURT: All right.

20 Now, Mr. Schiller testified -- I am not sure
21 now whether this was during the trial or in the off the
22 record conference, that the Times story had to be one of
23 the three combined copies of the tape and the story and
24 the interview which he had Xeroxed, because of a transposed
25 paragraph, one of the three copies, one of which went to
26 Steurm, one to News of the World in London and one to

Mr. Caballero.

MR. FITZGERALD: Right.

THE COURT: The Times story contained that transposed--

MR. KEITH: That was in chambers.

THE COURT: That is what I could not remember. That is the reason I asked you to come up.

All right, we will take a ten-minute recess.

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

THE COURT: We will take a brief recess at this time, ladies and gentlemen.

Remember the admonition.

Take a ten-minute recess.

(Recess.)

5c fls.

5c-1

1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may continue, Mr. Shinn.

4 MR. SHINN: Thank you, your Honor.

5 Q BY MR. SHINN: Now, during the recess you
6 read this article that appeared in the Los Angeles Times
7 on December 14th, 1969?

8 A Yes.

9 Q Were you able to refresh your memory?

10 A Yes.

11 Q By reading this article?

12 A Yes.

13 Q Were there any portions of that article that
14 you had taken down at Sybil Brand December 10, 1969?

15 A No.

16 Q Now, after leaving Mr. Schiller's house -- I
17 believe you stated you left 6:00 in the morning.

18 A Possibly 6:00, possibly 6:30.

19 Q Now, was Jerry Cohen there all this time?

20 A Yes.

21 Q And Mr. Schiller was there?

22 A Yes.

23 Q And I believe you stated that there were two
24 other transcribers?

25 A Two transcribers.

26 Q Besides yourself?

1 A I'm not a transcriber.

2 Q Excuse me, yourself and two transcribers.

3 A Yes.

4 Q What does a transcriber do?

5 A They type dictation from the reporter's

6 dictation which we put on a Stenorette tape.

7 Q Were these two transcribers from your office?

8 A Yes, they were.

9 Q I mean, do you know the names of these two

10 transcribers?

11 A Nancy Reynolds.

12 Q Nancy Reynolds?

13 A Yes, I am almost certain it is Reynolds, and

14 the other transcriber's name was Sarah. I don't know her

15 last name.

16 Q Is she still working for your company?

17 A Well, I am no longer with that reporting firm.

18 Q What was the name of the reporting firm?

19 A Coleman, Haas, Martin & Schwab.

20 Q Okay, now, were these two transcribers -- were

21 they typing?

22 A Yes.

23 Q Transcribers are typists, right?

24 A Yes.

25 Q Were these two transcribers transcribing

26 Miss Atkins' statements from the tape?

1 A I know they were typing. I don't know whether
2 they were taking it off of a tape recording or doing copy-
3 work.

4 Q But it was concerning --

5 A But it had to do with Miss Atkins' statements,
6 yes.

7 Q Now, Jerry Cohen --

8 Did you see Jerry Cohen there, was he typing?
9 What was he doing?

10 A He was typing.

11 Q And do you recall what he was typing?

12 A No, I do not. I did not see it.

13 Q Was there any conversation by Jerry Cohen or
14 Lawrence Schiller as to what he was typing?

15 A Yes, I believe he was the party who was taking
16 the original transcript of --

17 I had understood there were two tape-recorded
18 sessions with Miss Atkins.

1 Q Yes.

2 A Plus the transcript that was done from the
3 reporting that I did. They were taking that and putting it
4 into a narrative story form.

5 Q Now, was there any conversation by Jerry Cohen
6 as to the article that he was typing, what he was going to
7 do with it?

8 A Not by Mr. Cohen that I recall, no.

9 Q By Mr. Schiller then?

10 A Yes.

11 Q What did Mr. Schiller say in respect to what
12 Jerry Cohen was typing that night?

13 A It was for publication in the various countries
14 outside of the United States.

15 Q Okay.

16 Now, was there any conversation regarding this
17 article that Jerry Cohen was preparing? Was there any
18 conversation regarding that article appearing in the
19 Los Angeles Times?

20 A No.

21 Q There was no conversation about that?

22 A No, there was not.

23 Q Now, did Mr. Schiller, at his house, while all
24 this rush was going along, was there any conversation by
25 Mr. Schiller / about a book or a magazine or a newspaper article?

26 A Just a newspaper article for European newspapers

1 outside of the United States.

2 Q And at that time, did Mr. Schiller or Mr. Jerry
3 Cohen say that there was a deadline to meet and we have got
4 to get it out tonight?

5 A Yes.

6 Actually, the actual saying, "We have a deadline
7 and we have got to get it out tonight," I understood when
8 they first called in the office and asked for our services
9 on this, they said they would want it transcribed that
10 night.

11 Q Okay.

12 So, this is the night of December the 10th,
13 1969, and the early morning hours of December the 11th,
14 1969; correct?

15 A Yes.

16 Q Now, did anyone during that night or the
17 early morning hours of December the 11th, was there any
18 discussion about a report to a psychiatrist or to a doctor?

19 A I don't recall that.

20 Q Or was most of the conversation concentrated on
21 the publication of the story in the news media?

22 A Yes, it was.

23 Q And I believe you stated that you had never
24 talked to Mr. Caballero or Paul Caruso after December the
25 11th, 1969?

26 A That's right. I have not.

1 Q No other contacts?

2 A No.

3 Q And you don't know whether or not the article
4 that appeared in the Times on December the 14th, 1969,
5 you don't know who put that in the L.A. Times, who was
6 responsible for that?

7 A No, I do not.

8 Q It was never later discussed with you by anyone?

9 A No.

10 Q Had the article --

11 A Other than you called.

12 When I was served with a subpoena by you, I
13 did telephone you at your office, because the subpoena
14 required or requested that I bring my notes and all records,
15 and I called you to inform you I had no notes or records.

16 Q You told me that you turned them all over to
17 Lawrence Schiller or Richard Caballero; you didn't know
18 at that time.

19 A No. I knew at that time that I had left them at
20 Mr. Schiller's home.

21 Q Now, when Jerry Cohen was in the jail, while he
22 was talking to Miss Atkins, did you see him take notes,
23 independent notes, besides yours?

24 A Yes.

25 Q He did have what? A small pad?

26 A Yes, he did.

1 Q While Miss Atkins was talking and while he was
2 asking questions, and when Richard Caballero was asking
3 questions, you saw him keep taking notes; correct?

4 A (Pause.)

5 Q Did you see him take notes?

6 A I am almost certain, yes, that he was taking
7 notes.

6a

6a-1

1 Q Now, did you ever see those notes again, later,
2 say at Schiller's house or in the automobile?

3 A No.

4 Q When you saw him typing in Lawrence Schiller's
5 house, did you see the notes beside the typewriter in front
6 of him?

7 A No, I did not.

8 I just passed him. He was typing in a room,
9 and they had some coffee in the kitchen, and I went to get
10 a cup of coffee, and he was in another room. He wasn't in
11 the same room with the two typists that were from the
12 office that I was from.

13 Q He was in a separate office typing very fast
14 by himself?

15 A I don't know if it was very fast, but he was
16 typing, yes.

17 Q And you never later saw what he was typing,
18 the article he was typing?

19 A I did see -- yes, I did -- well, I assume it
20 was what he had been typing during the night, yes.

21 Q Did you finally see his work product?

22 A Yes. Not the whole thing.

23 Q I mean, parts of it?

24 A Yes.

25 Q Do you recall what part of this copy that he
26 was typing so fast?

6a-2

1 A No, I don't.

2 Q But it concerned Susan Atkins?

3 A Yes.

4 I could tell you why I saw it, if you would
5 like.

6 Q Tell us why or how you saw it.

7 A Mr. Schiller had a Xerox copying machine --
8 I believe it was a Xerox -- it was a photocopying machine --
9 and he was going to make copies of it, but the machine
10 broke down, and then that is when he requested that the two
11 typists that were there with me to start making, making
12 copies of it from this one copy he had.

13 They were in a hurry, and they were giving like
14 three pages to one, and when she was through -- I think it
15 had something to do with keeping them in order and numbering
16 them -- so, I was handing it to them, handing the papers
17 that had already been typed, so that they could do copy
18 work on it.

19 Q So you saw the copy of the statements they
20 were typing?

21 A Yes.

22 Q What was it?

23 A I didn't read it.

24 I assumed it was what Mr. Cohen had been
25 typing prior to that.

26 Q Did you see portions of it?

6a-3

1 A Yes.

2 Q It didn't relate to what you took down at
3 Sybil Brand, did it?

4 A I didn't read it that closely to see if it
5 was what I had taken down.

6 It wasn't in question and answer form as
7 what I had reported.

8 Q I see.

9 In other words, he put it in a narrative form?

10 A Yes.

11 Q He made a story out of it?

12 A Yes.

13 THE COURT: Out of what?

14 MR. SHINN: I beg your pardon, your Honor?

15 THE COURT: Out of what?

16 The question is ambiguous, and so is the
17 answer.

18 BY MR. SHINN:

19 Q Well, did Mr. Cohen, from tapes which were
20 questions and answers, did you see him put it in a narrative
21 form, a story form?

22 A I didn't actually watch him do it. That was
23 my understanding of what they were doing.

24 Q When you glanced at this article that Jerry
25 Cohen was typing, it didn't have questions and answers,
26 then; correct?

A No. Correct.

Q It was all in a narrative form?

A That's right.

6b Fls.

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6b-1

1 Q Did you ever see Jerry Cohen after this date
2 again?

3 A No.

4 Q You never talked to him over the telephone or
5 anything like that?

6 A No.

7 Q Now, when this article appeared on December the
8 14th, 1969, in the Los Angeles Times, did anyone call you up
9 regarding this article?

10 A No.

11 Other than you, several weeks ago -- two weeks
12 ago.

13 Q Did you call anyone up regarding this article?

14 A No.

15 Q Did you read this book?

16 A No.

17 Q It is marked Exhibit P-CC for identification.
18 The Killing of Sharon Tate.

19 Did you read this book?

20 A No, I did not.

21 Q So, you don't know whether or not your notes
22 are incorporated in this book then?

23 A No, I do not.

24 MR. SHINN: Your Honor, may she, during her lunch
25 period, take this and read the book, certain sections in it,
26 your Honor?

1 THE COURT: That is up to her, Mr. Shinn.

2 MR. SHINN: I beg your pardon?

3 THE COURT: I am not going to order her to do it.

4 MR. SHINN: No. I mean, may I take it out of evidence
5 and let her read it and bring it back?

6 THE COURT: No.

7 MR. SHINN: I have nothing further.

8

9 CROSS-EXAMINATION

10 BY MR. FITZGERALD:

11 Q Have you talked to anybody besides Mr. Shinn
12 about your testimony here this morning, Mrs. Ambrosini?

13 A Yes. Mr. Kanarek.

14 Q Did you talk to Mr. Caballero or Mr. Caruso
15 about your testifying here today?

16 A No, I did not.

17 Q Did you talk to Mr. Cohen from the Los Angeles
18 Times?

19 A No, I did not.

20 Q Have you had conversations with Caruso,
21 Caballero or Cohen since December the 11th of 1969?

22 A No.

23 Q You haven't seen them or talked to them; is that
24 right?

25 A In person, no, or talked to them.

26 I have seen them on television, as far as the

1 news broadcasts.

2 Q You haven't seen any letters or any other form
3 of written communication from any of the persons I named,
4 Mr. Cohen, Mr. Caballero or Mr. Caruso?

5 A No, I have not.

6 Q Now, you did destroy a certain portion of your
7 notes; is that correct?

8 A I didn't destroy them. I handed them to
9 Mr. Caballero.

10 I tore them out of my notes, but I didn't
11 destroy them.

12 Q And how did you know what portion to tear out?

13 A Mr. Caballero told me the substance of what he
14 wanted to take out, and I went through my notes and found it
15 and read it to him, to make certain that was the portion.

16 Q But you don't remember what it was, what the
17 testimony related to, that you were to tear out?

18 A No, I do not.

19 Q By virtue of the fact that material was in your
20 notes, you had heard it and put it down on the tape, right?

21 A Yes.

22 Q And then you read it back to Mr. Caballero;
23 correct?

24 A Yes.

25 Q And you also had a conversation with
26 Mr. Caballero about what material it was that you were

1 looking for in your notes; correct?

2 A Yes.

3 Q But you don't remember the testimony either
4 verbatim or the substance of the testimony?

5 A That's right.

6 Q Do you remember anything about it whatsoever?

7 A No, I do not.

8 Q Did you inquire of Mr. Caballero why the
9 information was to be destroyed?

10 A No, I did not.

11 Q That is a highly unusual thing for the notes of
12 a shorthand reporter to be destroyed; is that true?

13 MR. BUGLIOSI: Irrelevant.

14 THE COURT: Sustained.

15 Q BY MR. FITZGERALD: Wasn't it your state of
16 mind at the time that this was occurring that this was a
17 very unusual situation?

18 MR. BUGLIOSI: Irrelevant.

19 THE COURT: Sustained.

20 Q BY MR. FITZGERALD: Now, you took your short-
21 hand notes, -- which are actually in a code, are they not?

22 A Yes, you could call it code.

6c-1

1 Q You took those notes and you dictated them
2 into a tape recorder which you referred to as a Stenorette;
3 isn't that correct?

4 A That is correct.

5 Q Where is the Stenorette tape, if you know?

6 A I have it, but I wouldn't know which one it
7 is.

8 We use them over and over in our work.

9 Q In what respect have you used the tape over
10 and over? I don't understand.

11 A For my other work.

12 They are small tapes that hold a half hour or
13 45 minutes worth of dictation. You use it, you dictate on
14 it, you give it to the transcriber, she transcribes it.
15 Then, as she rewinds it, she also erases it. And you use
16 it again.

17 Q So, it is erased?

18 A Yes.

19 Q Actually, you may have in your possession the
20 actual physical spool of tape?

21 A Yes.

22 Q But it doesn't contain Miss Atkins' voice on
23 it?

24 A No, it does not.

25 Q You retained that in your possession?

26 A Her voice was never originally on that tape.

6c-2

1 Q No. Your voice was on that tape, yes.

2 A Right.

3 Q Mr. Schiller didn't ask you for that tape?

4 A No. It was part of my equipment.

5 Q He asked you for your notes?

6 A Yes.

7 Q But he didn't ask you for what you had actually
8 dictated in the English language?

9 A That's right, he did not.

10 Q He asked for what you put down in code but he
11 didn't ask for what you dictated in English?

12 A That's right.

13 Q When this conversation was taking place at
14 Sybil Brand on the evening of the 10th, did it follow a
15 question and answer format?

16 A Yes.

17 Q Who was asking the questions?

18 A To the best of my recollection, Mr. Cohen asked
19 most of the questions.

20 I believe Mr. Caballero asked a few.

21 Q Did Mr. Caballero leave the room at any time?

22 A Not that I recall.

23 Q Did Mr. Caballero indicate to you at any time
24 while you were in the room not to take down on your own
25 machine any particular portion of the statements or
26 conversations of Susan Atkins?

6c-3

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A No, he did not.

Q To the best of your knowledge, was Mr. Caballero present at the time you recorded on your machine the material that you later removed from your notes?

A Yes, he was.

Q And he didn't say anything to you at the time?

A Not that I recall.

Q And the conversation you had with him with regard to removing certain portions of your Stenorette tape was outside in the car; is that right?

A Yes.

Q Did Mr. Schiller participate in that conversation?

A Yes.

Q Were you all in the car at the time that the conversation took place?

A Yes, we were.

Q And Mr. Caballero initiated the conversation; is that correct?

A Yes.

Q Did Mr. Cohen participate in the conversation with regard to removing the portion of the conversation?

A I don't recall.

Q Do you recall, at any time during the evening, either -- well, strike that.

Do you recall Miss Atkins ever mentioning the

6c-4

1 name of Charles Manson?

2 A I don't actually recall it, but I am not
3 saying that she did not. I just don't recall one way or
4 the other.

5 Q Did Mr. Caballero mention Charles Manson's
6 name in the car?

7 A In the car?

8 Q Yes.

9 A Which trip are you talking about? On the way
10 out, or on the way back?

11 Q At any time.

12 A I don't recall.

13 I am not saying he did not. I just don't
14 recall.

15 If he did mention it, it would more like by
16 be on the trip on the way to Sybil Brand, because they were
17 discussing the previous tape recordings they had made of
18 their interview with Miss Atkins.

19 THE COURT: Excuse me, Mr. Fitzgerald. It is 12:00
20 o'clock.

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

24 The court will recess until 1:45.

25 (Noon recess.)
26

7 fls.

7
1 LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 12, 1971

2 2:00 P.M.

3 ---0---

4 THE COURT: All parties, counsel and jurors are
5 present.

6 You may continue, Mr. Fitzgerald.

7
8 CARMELA AMBROSINI,

9 the witness on the stand at the time of the recess, resumed
10 the stand and testified further as follows:

11
12 CROSS-EXAMINATION (CONTINUED)

13 BY MR. FITZGERALD:

14 Q Miss Ambrosini, what happened to the portion
15 of the notes that were ripped up, there, on the evening of
16 December 10th, 1969?

17 A I handed them to Mr. Caballero, and I believe
18 he did rip them up and put them in his pocket, from what I
19 could see.

20 I was sitting in the back seat of the car and he
21 was sitting in front.

22 Q He did not throw them on the floor of the car,
23 though?

24 A I did see a motion as if he was putting the
25 pieces he picked up in his pocket, in his coat pocket.

26 Q Did he give you any explanation whatsoever why

1 he had ripped the notes?

2 A Not why he had ripped them up, no.

3 Q Did he give you any explanation why he wanted
4 you to find in your notes this particular portion of the
5 conversation of Susan Atkins?

6 A He did not want it in the transcript.

7 Q Did he give you any reason why he did not want
8 it in the transcript?

9 A No.

10 Q Now, you testified and mentioned several times
11 this morning that various persons had told you that the
12 purpose of going into the jail on the evening of the 10th
13 was, among other things, to prepare a story for foreign
14 publication, is that correct?

15 A Not prior to going in -- afterwards.

16 Q Afterwards?

17 A Yes.

18 Q But you very distinctly remember the term,
19 foreign publication, correct?

20 A Not necessarily the word foreign, but in Europe,
21 not in the United States. This was emphasized.

22 Q It was emphasized to you by whom?

23 A I believe Mr. Schiller. He is the only one I
24 recall telling me this.

25 Q Were you in some conversation with Mr. Schiller
26 where you questioned where the story was going to be

1 published?

2 A No.

3 Initially, on the way back from taking the stand
4 I did ask about, something to the effect, "Isn't there a gag
5 order on this particular case?" And that was the one
6 question I asked.

7 And I was told something to the effect it
8 didn't pertain to this particular statement because he had
9 already started it, and at Mr. Schiller's home he offered
10 the information that they were selling this to the European
11 foreign newspapers, and it was not to be released in the
12 United States.

8-1

1 Q Had you asked whether or not it was going to
2 be released in the United States?

3 A No.

4 Q And you didn't feel that you were violating
5 any court order or any law by going into the jail and
6 taking this material down?

7 A No, I didn't.

8 Q But you definitely recall that Mr. Schiller
9 told you, late on the evening of the 10th, or the early
10 morning of the 11th, that the story they were taking was
11 for European publication?

12 A Yes.

13 MR. FITZGERALD: I have nothing further.

14 Thank you.

15
16 CROSS-EXAMINATION

17 BY MR. KEITH:

18 Q Did Mr. Schiller explain to anyone at Sybil
19 Brand why he didn't go in the jail along with yourself and
20 Mr. Caballero and Mr. Cohen?

21 A No.

22 Q Did anyone of your group ask Mr. Schiller why
23 he didn't come in, or was there any conversation in that
24 regard that you remember?

25 A I don't remember any conversation in that
26 regard.

8-2

1 Q Who paid you for your services?

2 A Coleman, Hass, Martin & Schwab, the reporting
3 agency.

4 Q I see.

5 Who paid Coleman, Hass, Martin & Schwab, if
6 you know?

7 A I understand Mr. Schiller did.

8 Q When Mr. Caballero tore up that portion of
9 your reporter's notes that you gave him, didn't Mr.
10 Schiller express displeasure at Mr. Caballero's conduct,
11 if you remember?

12 A I recall him saying, questioning, saying that
13 we should leave it in, or he wanted it left in.

14 He was driving. We were en route at the time.

15 Q Was there what you might call an argument over
16 Mr. Caballero's conduct?

17 A No, I wouldn't call it an argument.

18 Q Do you remember anything about the subject
19 matter of what you reported at Sybil Brand when Susan
20 Atkins was talking to Mr. Cohen and Mr. Caballero?

21 A It was about her childhood and her high school
22 days.

23 Q She also talked about the offenses themselves,
24 I take it?

25 A I am sorry. I didn't hear it.

26 Q Did she also talk about the offenses themselves?

1 A No, not that I recall.

2 I know the transcript that I made had nothing
3 about that. The notes I dictated.

4 Q Does that refresh your memory as to whether or
5 not the notes that you tore out at Mr. Caballero's request
6 concerned the offenses?

7 A I don't recall what those portions were per-
8 taining to.

9 MR. KEITH: I have nothing further.

10 THE COURT: Anything further?

11 MR. KANAREK: Yes, your Honor.

12 Thank you.

13
14 CROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Miss Ambrosini, while the interview was taking
17 place and you were there and Mr. Cohen and Mr. Caballero
18 were asking questions, were there certain portions of that,
19 of what Susan Atkins said, taken over the objection of Mr.
20 Caballero?

21 A No.

22 Q Did Mr. Caballero, at any time while Susan
23 Atkins was talking, tell her, give her some kind of
24 instruction, or say "Stay away from this; we don't want
25 to talk about that"; or anything like that?

26 A I have a vague memory that there was some time

1 off the record where I stopped reporting when I was in the
2 room taking the statement. But I don't recall. I don't
3 recall a hundred percent to say yes or no.

4 Q Somebody ordered you to go off the record;
5 right?

6 A Yes.

9 fls.

9Q1

1 Q And prior to the time that you went off the
2 record there was some discussion or some kind of conver-
3 sation back and forth between Susan Atkins and Mr.
4 Caballero.

5 A It would have been on the record prior to the
6 discussion, if that is what you are referring to.

7 Q Can you relate to us what was said just prior to
8 the time you went off the record?

9 A No, I cannot.

10 Q Was the material that you tore out, was the
11 material that -- did it consist of words that were uttered
12 just before you were told to go off the record?

13 A I don't know.

14 Q Looking back -- looking back at the -- at your
15 operation of taking whatever you took out at Mr. Caballero's
16 direction, can you tell us whereabouts in the length of
17 the record it was located?

18 A There were two separate sections. I don't
19 really think I can.

20 Q In other words, there were two distinct
21 portions of what you took down that Mr. Caballero had you
22 rip out?

23 A Yes.

24 Q So that when you got done there would be
25 three pieces of continuity, is that right?

26 A Yes.

1 Q You had something before you ripped it out and
2 you ripped it out again, so you would have three chunks of
3 what Mr. Hollombe is doing there?

4 A I believe that's right.

5 Q Three pieces of record?

6 A Yes.

7 Q Well, can you tell us, have you any idea how
8 far it was from the beginning?

9 A My best recollection is that it was towards
10 the middle.

11 Q Both of these --

12 A Yes -- I was going to say I think they were
13 close together, but I really don't recall.

14 Q And was Mr. Manson's name uttered in connection
15 with the ripping up that you did?

16 A I don't recall.

17 Q You mean it could have been and you just don't
18 recall or are you saying it wasn't?

19 A No, I'm not saying it wasn't. I don't recall
20 one way or the other.

21 Q I see. And of course you don't remember what
22 instructions Mr. Caballero gave you, what to look for?

23 A No.

24 Q Now, did Mr. Caballero tell you that it was
25 important that there be sort of security, that there be
26 exclusivity as far as this story is concerned?

1 A I don't recall that from Mr. Caballero. I
2 recall Mr. Schiller saying this.

3 Q Who was present when Mr. Schiller told you
4 that?

5 A This was en route to, after we had taken the
6 statement to Mr. Caballero's office, to drop him off.

7 Q So this would be Mr. Schiller, yourself, Mr.
8 Cohen and Mr. Caballero?

9 A Yes.

10 Q Those people would have been present?

11 A Yes.

12 Q And were you requested not to discuss what you
13 had heard that evening?

14 A Yes, I was.

15 Q And who requested you not to discuss it?

16 A My recollection is Mr. Cohen, but I don't recall
17 if he was the only one who requested it, but I do recall
18 I said that there would be two transcribers who would be
19 typing this, and I asked them --

20 I asked them to request them not to mention it
21 because I had no authority over them, to tell them what to
22 do and what not to do.

23 They would be transcribing this portion.

24 Q You and Mr. Cohen had this discussion, is that
25 right?

26 A Also Mr. Schiller.

1 In other words, this was in the car, and I
2 remember turning to Mr. Cohen, because he was sitting next
3 to me on the way back, and saying, "Well, will someone
4 talk to the two transcribers and instruct them since this
5 is what you want?"

6 Q Were you told why it was important not to dis-
7 cuss it? Did anyone tell you that?

8 A No. My impression was they did not want the
9 information released until their publication in Europe.

10 Q Which was to take place on December 14th,
11 that following Sunday?

12 A Well, they did not tell me the date.

13 Q No one told you the date.

14 A The only thing as far as datewise, they wanted
15 to be able to release it so the story would have whatever
16 value prior to the Grand Jury transcript being released.

17 Q Now, is it true that you, yourself, heard on
18 your car radio news concerning Judge Keene's publicity
19 order before you got to the office of Paul Caruso and
20 Richard Caballero?

21 A Yes.

22 Q And I gather that there was no mention by
23 Mr. Caballero of any purpose involving a psychiatrist, as
24 far as this subjectmatter was concerned?

25 A I don't recall that. I don't recall it one
26 way or the other.

1 Q Now, has it been your experience that the
2 reason a court reporter is used is in order to get with
3 accuracy each and every word that is uttered?

4 A Yes.

5 Q That is what people have -- you are employed
6 for that kind of work, right?

7 A Yes.

8 Q Are you what is called a certified shorthand
9 reporter?

10 A Yes.

11 Q A CSR?

12 A Yes.

13 Q Now, you went -- after you left Sybil Brand you
14 went to Larry Schiller's home to do the transcribing, is
15 that correct?

16 A Yes.

17 Q And while you were at the home there were there
18 words --

19 Was there conversation about security in the
20 sense of exclusivity, not talking to anybody about it?

21 A Yes.

22 Q Now, what restraint was there, I mean, other
23 than just asking somebody to do it as a favor?

24 Did anybody point out that there was a court
25 order and you should not do it because of the court order,
26 or anything like that?

1 A No.

2 Q Well, how was it -- how was this secrecy
3 supposed to come about?

4 A Well, they requested it.

5 Q It was just a request?

6 A Yes.

7 Q A simple request?

8 A Yes.

9 Q Now, you remember reading this story, Susan
10 Atkins' story, on the Sunday that it came out, right?

11 A Yes.

12 Q Directing your attention to the very top where
13 it says, "The following article appears also today in
14 European newspapers and magazines.

15 "Its authenticity has been established. It
16 results from an interview conducted before a judicial order
17 was issued restraining those taking any part in the Tate
18 murder case from making disclosures regarding it."

19 The article carries the following copyright,
20 "1969, copyright by Susan Atkins and Lawrence Schiller."

21 Were those words in the Los Angeles Times?
22 Did you see those words when you read the story?

23 A I can't recall.

24 MR. KANARBA: May I approach the witness, your Honor?

25 THE COURT: What is the relevancy whether she saw the
26

1 words or not, Mr. Kanarek?

2 MR. KANAREK: The relevancy is, the inference can be
3 made that this did not come by way of wire service but it
4 was given directly to the Los Angeles Times by people who
5 are, we believe, representatives of law enforcement.

6 THE COURT: The objection is sustained. Ask your
7 next question.

8 Q BY MR. KANAREK: Well, did it strike you when
9 you read this --

10 You tell us now you read it over, and none of
11 the words uttered here appear to be words that were uttered
12 in your presence, right?

13 A That's right.

14 Q Did that go through your mind, as you read this
15 article?

16 Did it strike you that what you were reading
17 was something that you had not taken down?

18 A No. I had been told that they had interviewed
19 her, using a tape recording machine.

20 They had told me in the car they were discussing
21 on the way to Sybil Brand what had been said, as to the
22 recount of how the crimes had been committed.

23 And I recognized what I had been told in the
24 automobile.

25 Q And so when you read this, when you read this you
26 already -- when you started reading it you realized this was

1 something you did not take, however?

2 A Yes.

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1 Q Is that right?

2 A Yes.

3 Q And you realize that this was the part that
4 they told you that they had already taken?

5 A Yes.

6 Q Now, in your presence, did Mr. Caballero --
7 let me withdraw that.

8 Was there conversation between yourself and
9 Mr. Caballero wherein you pointed out to him the existence
10 of the gag order or publicity order?

11 A Not only to Mr. Caballero. I mentioned it
12 in the car with all three parties present.

13 Q And you stated: Well, should we be doing
14 this? Because you heard, yourself, right on the car radio,
15 of Judge Keene's order?

16 A I asked: Isn't there a gag order by the
17 judge? Or isn't there a gag order on anything pertaining
18 to this particular case?

19 Q And what was the response you were given?

20 A It did not apply to this. It had already been
21 started prior.

22 Q Who told you that?

23 A Either Mr. Caballero or Mr. Cohen.

24 Q They stated -- would you say that again,
25 please?

26 A This isn't verbatim, but something to the

10-2

1 effect: It did not apply to this statement because they
2 had already started it prior to the order being issued.

3 Q In other words, they said that what they were
4 doing, what they were going into Sybil Brand and getting
5 permission to do, and all of that, to go in there for, all
6 of that didn't apply because they had started it before
7 the gag order came into effect?

8 A Yes.

9 Q Then, in fact, using that criterion, assuming
10 just for the moment that is a criterion, everything that
11 you took down was transcribed that night; is that right?

12 A Yes.

13 Q And so, your own testimony, being that none of
14 that is in this article, means that what you took down,
15 in fact, never showed up in the Los Angeles Times; is that
16 right?

17 A Yes.

18 Q Is that true?

19 A Yes.

20 From my reviewing that, I see nothing there
21 pertaining to her background and childhood life.

22 I don't recall what she said. I know that the
23 subject matter was about her childhood and growing-up years,
24 and I took nothing down that I recall about the crime,
25 which that article seems to be all about; it seems that that
26 article is all pertaining to the actual crime.

10-3

1 Q Did they tell you, or did someone tell you,
2 that the reason that the gag order or publicity order didn't
3 apply was because -- pardon me. I will withdraw that.

4 Did they tell you that the reason that the
5 publicity order didn't apply was because of the fact that
6 this statement that they were referring to, this previous
7 statement, had taken place before Judge Keene issued his
8 order?

9 Is that right?

10 THE COURT: This is repetitious, Mr. Kanarek. Let's
11 get on with it.

12 The objection is sustained.

13 BY MR. KANAREK:

14 Q Was your state of mind that what you were
15 doing there in Sybil Brand was, in fact, something that was
16 within the gag order except for time, except for the aspect
17 of time?

18 MR. BUGLIOSI: Irrelevant.

19 THE COURT: Sustained.

20 BY MR. KANAREK:

21 Q Now, you yourself dictated into the tape
22 recorder; is that right?

23 A Not a tape recorder, a Stenorette.

24 Q A Stenorette tape recorder?

25 A Yes.

26 Q It has a tape on it?

10-4

1 A Yes, it has a tape.

10a-1

2 Q Has anyone from any governmental agency, the
3 District Attorney's office, Mr. Caballero or Mr. Caruso,
4 spoken to you concerning these matters since December the
5 10th or 11th, 1969?

6 A No.

7 Q Has anyone tried to get from you what you
8 dictated into the tape, what Mr. Fitzgerald was asking you
9 about?

10 A Not other than you and Mr. Shinn.

11 Q When I spoke to you, that was a week ago last
12 Saturday; right?

13 A Yes.

14 Q And you told me that the tapes did not exist?

15 A No.

16 I said I gave the tapes to Mr. Schiller.

17 Q I mean, what you dictated?

18 A The dictated tapes?

19 Q Had long gone because of the fact that you
20 use the same tape over and over again?

21 I am talking now of the electronic tape, not
22 the paper tape.

23 A That's right.

24 Q Is that right?

25 A That's right.

26 Q Now, you say that Mr. Cohen and you and Mr.

10-5

1 Caballero all went back to Mr. Caballero's office before
2 you went to Mr. Schiller's?

3 A No.

4 We drove up to his office. We remained in the
5 car, other than Mr. Caballero got out of the car and left.

6 Q Then Mr. Caballero got out?

7 A Yes.

8 Q About how many hours did it take you at Mr.
9 Schiller's in order to do your share of this?

10 A An hour and a half or two hours.

11 Q And you had completely dictated everything that
12 you had?

13 A Yes.

14 Q Is that correct?

15 A Yes.

16 Q Now, did you see any copies run off/anything
17 that you dictated? Anything at all?

18 A On a copying machine?

19 Q Yes.

20 A Mr. Schiller was copying, but the machine broke
21 down. But I didn't actually see -- ever recall seeing the
22 copies coming out of the machine.

23 Q So you, yourself, were never handed a copy of
24 anything that would be like written out on a piece of paper,
25 something as far as the product of what you did that
26 afternoon is concerned?

A A copy from a copy machine or the original?

I think I handled the originals. I was handing it to the typists. They were making copies.

Q Right.

But what you had wasn't typewritten. You were giving copies of your dictation?

A I think it was typewritten.

Q It was typewritten?

A I think it was, yes.

They wanted more copies of something that was typewritten.

Q I see.

And what was typewritten? Was that something that you had worked on that afternoon at Sybil Brand? Is that the material that was typewritten?

A I don't know the contents and I don't know if it is the part that I dictated because I never proofread my transcript.

I don't know what size paper the portion that I reported was transcribed onto.

Q So that what was typewritten -- now, Mr. Cohen was there; right?

A Yes.

Q And Mr. Cohen was there when this typewriting was taking place?

A Yes.

1 Q Is that right?

2 A Yes.

3 MR. KANAREK: Thank you.

4 THE COURT: Any questions?

5 MR. BUGLIOSI: No.

6 THE COURT: You may step down.

7 MR. KANAREK: Your Honor, if I may?

8 Q You, during the recess -- just to save time,
9 your Honor -- were you shown this yellow piece of paper
10 here?

11 A No.

12 Q You weren't shown this?

13 A I don't recall being shown the yellow piece of
14 paper.

10b-1 1 MR. KANAREK: In that case, your honor, I'd like to
2 approach the witness for a moment.

3 This will save some time, your Honor.

4 THE COURT: All right. You may.

5 (Mr. Kanarek approaches the witness.)

6 MR. KANAREK: Q Would you read this yellow piece of
7 paper over and tell me whether what is on that paper
8 refreshes your recollection as to what Susan Atkins stated.
9 And I am now referring to that portion of the tape that you
10 cut out.

11 Would you read that over yourself and see if
12 that refreshes your recollection?

13 A All right.

14 (Pause while the witness reads.)

15 THE WITNESS: It doesn't refresh my recollection.

16 Q You have read this entire paper?

17 A Yes.

18 MR. KANAREK: Thank you.

19 Thank you, your Honor.

20 THE COURT: You may step down.

21 You are excused.

22 MR. FITZGERALD: Could we recall Pete Miller, your
23 Honor?

24 THE CLERK: Just be seated, please.

25 Will you state your name?

26 THE WITNESS: Pete Miller.

1 THE CLERK: You are still under oath, sir.

2 THE WITNESS: Yes, sir.

3 PETE MILLER,

4 recalled as a witness by the defendants herein, having
5 been previously sworn, testified further as follows:
6

7 DIRECT EXAMINATION

8 BY MR. FITZGERALD:

9 Q Mr. Miller, would you repeat your business or
10 occupation?

11 A Newsmen at KFTV Television, Channel 11.

12 Q Were you so employed during the month of
13 January, 1970?

14 A I was.

15 Q And what, very briefly, were your duties with
16 Channel 11 during the month of January of 1970?

17 A I was occupied as an investigative reporter,
18 primarily, and on-the-air newscaster.

19 Q In connection with your duties as an investiga-
20 tive reporter with Channel 11 during the month of January of
21 1970, Mr. Miller, did you have an interview with one
22 Richard Caballero?

23 A I did.

24 Q Did you have a conversation with Mr. Caballero
25 in which you asked Mr. Caballero questions and Mr.
26 Caballero responded with answers?

1 A I did.

2 Q Who was present at the time this interview
3 took place?

4 A Mr. Arthur Harvey, who is a Metromedia attorney,
5 Mr. Caballero, Mr. Martin Hague, who, at that time, was the
6 news director at KTTV, and a camera crew, but I don't
7 remember which one it was now.

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1 Q During portions of the interview was your
2 camera crew active, that is to say, was the film rolling?

3 A It was.

4 Q Were the words of Mr. Caballero also recorded on
5 magnetic tape?

6 A Most of them.

7 Q And is that tape and magnetic recording of
8 Mr. Caballero's and your voice in existence some place?

9 A Well, it was but I am unable to find it now.

10 Q Did you ask Mr. Caballero why he went into the
11 jail on the evening of December 10, 1969?

12 A I did.

13 Q What, if anything, did Mr. Caballero reply?

14 A Well, I asked him in context to Jerry Cohen of
15 the Times.

16 I asked him if he went to the jail with Jerry
17 Cohen and he replied yes, he did.

18 And I asked him if it was for the purpose of
19 polishing the Susan Atkins' story, and he said no, that he
20 took Mr. Cohen in as a material witness.

21 And I asked him if indeed Mr. Cohen was a
22 material witness, and as I recall he admitted no, he was
23 not.

24 Q Did Mr. Caballero say anything to you that, to
25 the effect, that he went into the jail on the evening of
26 August 10th, 1969 in part to prepare a psychiatric

1 defense for Susan Atkins?

2 A He did not.

3 Q Was your narration just a moment ago --

4 A Let me go back there. I believe he did say
5 something about that.

6 Q What, if anything, did he say in that regard?

7 A I believe he did say something about in case he
8 had wanted to prepare a psychiatric defense.

9 And at that point I asked him then why would he
10 have Mr. Cohen as a material witness inasmuch as Mr. Cohen
11 was a reporter and not a psychiatrist and had had no
12 previous connection with the case.

13 At that point the subject was dropped.

14 Q Mr. Caballero did not answer?

15 A As I recall he was vague.

16 Q Also in your capacity as an investigator
17 reporter for Channel 11, did you have a film conversation
18 with one Paul Caruso, an attorney in Los Angeles?

19 A I did on the telephone.

20 Q Who was present at the time -- was there any
21 other party to the telephone conversation besides yourself
22 and Mr. Caruso?

23 A No.

24 Q Do you remember the date and time of the
25 conversation, Mr. Miller?

26 A I don't remember the date. It was about mid-
January. It was in the evening.

1 Q Is there a writing or any other document that
2 was used in some fashion to perpetuate the contents of the
3 conversation?

4 A Just my memory.

5 Q Was the conversation recorded in any
6 fashion?

7 A It was not.

8 Q Did you inquire of Mr. Caruso relative to his
9 knowledge concerning the source of a story that appeared in
10 the Los Angeles Times on December 14th, 1969 by Lawrence
11 Schiller and Susan Atkins?

12 A Yes, I did.

13 Q What did you ask him and what did he reply, if
14 anything?

15 A I asked him if he had been bilked out of his
16 Los Angeles fee by the Times jumping the copyright.

17 Do you want me to continue?

18 Q Yes.

19 A The response was that they'd better not.

20 This is paraphrasing; that they'd damn-well
21 better not.

22 Q Now, when you used the term bilked, what do you
23 mean?

24 A That by jumping the copyright the Times would
25 have obtained the story free, in other words.

26 Q What does jumping the copyright mean?

1 A By using a story without copyright permission
2 of the copyright owner.

3 Q The story byline in the Los Angeles Times by
4 Lawrence Schiller and Susan Atkins was copyrighted in
5 1969 by Lawrence Schiller, is that what you are referring to?

6 A That's right.

7 Q Is it your understanding based on your experience
8 in the media that there are certain rules and regulations
9 pertaining to the use of a story that has been copyrighted?

10 A Absolutely.

11 Q And how do those rules and regulations, as
12 far as you are concerned, apply to your use of the term,
13 jumping the copyright?

14 A Well, if you use copyright material without
15 authorization you are doing it illegally and you are subject
16 to suit.

17 Q Did you ask Mr. Caruso if he had in fact given
18 permission to the Los Angeles Times to use the copyrighted
19 story of Lawrence Schiller?

20 A I don't believe I asked that question specifi-
21 cally.

22 But the conversation covered the area, and I
23 believe that the fact was implicit in the answer that
24 "They'd better not."

25 And also that he was not worried over the
26 subsequent and eventual payment.

1 Q He was not worried that he was not going to be
2 paid?

3 A Correct.

4 Q In other words, he felt he was going to be
5 paid?

6 A Correct.

7 Q Now, was there some conversation immediately
8 before this particular question-and-answer session wherein
9 you established that there was some connection between
10 Mr. Caruso and Mr. Schiller?

11 A That was the purpose of my phone call, was to
12 establish that connection.

13 I broke the story initially in Los Angeles
14 regarding the Susan Atkins' story, and how it came to
15 light, and how she was interviewed and how the story was
16 gathered.

17 And I was verifying details of that when I
18 called Mr. Caruso.

19 Q And did you ask Mr. Caruso if he had any connection
20 with Lawrence Schiller?

21 What, if anything, did he reply?

22 A He admitted there was a relationship.

23

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11a-1

Q Did he describe the nature of the relationship?

A No, only that it was for the purpose of publishing the story.

Q And did he indicate to you that he had an interest in the story that -- a financial interest in the story that appeared in the Los Angeles Times on December 14th?

A Not specifically in those terms.

Again, I paraphrase, but I believe that when he referred to the fact that he believed that they would be paid, he used the term "us." "That they better pay us." Or "We will be paid."

Q Why would you ask Mr. Caruso if he was going to get paid for a story that appeared in the Los Angeles Times under the by-line, Lawrence Schiller and Susan Atkins?

A Because I knew that he was a partner to a contract with Mr. Schiller and Miss Atkins and Mr. Caballero.

Q And did you previously establish that in the telephone conversation you had with him?

A I did not let him know at that time that I knew it.

I asked him as though I did not know it, and he admitted it. He did not deny it.

Q If you can, tell us the questions you asked Mr. Caruso and his responses?

A Basically, two things that I wanted to know

11a-2

1 were, did he indeed have an agreement with Mr. Schiller and
2 Miss Atkins and Mr. Caballero for the publication of her
3 story.

4 And the second thing that I wanted to know was
5 what about the Times, had the Times double-crossed him or
6 them.

7 And that was basically it.

8 Q Well, did you actually articulate these
9 inquiries to Mr. Caruso?

10 A Yes, I don't recall in what fashion but that was
11 basically it.

12 Q And what did he reply?

13 A I already told you that.

14 Q That he did have an interest, is that correct?

15 A That is correct.

16 Q Also during the month of 1970, January, 1970,
17 in connection with your duties as an investigator-reporter
18 for Channel 11, did you have a conversation with Richard
19 Caballero in regard to the story that appeared in the Los
20 Angeles Times on December 14th, by-lined by Lawrence Schiller
21 and Susan Atkins?

22 A Yes.

23 Q What did you ask him in that regard and what
24 if anything did he reply?

25 A I went into, at much greater depth than Mr.
26 Caballero -- he verified all essential details of the story

11a-3

1 as I broadcast it on the air over a period of several
2 nights during the month of January.

3 Q We don't have the benefit of that, Mr. Miller,
4 if I might interrupt.

5 A I asked him, for example, if Mr. Schiller had
6 ever questioned Miss Atkins. And he said no.

7 I asked him if she had -- if he had ever even
8 seen Miss Atkins, and he said to his knowledge no.

9 I questioned him about Jerry Cohen's involve-
10 ment in the preparation of the story, and all facets of the
11 case.

12 Q Did Mr. Caballero deny to you that he had any
13 financial interest in the story that appeared in the Los
14 Angeles Times on December 14th?

15 A I do not recall that he did, no.

16 Q Did he indicate to you that he had negotiated
17 with Mr. Schiller for the sale of certain literary properties
18 in the possession of Susan Atkins?

19 A No, he indicated the opposite.

20 He indicated to me that he had, as he put it,
21 no involvement in the sale, in the negotiation of the
22 contract for the sale of the property.

23 Q Was he adamant in that denial?

24 A Yes, he stated that his partner Mr. Caruso
25 handled the negotiations, and he had no direct involvement
26 in them.

11a-4

MR. FITZGERALD: Thank you very much.

MR. KEITH: I have no questions.

DIRECT EXAMINATION

BY MR. KANAREK:

Q Mr. Miller, what date was this?

A I don't recall the exact date, as I say, my files are missing.

I cannot locate my files. It was somewhere in the month of January, to the best of my recollection.

Q And you say that there was this statement that he had never seen Susan Atkins, is that correct?

A Who?

Q Did I hear you correctly say that Mr. Caballero stated he had not seen Susan Atkins?

A No, Mr. Caballero stated Mr. Schiller had never seen her.

Q Mr. Schiller had never seen Susan Atkins?

A Correct.

MR. KANAREK: I see, thank you.

THE COURT: Mr. Miller, this matter about Mr. Caruso indicating that he was not worried about getting paid by the Los Angeles Times.

Is that what he said to you or is that what you thought he meant by what he said?

THE WITNESS: As I said, your Honor, I was paraphrasing.

1 I don't recall the exact terminology used by Mr. Caruso,
2 but I do recall strongly the import, the meaning of his
3 words.

4 The meaning of the words were that he was
5 not concerned; that one way or the other he would get his
6 money.

7 There would be an agreement reached satisfactory
8 to both the Times and to him.

9 THE COURT: Would be or had been?

10 THE WITNESS: Would be; not had been.

11 Would be.

12 THE COURT: All right. Any further questions.

13 MR. FITZGERALD: No, your Honor.

14 THE COURT: You may step down.

15 THE WITNESS: Thank you.

16 THE COURT: You may call your next witness.

17 Mr. Grogan is your next witness?

18 MR. FITZGERALD: Mr. Kanarek's, yes.

19 THE COURT: It is Mr. Grogan?

20 MR. KANAREK: It is Mr. Grogan.

21 THE COURT: That will take about ten minutes so
22 we will take a recess at this time.

23 Ladies and gentlemen, do not converse with
24 anyone or form or express an opinion regarding penalty
25 until that issue is finally submitted to you.

26 The court will recess for 15 minutes.

(Recess.)

THE COURT: All parties, counsel and jurors are present.

You may proceed.

THE CLERK: Would you state your name, please, sir?

THE WITNESS: Steven Grogan.

THE CLERK: You are still under oath.

STEVEN GROGAN,

a witness previously duly sworn, resumed the stand and testified further on behalf of the defendants as follows:

DIRECT EXAMINATION

BY MR. KANAREK:

Q Mr. Grogan, you know that you are under oath and that you must tell the truth. Are you aware of that?

A Yes, I am.

Q And, now, directing your attention then to, let us say, some night --

You remember before you were interrupted you told us how you drove somewhere to a house at a particular occasion with some of the females that had been living at the Spahn Ranch.

A That I drove? I was driven.

Q You were driven?

A Right.

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Q What makes you remember this particular night?

How do you know that this is the night compared with any other night?

A It was never cleared up. We never reached that conclusion.

12 fls.

12-1

1 Q Pardon?

2 A We never reached the conclusion that that was
3 any certain night.

4 Q Well, is there anything about a particular
5 night that you remember?

6 A About a particular night?

7 Q Yes.

8 You remember Mr. Shinn was questioning you?

9 A Yes, I do.

10 Q Now, can you tell us, when you spoke ^{to} Mr. Shinn,
11 did you have in mind a particular night?

12 A No.

13 He had in his mind a particular night that he
14 was trying to pinpoint an experience that I had to a certain
15 day.

16 That was in his mind.

17 Q Were you two guys together? Was your thinking,
18 from his questions, do you have in mind one particular
19 night?

20 A One particular night?

21 Let's see here.

22 All I remember is one particular experience.
23 I don't remember a night.

24 He was trying to pinpoint. He would say:
25 August the 9th.

26 Now, I couldn't say that because I didn't know.

1 Q Well, will you tell us, then -- let's call it
2 "experience" then -- this one particular experience, who
3 was in the automobile?

4 A Let's see. As far as I can remember. Let's
5 see.

6 There was Sadie, Linda and me, and some other
7 bodies, other people, that I couldn't remember at that time,
8 and at this time I still don't.

9 Q And on that particular night, had you taken any-
10 thing by way of LSD or marijuana or anything before -- now,
11 let's use the word "experience" -- before going out on this
12 experience. Had you taken any LSD or marijuana or any-
13 thing?

14 A I remember early that evening I took some LSD.

15 Q How long before you left the Spahn Ranch had you
16 taken some LSD?

17 A I don't know. There is no time, you know.

18 Q Well, was Mr. Watson in the automobile?

19 A Not as far as I can remember, he wasn't.

20 Q During this experience that you are speaking of,
21 you went to some particular area of Los Angeles?

22 A Not that I remember.

23 I remember we drove around in the city.

24 Q Do you remember stopping the car at any particu-
25 lar place?

26 A No particular place.

1 All the places looked the same to me.

2 In other words, if you go some place that you
3 never been to in your life, it is not particular to you,
4 especially if you are loaded on LSD, man, wow.

5 Q Was Mr. Manson in the automobile?

6 A No. I know for sure that he wasn't.

7 MR. KANAREK: Your Honor, Mr. Bugliosi is laughing,
8 and I see the Court laughing.

9 THE COURT: Mr. Kanarek, don't make a statement like
10 that. You have never seen this Court laugh during any
11 witness' testimony.

12 Now, don't you say that, sir.

13 Now, get on with your examination.

14 The jury will disregard that remark.

15 MR. KANAREK: Q What name do you prefer to go by?
16 What is your last name?

17 A It doesn't make any difference as long as
18 someone gets my attention. You know, the sound that he
19 uses doesn't make any difference.

20 Q I am asking you, what is your last name?

21 A My last name?

22 Q Yes.

23 A Clem.

24 Q Clem is your last name?

25 A That was given to me.

26 Q You prefer to be called Clem?

13-1

1 Q Do you know Stephanie Schram?

2 A Yeah, I know the girl.

3 Q Did you know Stephanie Schram?

4 A Yeah.

5 Q Can you tell us in connection with this night
6 that we are speaking of, or this experience, I'm sorry,
7 looking at this experience that we are speaking of:

8 How long before that experience had you first
9 seen Stephanie Schram?

10 A I really couldn't say. As of now I don't
11 remember.

12 It's like the river, and faces keep blending
13 into that river and dropping out again, I don't know, you
14 know, when they come in and when they go out.

15 Q Well, can you give us an estimate of how
16 much time it was before this experience that you saw
17 Stephanie Schram.

18 If you can -- if you can't -- if you can,
19 will you please tell us, Clem.

20 A The first thought I got right now was two
21 days -- that is the first thought that came into my head.

22 Q All right, and whenever it was that you saw
23 Mr. Manson with Stephanie Schram --

24 A I believe that time at Big Sur, or it was
25 either in Devil's Canyon, I don't know.

26 I think maybe it was on the ranch.

THE COURT: There is no question pending. Wait for the question.

BY MR. KANAREK:

Q When you first saw Mr. Manson with Stephanie Schram, Clem, where was it that you saw him and Stephanie?

A When I first saw him?

Q Yes.

A I first seen him coming in a milk wagon off the road into the ranch. That was the first time.

Q And was anyone else in the milk wagon with them?

A No.

Q Did they get out of the milk wagon together?

A Um-hum.

Q What happened? I mean -- did they --

Did Mr. Manson or this girl speak to anyone when they got out?

A Yeah, they got out of the car, I mean they was all happy and smiling.

And I seen a beautiful woman, a beautiful specimen of the woman specie with Manson.

Q Who else was there when they got out?

A I could say everybody -- there was a lot of people.

It's like I live in my own world, Mr. Kanarek, and everything I see is me.

1 A It doesn't make no difference. I just told you
2 that.

3 Q Well, then, my question is: How do you know
4 that Mr. Manson was not in the car?

5 A How do I know?

6 Q Yes.

7 A I just told you so.

8 How?

9 Q Yes.

10 A What does "how" mean?

11 Q Well --

12 A I remember there was Linda, there was Sadie
13 and myself, and there was some other people in the car, but
14 I am almost positive that Charlie wasn't with us.

15 Q All right.

16 Will you tell us upon what do you base that,
17 Clem?

18 A If I can remember back, I don't think Charlie
19 was on the ranch that night, the night that I remember
20 going in the car and driving around. I think he was in
21 Devil's Canyon.

13-3

1 Q All right, then after -- when they got out,
2 what time of the day or night was it?

3 A It seemed like it was in the afternoon, the
4 sun was out, I remember that, it was a hot day.

5 Q It was a hot day?

6 A Yeah.

7 Q Then what happened after that? They got out,
8 were they introduced around?

9 A Yes, she walked around, I kind of sneaked up
10 next to her and checked her out and stuff, she was awfully
11 beautiful, I like beautiful things so I was looking at her,
12 maybe I could hug her or something, get next to her.

13 THE COURT: Wait for the next question.

14 Ask your question, Mr. Kanarek.

15 THE WITNESS: There is no question pending, what do
16 you mean?

17 BY MR. KANAREK:

18 Q Clem, would you wait and just respond to the
19 questions.

20 A I am only saying what I am saying. They are,
21 you know, they are your questions, I'm giving you the
22 answer.

23 THE COURT: Wait for the question.

24 THE WITNESS: Question?

25 DEFENDANT MANSON: The guy don't know what question
26 to ask.

13-4

1 THE COURT: Proceed, Mr. Kanarek.

2 DEFENDANT MANSON: (Unintelligible.)

3 THE COURT: All right, remove Mr. Manson from the
4 courtroom, connect up the speaker.

5 You may return, Mr. Manson, when you affirm
6 to the Court your willingness to conform to the requirements
7 and proper manner in a courtroom.

8 DEFENDANT MANSON: Your requirements and proper
9 manner change from time to time.

10 THE COURT: Proceed with your examination, Mr.
11 Kanarek.

12 THE WITNESS: They change according to what you
13 want to do.

14 THE COURT: That remark will be stricken. The
15 jury is admonished to disregard it.

16 Will counsel approach the bench?

17 (The following proceedings were had at the
18 bench out of the hearing of the jury:)

19 THE COURT: Now, let's get on with it, Mr. Kanarek.

20 In the first place this witness causes me
21 very grave doubt as to whether he is even compos mentis
22 enough to understand the questions.

23 He seems unable to respond responsively to
24 any question.

25 Why you would want to call this witness is
26 beyond my comprehension, but that is up to you.

13-5

1 MR. KANAREK: Your Honor, I did not call him
2 initially.

3 THE COURT: Do you have to keep asking questions
4 when you are obviously hurting your case?

5 MR. KANAREK: No, your Honor, who knows what a
6 jury will believe. Maybe a jury --

7 THE COURT: No jury will ever believe this witness,
8 I will promise you that.

9 I want the record to clearly reflect that if
10 this man is not under the influence of something now, he
11 appears to be very close to being under the influence, or
12 at least mentally incompetent in some manner or other.

13 I am not talking about the physical appearance
14 of him. I am talking about the manner in which he gives
15 his answers and the content.

16 We are not going to turn this into a circus.
17 This is ridiculous.

18 You are not required to ask him one further
19 question.

20 And if you ever make a remark about the Court
21 like you did before, you are going to spend five days in
22 jail.

23 Do you understand that?

24 MR. KANAREK: Your Honor, may I be sworn? My only
25 desire --

26 THE COURT: I don't want to hear from you,

13-6

1 Mr. Kanarek, on that subject.

2 Did you hear what I said?

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: I meant it.

5 Let's get on with this trial.

6 (The following proceedings were had in open
7 court in the presence and hearing of the jury.)

8 BY MR. KANAREK:

9 Q Clem, you know Linda Kasabian?

10 A Yes, I do.

11 Q Have you had sexual relations with Linda
12 Kasabian?

13 A I made love to her on occasions, at times.

14 Q Pardon?

15 A I made love to her many times.

16 Q About how many times?

17 A I don't count, man. It's all one time, from
18 the first time to the last time it's all one.

19 Q I see. All right.

20 A There is no separation.

21 Q Now, on this night that we are speaking of
22 there is no question in your mind, is there, but what
23 Linda Kasabian was with you?

24 A No, there is no question.

25 Q On how many different nights did you ride
26 with Linda Kasabian in an automobile at night having left

13-7

1 the Spahn Ranch with her or other people?

2 How many different times?

3 A We used to leave the ranch every night just
4 to go down to the store, and if we felt like driving
5 around we would drive around.

6 Q You and Linda Kasabian --

7 I'm speaking now when you were with Linda
8 Kasabian.

9 A Just exactly -- let me see here -- I don't
10 know, man, it's hard to say because every night they would
11 leave to go downtown on a garbage run, you see, and what-
12 ever girls chose to go at that time would go.

13 I would go just about every day because I
14 like to get away from the camp so I don't have to do a
15 lot of work and things. I like to go for rides and things
16 and look at the city.

17 Q All right, now, on this night, the night of
18 this experience that you are speaking of, Clem, at this
19 time did you leave in Johnny Swartz's car?

20 Do you know Johnny Swartz's car?

21 THE COURT: What experience are you referring to,
22 Mr. Kanarek.

23 Lay a foundation.

24 MR. KANAREK: Yes, I'm referring to the experience
25 that he has called an experience.

26 He seems to prefer that rather the word night.

13-8

1 THE COURT: Lay your foundation as to time and
2 place.

3 MR. KANAREK: Yes.

4 Q After Linda Kasabian came to the ranch,
5 sometime after she came to the ranch did you leave the
6 ranch with her and other people in Johnny Swartz's car
7 at night?

8 A Johnny Swartz has a couple of cars. He had
9 a truck; we used that sometimes.

14 fls.

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1 Q I am speaking -- do you remember this car
2 that had a lot of things in the back seat, like maybe
3 cans and things like that in the back of the car?

4 Do you remember that car?

5 A That doesn't tell me anything, really. All
6 the cars had stuff in them, gas cans, oil cans.

7 Q I am not speaking of a truck.

8 A I know. You are speaking of a car, four
9 wheels.

10 Q Right.

11 Do you remember leaving in Johnny Swartz's
12 car with Linda Kasabian and other people at any time?

13 A I don't know about Johnny Swartz's car.

14 As far as that is concerned, about the time
15 I left the ranch, I was coming onto the LSD, and all the
16 cars, they didn't look like cars no more, they looked like
17 space ships.

18 Q All right.

19 A In other words, there was no distinction if
20 it was a Chrysler or a Buick or a Cadillac or whatever,
21 you know.

22 My attention wasn't on the make of any kind
23 of car or anything like that.

24 Q I see. All right.

25 But then you left in some vehicle with
26 Linda Kasabian on the night that you call this experience.

14-2

1 You had an experience; right?

2 A Uh-huh.

3 Q Would you answer yes or no?

4 A Yes or no.

5 Q Then, after you say you left the Spahn Ranch,
6 at some time you stopped; is that right?

7 THE COURT: Lay a foundation as to time, Mr. Kanarek.

8 MR. KANAREK: Yes, your Honor, I shall.

9 THE COURT: And date.

10 BY MR. KANAREK:

11 Q At some time that night, when Linda Kasabian--

12 THE COURT: Lay a foundation as to date, Mr. Kanarek.

13 MR. KANAREK: I have asked him, and I will ask him
14 again, your Honor.

15 Q Can you give us a time, a date, about how long
16 it was after Linda Kasabian came to live at the Spahn Ranch
17 that you left with Linda Kasabian in an automobile or some
18 vehicle with other people?

19 A I think that the girl was only there for about
20 a month.

21 Is that right? How long was she there? I
22 don't know.

23 Q Are you saying it was about a month after she
24 came there?

25 A I am just trying to figure how long she was
26 there.

14-3

1 Q Forgetting how long she was there --

2 A I was thinking, from the time she was there
3 until she was gone, what happened in that space.

4 Q All right. Tell it to us that way, then.

5 Describe the time, in other words, in terms
6 of how long after she came.

7 A As of now, I couldn't tell you that, to be
8 truthful about it, to be exact and all that stuff.

9 Q Was it about a month afterwards, Clem, that
10 she came; a month after she came to the ranch that you left
11 with her?

12 A I left occasional times with her and different
13 people all the time.

14 There was no specific time when I did it.

15 I remember one time, the only time that I
16 remember going any place, a far place, with her is when
17 we went to the beach.

18 Now, I can't remember if that was a month
19 after, a week after, two days after.

14a fls.

14a-1

1 Q All right. Let's take this time.

2 You only went to the beach with her once;
3 is that right?

4 A I think we went down one time to Topanga
5 Beach one time.

6 Q Well, then, did you have any conversation
7 with Linda? Was there any talk with Linda after you left
8 the Spahn Ranch on this night that you say you went to the
9 beach?

10 A I remember she said she is going to cast a
11 spell. I don't know. I am not sure if that was the night.

12 She was talking about -- one time she did
13 tell me she was going to cast a spell to get Bobby out of
14 jail.

15 I said: How in the fuck is she going to do
16 that, cast a spell?

17 Q Now, this time, now let's direct our attention
18 to the time when she said that she was going to cast a
19 spell and get Bobby out of jail. Did she make this state-
20 ment while she was in an automobile with you?

21 A I rightly can't remember that.

22 Q What did she tell you that -- about how she
23 was going to cast this spell to get Bobby out of jail?

24 A I don't know.

25 I tried to figure that one out myself. She
26 didn't say.

14a-2

1 Q Did you ever see Linda Kasabian with Bobby
2 Beausoleil?

3 A Yes. I watched them make love together.

4 Q And where was it that you saw them make love
5 together?

6 A In the front room of the back ranch house.

7 Q The front room of the back ranch house? Is
8 that what you are saying?

9 A Yes, that is what I said.

10 Q And how many different times did you see
11 Linda Kasabian make love with Bobby Beausoleil?

12 A I don't remember. As of now, I don't remember.

13 Q Well, was it more than once?

14 A Oh, yes.

15 Q Had you heard Linda Kasabian discuss Bobby
16 Beausoleil being arrested? Had you heard her talk about
17 that?

18 A Yes.

19 I think that was with conversation where
20 she had made this spell, that she was going to get him
21 out.

22 Q What did she say about Bobby Beausoleil being
23 arrested?

24 A Well, she said that he was one of the most
25 beautiful men she ever met, and she can't stand for
26 him to be in jail, and that she is going to do something

14a-3

1 to get him out.

2 She didn't say it in those words, but to that
3 effect.

4 Q Who all was present besides yourself when she
5 said that?

6 A Nobody but myself.

7 Q Just you?

8 A That is all there is.

9 Q And were you in a car? Were you in a living
10 room? Where were you when she said this?

11 A I could say at the ranch, but then, wow, I
12 don't know, man.

13 I really can't say for sure.

14 Q Did you ever drop acid with Linda Kasabian?

15 A Yes. That night we went to the beach.

16 I don't know if she dropped acid or not.
17 I didn't see her drop any.

18 Q Did you ever drop acid with Linda Kasabian?

19 A Yes.

20 Q On how many different times did you drop
21 acid with Linda Kasabian?

22 A How many times did I drop acid?

23 Let's say -- I will say numerous occasions.
24 But I can't say a definite number.

25 Q In other words, you and she were both under
26 the influence of LSD at the same time?

A Right.

14b-1

1 Q Would you tell us who else was present on
2 any of these occasions when you were under the influence
3 of LSD at the same time that Linda Kasabian was?

4 A Just about everybody at the ranch.
5 Like I said before, we didn't take LSD unless
6 we took it all together.

7 Q And where was it that you took it when you
8 took it all together?

9 A It would be different places.
10 Sometimes in the saloon, because that was a
11 big place, you know. We would take it at night. It could
12 hold everybody and keep everybody warm inside there.

13 Or we would take it in the back house. That
14 was a big enough place too.

15 Now, then, how did you find out that Bobby
16 Beausoleil was arrested, Clem?

17 A I don't know.

18 Q You don't remember how you found out?

19 A No.

20 Q You say your brother is a Highway Patrolman,
21 a California Highway Patrolman?

22 A My brother is right inside that jail, right
23 over there, right through that doorway.

24 Q Is he a California Highway Patrolman?

25 A He is everything.

26 Q I am speaking now --

14b-2

1 A I know who you are speaking of.

2 Q I am speaking of your brother by blood.

3 Do you understand what I mean?

4 A Yes.

5 Q You have a brother that is a California
6 Highway Patrolman; is that correct?

7 A Right.

8 Q He is now presently, right now, he works for
9 the California Highway Patrol; right?

10 A Yes.

11 I have a lot of brothers that work for the
12 Highway Patrol.

13 Q Well, in any event, have you ever -- did you
14 discuss the arrest of Bobby Beausoleil with your brother,
15 that is, the California Highway Patrolman?

16 THE COURT: What is the relevancy of that?

17 THE WITNESS: If I ever did, I don't know.

18 MR. KANAREK: Well, your Honor, if I could approach
19 the bench?

20 THE COURT: The objection is sustained.

21 BY MR. KANAREK:

22 Q When you discussed, when you talk about Bobby
23 Beausoleil being arrested with Linda Kasabian, at that
24 time, had you ever heard of Gary Hinman?

25 A I seen him one time. That was about the extent
26 of it. I never heard nothing about him.

14b-3

1 Q Directing your attention, then, to Mr. Hinman.
2 Did you know, at the time that you spoke with
3 Linda Kasabian about Bobby Beausoleil being arrested, did
4 you know that he was arrested and accused of killing
5 Gary Hinman?

6 A Now, I don't remember me having knowledge that
7 he was arrested for that.

8 Q What did you think? What was going on in
9 your mind as to what Bobby Beausoleil was arrested for?

10 A I didn't know. I just knew he was in jail.

11 Q And you --

12 A In fact, it wasn't until about 1969 that I
13 found out that Bobby was arrested for the killing of Sharon--
14 Gary Hinman.

15 Q You found that out in 1969?

16 A I think so. I think that was the year.
17 Isn't that the year they arrested us in the
18 desert?

19 Q Well, when were you arrested in the desert?
20 Were you arrested in the desert like in the
21 fall, like October or November, of whatever year it was?

22 Is that the year that you are speaking of?

23 A Yes. Right. That is the year.

24 Q Now, did Linda Kasabian tell you how she was
25 going to cast this spell?

A No, she wouldn't tell me that.

14c file 26

14c-1

1 Q She didn't tell you that?

2 A I didn't believe her in the first place.

3 Okay, man. All right. Cast a spell.

4 Q What do you mean when you say you didn't
5 believe her?

6 A Well, I just didn't believe her or disbelieve
7 her.

8 I said: Okay, cast a spell.

9 I don't care what she does. I don't care
10 what any woman does. I don't pay any attention to them.

11 She said: I am going to cast a spell to get
12 Bobby out.

13 I said: That is good, cast a spell to get
14 Bobby out. I don't care.

15 After that, I thought back. How was she going
16 to do this?

17 I didn't entertain the thought no more.

18 Q Then after she said this -- I am now directing
19 your attention to the time after she said this, Clem.

20 You drove -- you say you like to drive around
21 the city; right?

22 A That's right.

23 Q Is that right?

24 A Right.

25 Q Who was driving the car on this occasion when
26 you went out to drive around the city?

1 A You mean the occasion that I went to the
2 beach?

3 Q Yes.

4 A Linda was driving.

5 Q Before you got to the beach, did the car
6 stop anywhere?

7 A I think what I said last time was it stopped
8 two places.

9 One place, the people that I don't remember
10 right now, there was some people who got out.

11 It stopped one place, and they got out.

12 And we left, and we stopped at a gas station,
13 where I got out and went to the bathroom.

14 So did Linda. And I don't know who else
15 went to the bathroom.

16 And then we proceeded to the beach.

17 I didn't know we were going to the beach.
18 We just got to the beach.

19 Q I see.

20 Now, would you describe, was there anything
21 near this gas station, Clem? Was there any other business
22 near this gas station?

23 A I don't remember. Or as of now, I don't
24 remember.

25 Q You stayed in the car and Linda went into
26 the gas station; is that right?

1 A No.

2 I went to the bathroom too, because I had been
3 in the car all that time, and the LSD had speeded up my
4 system. In other words, it was digesting my food faster
5 than the normal body would digest food, and I hadn't gone
6 to the bathroom since I left the ranch. So I went to the
7 bathroom.

8 Q My question is: Did Linda get out of the car
9 when you were in the gas station?

10 A Yes. I told you that.

11 Q When Linda got out of the car and she was at
12 the gas station, what occurred?

13 Did she have anything in her hand when she got
14 out of the car?

15 A I think she had a wallet to pay the gas. You
16 know, the gas bill.

17 Q She had a wallet to do what?

18 A Pay for the gas.

19 Q Who paid for the gas?

20 A I imagine she did.

21 I don't remember her paying for any gas,
22 but she had a little thing in her hand. I imagine it was
23 for the gas. A credit card. Because that is what we were
24 using.

25 Q And did she use a credit card to pay for the
26 gas at this gas station?

1 A Well, I really couldn't say if she paid for
2 the gas or not. When I came back in the car, it was ready
3 to go.

4 Whether she paid for the gas for the car or
15 fls. 5 not, I don't know.

15-1

1 Q Well, when you drove into this gas station did
2 you get gas?

3 A Yeah, we did. I'm pretty sure we did.

4 Q All right. Who was in the car at the time you
5 drove into the gas station to get the gas?

6 Would you tell us who was in the automobile?

7 A Sadie, Linda and me.

8 Q Who else?

9 A That was it.

10 Q Pardon?

11 A That was all.

12 Q Was there any males in the car -- any --

13 A No, me.

14 Q Who asked for the gas?

15 A Linda was driving the car.

16 Q Did she drive up into the pump area of the gas
17 station?

18 A I have this kind of picture on the head, that
19 we might have pulled around the back, then I got another
20 picture of her sitting in the gas -- you know, next to the
21 pumps, so I don't know what does that mean.

22 Q Well, would you tell us -- are you familiar
23 with the San Diego Freeway? Does that mean anything to you?

24 A It means San Diego Freeway.

25 Q Does the Golden State Freeway mean anything to
26 you?

1 A No, it doesn't mean anything.

2 Q Does Sylmar mean anything to you?

3 A No.

4 Q Pacoima?

5 A No, it doesn't mean anything.

6 Q Or Van Nuys?

7 A It doesn't mean anything. It means a word,
8 sounds.

9 Q Sherman Oaks?

10 A No.

11 Q None of those places mean anything.

12 You have no -- was the automobile near one of
13 these places?

14 A No. In fact, I don't know where we was really.

15 The only time I remember that I was familiar
16 with any kind of place was when we went to the beach.

17 Q All right. You went to the beach after you got
18 gas at the station, right? Is that correct?

19 A Yeah.

20 Q All right, after you left the gas station did
21 you use a freeway or did you use surface streets or what
22 did you use?

23 What kind of path was it that you took to the
24 beach?

25 A I don't remember it right now.

26 Q All right, at some time --

1 A It could have been a freeway or a big main
2 street, but I cannot tell you for sure.

3 Q At some time you got to the beach, is that
4 correct, Clem?

5 A That's correct.

6 Q And did Linda park the car at the beach?

7 A Yeah, she was driving.

8 Q All right, then did you and Sadie and Linda
9 then get out of the automobile?

10 A Yeah, we did.

11 Q All right, What happened? What happened when
12 you got out of the automobile?

13 A Well, I looked around and I could see all kinds
14 of life in everything. Everything was breathing with the
15 atoms of life.

16 I could see the presence of life in everything
17 that existed around me.

18 Q Well, you got out. My question is what did you
19 -- let me withdraw that.

20 What did you do then, may I ask you that? What
21 did you do after you got to the beach, after the car got to
22 the beach?

23 A I was sitting -- I was just being. I wasn't
24 really doing anything.

25 Q But at some time did you get out of the car after
26 the car got to the beach?

1 A Yeah.

2 Q All right, what did you do after you got out of
3 the car?

4 A After I got out of the car I was looking at
5 everything, all of the things around me like it was -- I
6 don't know -- when you're on acid, Kanarek, your thought is
7 not of a thought regular when you are consciously walking
8 around, thoughts you would be thinking, there is a tree,
9 there is a window, something like that.

10 I don't have none of those thoughts.

11 You are in a hole where all thoughts exist.
12 It's death; that's what it is, which is life reversed.

13 People say death is when you die, that's death.
14 That is not so.

15 THE COURT: That will be enough. Ask your next
16 question.

17 MR. KANAREK: Yes, your Honor.

18 THE WITNESS: I'm telling too much truth, oh, man.

19 Q BY MR. KANAREK: How old were you when you
20 first took LSD, Clem?

21 A I don't know, there was no age in my head at
22 that time.

23 Q How old are you now, do you know?

24 A How old I am?

25 Q Yes.

26 A That question can go both ways. How old is this

1 body? Is that what you want to know?

2 Q Yes, yes.

3 A Chronologically this body is 19 years old.

4 Q And how many years have you taken LSD?

5 A How many years have I taken LSD? Each time I
6 take it it seems like a thousand years, man.

7 There is no time, Kanarek. There is no time
8 at all, man.

9 That clock doesn't never move. It's like when
10 you take acid, your conscious mind, you give it back up
11 to your father.

12 THE COURT: That will be enough. Go on to your next
13 question, Mr. Kanarek.

14 THE WITNESS: Ha ha. -- oh, man.

15 Q BY MR. KANAREK: Were you in high school when
16 you first took LSD, Clem?

17 MR. FITZGERALD: Immaterial and irrelevant.

18 THE COURT: Sustained.

19 THE WITNESS: Was I in high school? No, I wasn't,
20 surely I wasn't in high school.

21 THE COURT: Just a moment. Wait for the next question.
22 Wait for the next question.

23 Q BY MR. KANAREK: Well, then, thinking --

24 You got to the beach and did Sadie get out of the
25 car?

26 A I got out of the car.

1 Q At some time did Sadie get out of the car?

2 A I guess so. I never paid too much attention to
3 the girls, what they was doing.

4 Q And did Linda get out of the car?

5 A She had to because I found myself walking with
6 her.

7 Q So at some point after that you found yourself
8 walking with Linda and Sadie.

9 Where did you go?

10 A We did not really go anywheres, we was just
11 walking up and down on the sands of the beach.

12 Q You were on the beach itself?

13 A Well, we was pretty close. There is like a
14 little tiny walk I can remember, like this, and right here
15 is the sand, and the ocean.

16 I was walking on this little tiny like --

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15a-1

1 Q So the three of you walked actually on the
2 sand part, that is, you were actually on the part right
3 next to the water?

4 A No, no, I'm not saying that. I'm saying before
5 the sand part there is like a little tiny walk, a brick
6 walk it could have been, I don't know, stone -- we was
7 walking on the stone walk.

8 Q And the three of you -- where did the three
9 of you walk?

10 A Nowhere really as far as I can remember, we
11 just walked around. There was no place in my mind that I
12 was going.

13 Q Well, did you at some time come back to the
14 car?

15 A Yeah.

16 Q Well, between the time you left and came back
17 to the car did you go to any particular place, the three
18 of you?

19 A Particular -- what does that word mean?

20 Q Did you go to any --

21 Did you go to a house, or an apartment or a
22 store.

23 A I remember we went to a restaurant -- yeah,
24 we went to a restaurant -- we drove to a restaurant though.

25 Q Well, when you first came to the beach, the
26 three of you got out. Did you walk --

15a-2

1 Is that the time you went to the restaurant?

2 A No, I guess that time we came back to the
3 car and got in the car and went to the restaurant, not
4 really a restaurant, a little cafe thing.

5 Q Well, at some time you ended -- you went
6 back to the Spahn Ranch, is that right?

7 A That's right.

8 Q Well, did you go to this restaurant --

9 Well, let me ask you:

10 When you stopped at the beach did you --

11 When you got out of the car did the three of
12 you walk to a restaurant?

13 A I don't remember right now.

14 Q Well, when you got to the beach did Sadie say
15 anything?

16 A If she did I was not paying no attention to
17 her.

18 Q When you got to the beach did Linda say
19 anything?

20 A I hate to say anything that I'm not sure of,
21 man.

22 I could be saying something she said back at
23 the ranch.

24 But I'm not sure. Is it all right to do that?

25 THE COURT: Do you have any recollection of any of
26 these events, Mr. Grogan?

1 Do you actually remember these things that you
2 are testifying to now?

3 THE WITNESS: I remember, I see pictures, you see.

4 THE COURT: Are you testifying from your memory
5 now or are you making something up, or what?

6 THE WITNESS: No, testifying from my memory.

7 THE COURT: All right, go ahead.

8 THE WITNESS: From the pictures that come up when
9 he asks the question.

10 BY MR. KANAREK:

11 Q You were telling us that you were at this
12 gas station.

13 At any time that night now, I'm asking you
14 to think in terms of that gas station where you got the gas.

15 At any time that night did you stop in front
16 of a house?

17 A I think that was the first -- we stopped --
18 I don't know if it was a house we stopped by, but when we
19 first stopped --

20 Q All right.

21 A There was some way -- people got out, as to
22 what person got out, I don't know.

23 And then we just left.

24 Q All right. About how long did you stop in
25 front of the house where the people got out?

26 A Just as long as it takes people to get out of

1 a car.

2 Q All right, how long were they gone from the
3 car, these people that got out of the house?

4 A I don't know because we left as soon as they
5 got out of the car.

6 As far as I can remember, I don't remember
7 staying around there a whole long time, you know.

8 Q Well, did some people leave the car and then
9 come back to the car after some period of time.

10 A No, as far as now I cannot remember that.

11 Q When the people got out of the car, who were
12 left in the car, Clem, at the house?

13 A Me, Sadie and Linda.

14 Q What was said by anyone after the car stopped?

15 A I don't remember anything being said.

16 Q Was this at night, Clem?

17 A This was at night, yes.

18 Q And what did you see?

19 Would you describe the area around which you
20 parked?

21 A As I say, previously I don't remember if there
22 was a house or a building that they stopped.

23 I know that they stopped, and people got out.

24 I don't know -- let's see, I remember there
25 might be some trees around. It was dark, man.

26 The area -- let's see, here, I remember there

1 was some trees there.

2 Q Was Sadie on LSD that night?

3 A I don't know. Linda gave her a tab of acid --

4 Q That night?

5 A She could have been, I don't know.

6 Q Was Linda on acid that night?

7 A I don't know that either.

8 Q Well, was --

9 A All I could see was myself. That is all I
10 see.

11 Q Well, in looking at yourself, how did you think
12 you were going to get back to the ranch?

13 A It didn't matter how you got back to the
14 ranch.

15 Q Well, looking at yourself, where did you think
16 you were going?

17 A I did not think. I was just going along for
18 a ride.

19 Q Who asked you to go along for a ride?

20 A I think Linda did. Yeah, Linda did,

21 She asked me if I wanted to go for a ride.

22 First she gave me the LSD, that was right
23 before the sun was setting, I can remember that much, and
24 then after about an hour she come to me and asked me if I
25 wanted to go for a ride.

26 I said "Okay," I said "Where are we going?"

1 She said "I don't know. We will go for a
2 ride."

3 I said, "Okay."

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1 Q Did you see any weapons, you know what I mean,
2 guns or knives in the car?

3 A No, I did not see no knives.

4 Q Did Linda have any knife on her?

5 A I think she had her little hunting -- she used
6 to carry a hunting knife with her all the time.

7 She just carried that along wherever she went.

8 Q And how did she carry the hunting knife on her?

9 A I'm not too sure, but I think she had kind of
10 a metal case right here.

11 Q And you say she carried this hunting knife
12 wherever she went?

13 A I don't know if it was a hunting knife, a
14 knife, let's say knife.

15 It wasn't -- you can say it was a knife, it
16 doesn't make no difference.

17 Q Did Sadie have a knife?

18 A I don't know.

19 Q Did you have a gun on you?

20 A No, I didn't have no gun on me.

21 There was a gun in the glove compartment -- let's
22 see, I'm not familiar with that gun -- it was a Benjamin
23 Franklin colored gun which you used to practice, you know,
24 shooting cans at the ranch and things.

25 Q There was a Benjamin Franklin pellet gun in
26 the glove compartment.

1 A Air pistol, you know.

2 Q How did you determine that, that there was a
3 gun in the glove compartment?

4 A How did I determine this?

5 Q Yes.

6 A Because I knew it was there. How I knew it
7 was there?

8 Q Yes.

9 A Because I put it there myself.

10 Q I see. And when did you put it there, Clem?

11 A I think just before we left the ranch.

12 Q And what is the reason that you put this pellet
13 gun in the glove compartment before you left the ranch?

14 A I don't know if there is any reason. I just had
15 it in my possession so I took it with me.

16 Q Where were you sitting in this car?

17 A The driver would be here. I was sitting right
18 here in the front seat.

19 Q You were sitting in the passenger seat of the
20 car, is that right?

21 A Pretty sure. I couldn't be anywhere else.

22 Q And where was Sadie sitting?

23 A In the back seat.

24 Q And where were these other people sitting?

25 A In the back seat.

26 Q That evening after you got in the car did you

1 at any time take out this, what you call, pellet gun?

2 A I think I did.

3 Q When did you take out the pellet gun?

4 A Well, I can tell you I took it out when I took
5 it out. I don't know.

6 Q What did you do with the pellet gun when you
7 took it out?

8 A I think I gave it to Sadie.

9 Q And where were you when you took out the pellet
10 gun and gave it to Sadie?

11 A In the car.

12 Q But where was the car?

13 A I am pretty sure -- no, I'm not sure -- it
14 could be at the beach.

15 I'm not sure about that, though, I'm not
16 positive.

17 Let's say that is an answer on assumption.

18 Q Where was Linda when you gave the pellet gun
19 to Sadie?

20 A She was around. I don't know where her exact
21 position was. She could have been in the car; she could
22 have been standing outside of the car.

23 Q Well, were you outside the car when you gave
24 the pellet gun to Sadie?

25 A No, I just told you I gave it to her when I
26 was inside of the car.

1 Q You were inside of the car.

2 And was Linda inside of the car at the same
3 time?

4 A I don't know.

5 Q Was the car moving or stopped?

6 A It was stopped. I am pretty sure it was
7 stopped.

8 Q At the time that you gave the pellet gun to
9 Sadie, was there any conversation between yourself and Sadie?

10 A I think I said here, take this.

11 Q I see. And what was your reason for taking
12 the pellet gun out of the glove compartment and saying
13 "Here, Sadie, take this"?

14 A Because there is a lot of heat in Santa Monica,
15 and they would jack you up for anything they have a chance to
16 jack you up for.

17 Q When you say there is a lot of heat in Santa
18 Monica --

19 A I mean policemen patrolling, having nothing to
20 do other than look out in the area and things, you know.

21 Q And when you say "jack up," what do you mean
22 by that?

23 A Well, they go through your car and ask you,
24 "What is this and what is this, what is your name, where
25 do you live?"

26 "Whose car is it?"

1 You know, they go through their procedure that
2 they go through, that they take you through when they stop
3 you.

4 Q And so you wanted Sadie to have this gun. How
5 was that important in connection with the heat and being
6 jacked up?

7 A BEcause they would ask me where the gun was.
8 Naturally you draw heat if you have gun in the
9 car.

10 Q You what?

11 A Naturally you would get a lot of questioning
12 from a policeman on where you got the gun.

13 They may even think you stole a gun and bring
14 you into jail on a stolen gun charge.

15 Q Didn't you think you are more likely to get the
16 heat if you have the gun right on your person, right
17 carrying it on you, than you would if you had it in the car?

18 A I don't know. I wasn't thinking in those terms.

19 Q What is that?

20 A I don't know.

21 Q You don't know?

22 A I don't know the law, you do, you know, I don't
23 know the points of law.

24 THE COURT: Get on with your examination, Mr. Kanarek.

25 Q BY MR. KANAREK: Now, when you took this gun and
26 gave it to Sadie, what did Sadie do with a gun?

1 A I don't know. She got rid of it, I know that.

2 Q Well, where was Linda?

3 A I don't know. I think she was stand-
4 ing next to us.

5 Q So, Linda was standing right next to Sadie
6 when you gave her this gun, right?

7 A Not for positive, I am just telling you I think
8 she was.

9 Q And where did the three of you then go, if
10 anywhere, after you handed this gun to Sadie?

11 MR. FITZGERALD: I am going to object to this entire
12 line of questioning, your Honor, as immaterial and
13 irrelevant, and I wonder if we might approach the bench
14 for the purposes of making an argument.

15 THE COURT: Yes, you may approach the bench.
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15c-1

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

3 MR. FITZGERALD: Mr. Shinn and I would like to
4 interpose an objection on behalf of our respective clients
5 on the grounds it is immaterial and irrelevant.

6 We anticipated Mr. Kanarek would tie up the
7 day. We don't even know what day we are talking about.

8 Unless there is going to be some stipulation--

9 THE COURT: I don't know anything about what he is
10 talking about.

11 MR. FITZGERALD: I don't either.

12 MR. KEITH: I will join in the objection.

13 MR. KANAREK: I did not call this witness.

14 THE COURT: That has nothing to do with it, Mr.
15 Kanarek.

16 MR. KANAREK: Because of this line of questioning,
17 there is a certain -- there is a certain implication that
18 the jury can infer, this was the night that Mr. Bugliosi
19 testified -- interrogated extensively on.

20 THE COURT: They can infer from what?

21 MR. KANAREK: About the gun, at the beach. There
22 was Linda Kasabian who had testified in connection with a
23 gun at the beach, and in connection with the hiding of
24 the gun and all of that.

25 I have the right to go into that because
26 Mr. Manson was not present.

15c-2

1 THE COURT: What is that supposed to mean?

2 MR. KANAREK: Well, that tends to exonerate Mr.
3 Manson, if he is not present and the jury believes this
4 witness.

5 THE COURT: You mean Mr. Grogan said he wasn't
6 present, is that what you are referring to?

7 MR. KANAREK: Yes, I'm saying you can certainly
8 infer from what Mr. Grogan is saying that Mr. Manson was
9 not present.

10 THE COURT: You have that statement.

11 MR. KANAREK: I know, but if he knows the details,
12 they can infer it is the same night Mr. Manson is not present.

13 THE COURT: I cannot recall of any detail that he has
14 been able to testify to, by stating it in such a way that
15 it cannot be related to anything else.

16 MR. KANAREK: The fact is I did not call this witness.

17 THE COURT: You have said that now half a dozen
18 times, Mr. Kanarek.

19 That has nothing to do with what we are talking
20 about.

21 MR. KANAREK: Well --

22 THE COURT: That does not mean you cannot stop asking
23 him questions whenever you want to. I seriously question
24 your judgment.

25 It is not a question of whether you have a
26 right to examine him. Of course you have a right to examine

15c-3

1 him as long as you are getting into something relevant.

2 MR. KANAREK: This is relevant because it is the same
3 type of testimony as Linda Kasabian gave.

4 She said there was a gun.

5 THE COURT: I don't think it is the same type at
6 all.

7 MR. KANAREK: Pardon?

8 THE COURT: I say it is not the same type at all.
9 I don't know what you mean by "type."

10 MR. KANAREK: She testified that at the beach --

11 THE COURT: I know what she said.

12 MR. KANAREK: All right then.

13 THE COURT: How long do you propose to go on with
14 this?

15 MR. KANAREK: Your Honor, I propose to go on until--

16 THE COURT: Give me an estimate.

17 MR. KANAREK: Pardon?

18 THE COURT: I want an estimate of time.

19 MR. KANAREK: I would say a half hour, 45 minutes.

20 THE COURT: You are going to finish today with this
21 witness, Mr. Kanarek.

22 You have 25 minutes to go, and you better get
23 moving.

24 MR. KANAREK: Your Honor is the one to rule. I
25 allege this is an arbitrary cutting off and a denial of
26 due process.

15c-4

1 THE COURT: You may be finished long before then.
2 Let's not waste time. Get out there and continue your
3 examination.

4 MR. KANAREK: Your Honor has indicated this is a
5 most unusual witness.

6 However, ^{if} Mr. Manson's defense lies in a most
7 unusual witness, that is the way it is.

8 THE COURT: That is not the point at all. The question
9 is whether this man really has the mental capacity to testify
10 at all.

11 MR. KANAREK: Your Honor has the power under the Code
12 to declare a doubt.

13 THE COURT: He took an oath and he says he knows what
14 it means.

15 MR. KANAREK: Your Honor may recall that there was
16 a witness here, a witness, one Michael Hendrix.

17 Your Honor pointed out the Evidence Code and
18 indicated that with the present wording of the Evidence
19 Code, it is such that --

20 THE COURT: Yes, I remember all of that, Mr. Kanarek.
21 Let's not waste any more time. Get on with
22 your examination.

23 MR. KANAREK: Very well.

24 (The following proceeding were had in open
25 court in the presence and hearing of the jury:)

26 THE COURT: Reframe the last question, Mr. Kanarek.

15c-5

BY MR. KANAREK:

Q Clem, was there some reason -- was there some reason that you remembered the gun at the time you were at the beach?

A Yeah, I remember the fear I experienced. I experienced a little bit of fear of being harassed.

You see, I left some positive charges on that pictures, that is why I still have it.

Q You left positive charges on a picture?

A No, negative charges on a picture, which keeps it in your mind.

Q When you say -- what picture are you speaking of, Clem?

A The thought picture that I had.

Q What do you mean by that?

A Well, I marked my mind, I seen where the police were coming and harassing us, because of an air pistol.

Okay, I seen that picture in my mind, in my head, okay.

I experienced a little bit of fear which I left on that picture which is negative energy, you see, and I store that back in my brain.

They are called engrams.

All right, so I went around to gather that experience of getting underneath that experience of being harassed by the police, but I didn't have the picture to

16-1
1 dissolve it, so it is still there.

2 Q And whatever picture there is, there is no
3 question in your mind that when you were at the beach, you
4 were there with Sadie and Linda, and no one else; is that
5 right?

6 A That is right.

7 Q No question about that?

8 A No question.

9 Q Now, earlier that evening, earlier that evening,
10 Clem, when you were parked somewhere, did you have any
11 thoughts or any thinking about that pistol?

12 Did you have any occasion to think of any
13 harassment, the heat, being jacked up, or anything like
14 that, when you were parked wherever you were parked and you
15 spoke about these people getting out?

16 A No.

17 The reason why I started getting paranoid in
18 Venice --

19 THE COURT: That is enough. You have answered the
20 question.

21 Ask your next question.

22 MR. KANAREK: Will you tell us, then, what is the
23 reason?

24 A I will tell you a reason that is logical to
25 thinking minds.

26 THE COURT: That is irrelevant.

Ask your next question.

1 Q BY MR. KANAREK: Will you tell us your reason?

2 THE COURT: That is the same question.

3 Ask your next question, Mr. Kanarek.

4 MR. KANAREK: Very well, your Honor.

5 THE WITNESS: You know, you are supposed to have this
6 defense before the verdict is reached.

7 THE COURT: That is enough, sir.

8 THE WITNESS: You know that.

9 THE COURT: That is enough, Mr. Grogan.

10 MR. BUGLIOSI: Motion to strike that remark, your
11 Honor.

12 THE COURT: Mr. Grogan's comments are stricken and
13 the jury is admonished to disregard it.

14 Proceed with your examination, Mr. Kanarek.

15 MR. KANAREK: Q Now, after these people got out
16 of the car in front of the house that you are speaking of,
17 Linda got in the car and drove to the beach; is that right?
18 You ended up at the beach finally; is that right?

19 A That's right.

20 Q And when you left that house, the only people
21 in the car were the same people that were at the beach later
22 on; is that right?

23 A Would you say that again?

24 Q When you left this house, Clem, there was your-
25 self, Linda and Sadie in the car; is that right?

26 A As I said before, I never stated that we

1 stopped at a particular house,

2 We might have stopped at a building or a house.

3 Q All right. A building or a house?

4 A Yes. Okay.

5 Linda, Sadie and myself was still in the car.

6 Q Right.

7 A And then we went to the beach.

8 Q And when you went to the beach, the same people
9 were in the car; right?

10 A Right.

11 Q And no one had left the car between the
12 time -- in the sense that no one left your group -- no one
13 left the group of people that were in the car between the
14 time that you left this building or house and the time you got
15 to the beach?

16 The same people were at the beach that were at
17 the house or building, whichever way you want to term it.

18 A No.

19 What you are saying -- you see, that way, if
20 you come back again and ask me who is the people that got
21 out, there was people that left the car that I don't remem-
22 ber as of now, but Sadie, me and Linda stayed with the car,
23 we stayed with the car and went to the beach.

24 Q Between the time that you left the building or
25 the house and the time that you got out at the beach, nobody
26 else left your group or entered your group, you three

1 people; right?

2 A Right.

3 Q Is that correct?

4 A That is correct.

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1 Q Now, tell us, after you gave this gun to Sadie,
2 did Sadie leave your presence? Did she leave your immedi-
3 ate presence? Did she leave you and go somewhere?

4 A Yes, she left.

5 Q All right.

6 Did she leave with Linda?

7 A I don't know. That I can't remember. Or I
8 don't know if that even happened.

9 Q Well ---

10 A In other words, you are getting your question
11 from what Linda and everybody else testified; is that
12 right?

13 Q Do you know what happened to the gun?

14 A Yes. I gave it to Sadie.

15 Q After you gave it to Sadie, do you know what
16 happened to the gun, this pellet gun that you are speaking
17 of?

18 A I imagine I told her: Here is the gun. And
19 she got rid of it, I guess.

20 Q Did you ever see the gun after you gave it to
21 Sadie that night? Did you ever see the gun again?

22 A I am not sure.

23 I think she showed me where she put it but I am
24 not sure on that. I can't be positive.

25 Q Where do you think she showed you that she put
26 it?

A I don't know.

1 Q Was it some place in the beach area or else-
2 where?

3 A It was in the beach area, but I am not sure --
4 I don't know about that.

5 Q Was Linda with you when she showed you where
6 she put it?

7 A I have no pictures of her being there.

8 Q Well, then, after the gun incident, after you
9 gave the gun to Sadie, did you and Linda and Sadie then go
10 somewhere, the three of you?

11 A Right.

12 Q You did?

13 A Yes.

14 Q Where did you go? Will you tell us where
15 you went?

16 A We got into the car.

17 Q Who drove?

18 A Linda drove.

19 Q Where did you drive to?

20 A Back to the ranch.

21 Q Did you go directly back to the ranch or did you
22 stop somewhere between the beach and the ranch?

23 A I think we stopped some place to get something
24 to eat.

25 Q Where did you stop?

26 A We stopped at a house on Topanga, in Topanga,

1 right next to the beach.

2 Q Is this a restaurant or is this a private
3 home?

4 A Wait a minute. I got those pictures mixed up.
5 When we left the beach, we stopped at a cafe.
6 I remember the girls getting something to eat,
7 eggs or something. I didn't get nothing to eat because I
8 wasn't hungry. That is because my system had emptied
9 everything out.

10 All right. After we did that, then we drove
11 down Pacific Coast Highway.

12 I think that is what they call it. There is a
13 highway that runs along the beach down towards Santa Barbara.

14 Is that Pacific Coast Highway? Is it?

15 Q Well, Clem, do you recall the road?

16 Describe it in the best way that you can do it,
17 Clem. If you don't know the name of the highway, then
18 describe its relationship to the beach.

19 A It is the only road that runs from Santa Monica
20 to Topanga Canyon along the beach, along the waterfront.

21 Q All right.

22 Then what did you do?

23 A Stopped the car and got out and went to this
24 girl's house.

25 I don't know if it was a girl's house. There
26 was an old man there, too.

1 Q What is the name of the girl and what is the
2 name of the old man?

3 A I don't know. I never seen him before in my
4 life.

5 Q Were these friends of Linda's or Sadie's?
6 You didn't know them. You never saw them before
7 in your life?

8 A They could have been friends of Sadie's or
9 Linda's. I don't know.

10 They seemed to know each other, so I took it
11 for granted that I was -- my seat was the lowest seat in the
12 house.

16b

16b-1

1 Q When you said that they seemed to know each
2 other, who do you mean seemed to know who?

3 A Well, I looked at them. There was no friction
4 between them. So, it was like everybody, like they had
5 an understanding to where maybe they met before, or what-
6 ever. I don't know.

7 Q Are you saying that Linda and Sadie both
8 knew the people at the house?

9 A I am not saying that. I can't say that.
10 I would imagine Sadie or Linda knew them
11 before because they let them into the house, and I never
12 seen them before. So, why would they let me in the house
13 for?

14 Q Was it still dark out?

15 A No, sir.

16 It was morning. Early morning.

17 Q And would you tell us what you did in the
18 house, you, Sadie, Linda, this man and woman in the house?
19 Would you tell us what you did?

20 A Well, I looked at this woman and this man,
21 and they said "We have some excellent marijuana we would
22 like you to smoke."

23 Q And so, will you tell us what happened?

24 A So, then she brought out the marijuana, and
25 we smoked it.

26 Q When you say "she," who are you speaking of?

1 A This woman. She was a dark -- she was of a
2 dark nature, dark hair, dark complected. She might have
3 been an Hawaiian. I don't know.

4 Q Did you, other than smoke marijuana, did you
5 have anything to eat or drink?

6 A I think we smoked some hash too.

7 Q And did everybody smoke marijuana, all five
8 of you?

9 A Yes.

10 Q Did everybody smoke hash?

11 A I remember I smoked hash. I don't know if
12 anybody else smoked hash.

13 Q Other than that, did you consume anything?
14 Was any food, sandwiches, anything, milk, anything like
15 that, eaten? Was any food eaten?

16 A I don't remember as of now that I ate
17 anything.

18 Q How long did you stay at the house that you
19 are speaking of?

20 A I don't know. There was no clock there. I
21 don't keep track of no time.

22 Let's say a while.

23 Hours and minutes, they don't relate to me.

24 Q All right.

25 Then, after you -- I will withdraw that.

26 How many marijuana cigarettes did you smoke?

1 A I don't remember that either.

2 Q How much hash did you smoke? Do you remember
3 that?

4 A No.

5 Q All right.

6 After you had been there, as you put it,
7 a while, did you, Sadie and Linda leave?

8 A Yes, we did.

9 Q All right.

10 Where did you go when you left?

11 A Back to the ranch.

12 Q Back to Spahn Ranch; is that right?

13 A That's right.

14 Q By this time, was it morning?

15 A Right.

16 Q Is that correct?

17 A Correct.

18 Q And you and Sadie and Linda drove back; right?

19 A That's right.

20 You see, the only reason they are doing this
21 is to make this thing look illegal -- or legal -- going
22 through these proceedings to make this thing look legal,
23 because they are doing everything backwards, man.

24 MR. KANAREK: Thank you.

25 THE COURT: Any examination?

16c fls. 26

MR. BUGLIOSI: Yes. Just a couple of questions.

16c-1

CROSS-EXAMINATION

1
2 BY MR. BUGLIOSI:

3 Q Clem, I can hardly see the X on your forehead
4 any more. Is it healing or what?

5 MR. KEITH: Objection.

6 MR. FITZGERALD: If that is a question, your Honor,
7 I am going to object.

8 MR. SHINN: I will join in the objection.

9 MR. KANAREK: Join in the objection.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: The X that I am wearing is white,
13 Brother.

14 BY MR. BUGLIOSI:

15 Q Didn't you carve an X on your forehead a
16 couple of months ago?

17 A Yes, I carved it.

18 I burned an X on my forehead.

19 Q Why did you do that?

20 A Why did I do that?

21 Q Yes.

22 A Because I was King myself out of your thought.

23 Q Where did you get that idea?

24 A Where did I get that idea?

25 Q Right.

26 A Because I watched you destroy yourself and

1 this whole system, and I wanted to divorce myself out of
2 your thought of self destruction.

3 Q But you didn't get that idea from Pooh Bear,
4 did you?

5 A Out of Pooh Bear?

6 Q Right.

7 You said you followed Pooh Bear all the time,
8 that he was your leader.

9 You didn't get that idea from Pooh Bear, did
10 you?

11 A No. I got the idea out of seeing life movie.

12 Q You put that X on your forehead immediately
13 after Charlie put the X on his forehead; isn't that right,
14 Clem?

15 A No. I don't think that is right.

16 Q Well, you were living out on the corner of
17 Temple and Broadway several months ago, weren't you?

18 A No, I wasn't living out there.

19 Q You were there quite frequently, weren't you?

20 A Yes. I was out there quite frequently.

21 Q And you were visiting Charlie in jail
22 frequently?

23 A That's right.

24 Q And then one day you saw an X on his forehead;
25 isn't that right?

26 A One day I saw an X on his forehead?

Yes, I remember I saw an X on his forehead.

Q Right.

A And then after that, you put an X on your forehead; right?

Q After that?

Q Right.

A I don't remember that.

Q I think one of the girls had an X before he did.

Q They have already testified, Clem, that they put the X on their forehead after he did.

A Okay.

Q Does that straighten out your memory a little bit?

A Those three girls?

Q What girls did I say?

Q These three girls, and also the girls out in the street.

A Okay.

Q Gypsy, Squeaky, Brenda, Sandy. They have already testified to that, Clem, that they put the X on their forehead after Charlie did.

A All right.

Q So, when did you put the X on your forehead?

A Let's see.

Q I burned an X on my forehead when I was over

1 at the County Jail.

2 Q Well, we will go on to another point then,
3 Clem,

4 Is your true name Steve Grogan?

5 A That is the name they put on me, on this body.

6 Q But you normally go by the name of Clem Tufts;
7 is that correct?

8 A Not Clem Tufts. Just Clem.

9 Q Are you also known by the name of Garth Tufts?

10 16d fls A No. The authorities put that name on me.

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Q They called you Garth Tufts?

A I was arrested with that I.D.

Q You gave them that name?

A No, I didn't give them that name.

They assumed that was my name.

Q They looked at you and you looked like a person that would have the name like Garth Tufts; is that correct?

A I don't know what they were thinking. They were thinking whatever they were thinking.

Q Have you ever also gone by the name of Grant Mollan?

A I was arrested on a breach of promise.

Q Breach of promise?

A Right.

Q Some gal you made a promise to, Clem, or what?

A It was a promise to return a truck a certain date.

Q Oh, I get it.

Sometimes that is called Grand Theft Auto, too; isn't it, Clem?

MR. FITZGERALD: I am going to object to that question, it is improper.

MR. KANAREK: Objection, your Honor.

THE COURT: Sustained.

MR. BUGLIOSI: Q On this promise to bring back a truck, you say you went by the name of Grant Mollan at that

1 time?

2 A. No.

3 I went by the name of Garth Milton Tufts. When
4 I got to jail, they just issued me that name.

5 Q Someone else thought you looked like a person
6 called Grant Mollan?

7 A I don't know if someone else thought. That is
8 what they did.

9 Q Have you also been known by Clemmons Glarehouse?

10 A Yes, I used that name, too.

11 Q Where did you pick up that name?

12 A Out of my imagination.

13 Q What about the name Steve Whittaker?

14 A Steve Whittaker?

15 Q Right.

16 Have you ever heard of that name? Have you ever
17 used that name?

18 A I can't remember that.

19 Q Why would a guy like you have all those names,
20 Clem?

21 MR. KANAREK: Argumentative, your Honor, and irrelevant
22 and immaterial.

23 THE WITNESS: This whole trial is irrelevant to any-
24 thing.

25 MR. KANAREK: The prejudicial value far outweighs
26 any probative value, your Honor.

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: I can see what this devil is trying to
4 do, man.

5 Go ahead.

6 MR. BUGLIOSI: Q Why would someone like you have all
7 those names? Can't you just get by with one name?

8 A No.

9 Q You need more than one?

10 A I don't need no names.

11 Q About a month ago, Clem, did you have a meeting
12 with Mr. Manson and Mr. Kanarek at the jail upstairs?

13 A A month ago?

14 You mean an interview granted by the Court?

15 Q No. I am just talking about you and Mr. Kanarek
16 and Mr. Manson getting together upstairs and talking.

17 A I remember that we had a court order so that we
18 could have an interview between me, Bruce, Charlie and Sadie,
19 and all the lawyers to be present, a month ago when I was in
20 jail.

21 Q I am talking about a meeting now just between
22 you and Mr. Manson and Mr. Kanarek.

23 Do you remember that meeting?

24 A Do I remember that meeting? Is it on record?

25 Q Well, I can't answer any questions, Clem. I am
26 sorry about that. I just have to ask questions.

1 MR. KANAREK: Your Honor, I will object to that as
2 argumentative.

3 THE COURT: Overruled.

4 MR. KANAREK: I mean this last statement of Mr.
5 Bugliosi.

6 THE COURT: Overruled.

7 Q BY MR. BUGLIOSI: Was Bruce Davis present at
8 this meeting, perhaps? You, Bruce Davis, Mr. Manson and
9 Mr. Kanarek?

10 Do you recall any meeting like that?

11 A (Pause.)

12 Q Should we go to something else?

13 A Go ahead.

14 THE COURT: Do you know the answer?

15 THE WITNESS: Why don't we just go out and forget
16 about the whole thing and just convict them, because that
17 is what you had planned to do in the first place.

18 MR. BUGLIOSI: Motion to strike that comment.

19 THE WITNESS: Strike that. Go ahead.

20 THE COURT: Just a moment.

21 THE WITNESS: Don't let the People know about any-
22 thing.

23 THE COURT: Just a moment.

24 The comments of the witness are stricken.

25 The jury is admonished to disregard it.

26 THE WITNESS: Okay.

16e-1

1 THE COURT: Let's go back.

2 Do you know the answer to that question?

3 THE WITNESS: This is all legal proceedings; is
4 that correct?

5 This is all accordance with the law?

6 THE COURT: Do you know the answer to the last
7 question?

8 THE WITNESS: It is in the question.

9 THE COURT: Did you have a meeting with Mr. Manson
10 and Mr. Kanarek?

11 THE WITNESS: No.

12 As of now, I can't remember.

13 BY MR. BUGLIOSI:

14 Q When did you join the Family, Clem?

15 A When I was born of white skin.

16 Q Could you describe the first time that you
17 met Charles Manson, the circumstances surrounding your
18 meeting Charlie?

19 A The first time I met Charles? I never met
20 Charles. He was always meeting me.

21 Q Charlie met you, but you didn't meet him?

22 A No.

23 Q Well, was it some kind of a glorious moment
24 in your life when Charlie met you?

25 A A glorious moment?

26 MR. KANAREK: I will object to that as argumentative

16e-2

1 and demeaning Mr. Manson.

2 THE WITNESS: I never met Mr. Manson, you know. I
3 have only met my own opinions of myself.

4 THE COURT: I didn't hear you, Mr. Kanarek. Would
5 you repeat that objection?

6 MR. KANAREK: I object on the ground that it demeans
7 this defendant, the sarcasm of Mr. Bugliosi, "Glorious
8 moment."

9 The prejudicial value far outweighs the probative
10 value.

11 Mr. Manson is entitled to the protection of this
12 court, your Honor, and not have his character demeaned by
13 sarcasm.

14 THE COURT: If that is an objection, it is overruled.

15 THE WITNESS: The protection of this court; how about
16 that.

17 THE COURT: Let's proceed.

18 BY MR. BUGLIOSI:

19 Q Clem, did Charlie occupy a spot in the Family
20 above everyone else?

21 A All I saw was myself. I don't know.

22 Q Try to answer that question yes or no.

23 Did Charlie occupy a spot --

24 A There is no yes or no. I saw my own reflection
25 of myself.

26 Q There are other people in the world besides

16a-3 1

yourself, isn't there, Clem?

2 A There is nobody but me.

3 Q You are the only one around?

4 A That's right.

5 Q You are talking to someone now, aren't you,
6 Clem?

7 A I am talking to myself, using you as a
8 victim to talk to myself.

9 Q Do you know a man by the name of Bill Farr
10 from the Los Angeles Herald-Examiner?

11 MR. FITZGERALD: Objection. Assumes facts not in
12 evidence.

13 Mr. Bugliosi knows that Mr. Farr is not employed
14 by the Los Angeles Herald-Examiner.

15 MR. KAY: He knows he was.

16 MR. BUGLIOSI: Q Have you ever heard of a man
17 named Bill Farr from the Los Angeles Herald-Examiner?

18 MR. FITZGERALD: Same objection.

19 THE COURT: Overruled.

20 MR. BUGLIOSI: Clem?

21 THE WITNESS: What?

22 BY MR. BUGLIOSI:

23 Q Are you with me?

24 A Are you with me?

25 Q No.

26 A How can I be with you?

16e-4

Q That is possible. You can be with my question.

Do you understand my question?

16f fls. 4

A Yes, I understand it totally.

16f-1

1 Q Well, do you know a man by the name of
2 Bill Farr from the Los Angeles Herald-Examiner?

3 A No, I don't know a man by the name of William
4 Farr from the Herald-Examiner paper.

5 Q On August the 3rd, 1970, were you out at
6 Spahn Ranch?

7 A August the 3rd?

8 I don't know.

9 Q Try to speak up a little louder, Clem.

10 A I don't know. Or as of now I don't remember.

11 THE COURT: Pull the microphone up closer.

12 Pull it up to your mouth.

13 BY MR. BUGLIOSI:

14 Q Well, in early August of 1970, at Spahn Ranch,
15 do you recall talking to some gentleman who said he was
16 from a newspaper?

17 A I don't remember.

18 Q Do you remember telling some newspaper man
19 in early August of 1970 "There is only one Charlie. Nobody
20 is going to climb up to his spot, wow."

21 MR. KANAREK: Your Honor, I will object.

22 THE COURT: On what ground?

23 MR. KANAREK: On the ground that Bill Farr may
24 exercise the same privilege that Mr. Einstoss did and we
25 will be deprived of any cross-examination if he tries to
26 use a privilege, the newspaper man's privilege, and say he

1 can't talk.

2 THE COURT: Overruled.

3 You may answer.

4 BY MR. BUGLIOSI:

5 Q Do you recall?

6 A I remember what you are talking about now.

7 Now, this man, he came to our ranch, and he
8 interviewed us, and then took what we said and we twisted
9 and turned it around.

10 Q Took what you twisted?

11 A Took what we said and twisted it.

12 Q Do you recall telling him what I just read?

13 A I just told him that the infinite power is
14 beyond the thinking mind's comprehension.

15 Q Is Charlie the infinite power?

16 A No.

17 Q Who is?

18 A Charlie is everything. Yes. No.

19 Q What were you saying there?

20 A What was your question?

21 Q Well, do you recall telling this man about
22 whom we were talking "There is only one Charlie. Nobody
23 is going to climb up to his spot, wow."

24 A No.

25 I remember even trying to find out who that
26 person was to get it straight with him that I didn't say
that.

17-1

1 Q How would you describe Charles Manson?

2 A I never seen Charles Manson. I only seen my-
3 self, my own thoughts of myself.

4 Whatever I see and look at, Charlie is what I
5 see in myself.

6 Q Clemen, you say that the night that you and Sadie
7 and Linda took a ride, you say that there were some other
8 people in the car, is that correct, the night that we have
9 been talking about?

10 A That is what I said.

11 Q And then the car stopped in front of a building
12 or a house, is that correct?

13 A That's right.

14 Q And these other people, whoever they are, you
15 say they got out of the car, is that correct?

16 A That's right.

17 Q And I believe you testified, oh, perhaps 15 or
18 20 minutes ago -- "we" -- referring to Linda and Sadie --
19 "left right after they got out of the car."

20 Is that correct?

21 A That's right, that's what I said.

22 Q Did Linda get out of the car?

23 A I don't remember saying that.

24 Q No, I'm asking you now, I'm not saying you
25 already testified to this, I'm asking you now, did Linda
26 get out of the car?

1 A I don't remember.

2 Q Is it your memory that Linda stayed in the car
3 with you and Sadie?

4 A Well, you asked me to remember something that
5 is vague in my mind.

6 I can only answer, you know, what I assume to
7 be through the pictures that I am seeing now.

8 Q What is what I am asking you.

9 A She might have got out of the car or she might
10 not have got out of the car.

11 Q Do you recall testifying that the other people
12 got out of the car and then "we left right after they got
13 out of the car."

14 Do you recall testifying to that?

15 A Yes.

16 Q Now, the picture that was in your mind when you
17 testified that way, was the picture in your mind that these
18 other people got out of the car and that you, Sadie and
19 Linda stayed in the car and drove off.

20 Is that the picture in your mind?

21 A No, the picture that the people got out, right
22 after they got out.

23 I won't say right after they got out. After
24 they were gone from the car, then we left.

25 Q In other words --

26 A She could have got out of the car; she could

not, I don't know. That question was not brought up here.

Q Well, how long after these other people got out of the car did you, Linda and Sadie drive off?

A Talking in specifics of time I cannot remember. I cannot say for sure.

Q You cannot relate it to minutes or seconds or anything like that?

A No, I don't carry a watch. I am not always timing everything.

Q Well, Steve, the three female defendants in this case have previously testified that Linda got out of the car with Tex Watson, and then came back to the car later and drove away with you and Sadie.

Do you care to change your testimony now at this point?

MR. KANAREK: Your Honor, that is immaterial.

THE COURT: Sustained.

THE WITNESS: Do I care to change -- just because they say that doesn't mean anything.

What does that mean to me?

Am I supposed to change my whole story because they said that?

THE COURT: Just a moment.

THE WITNESS: Okay.

Q BY MR. BUGLIOSI: Steve, have you ever composed any music?

1 A What does that mean?

2 Q Have you ever written a song?

3 A Yes, I have written songs.

4 Q Did you write a song called "From the Valley of
5 Death"?

6 A No.

7 Q Do you know Gypsy?

8 A Yes, I know Gypsy.

9 Q Gypsy testified that you wrote the song
10 "From the Valley of Death," Clem.

11 A So?

12 MR. KANAREK: Same objection, that gratuitous comment,
13 your Honor --

14 THE COURT: The answer is in.

15 THE WITNESS: I heard someone, well, tell me that
16 she is going to conspire to kill herself --

17 THE COURT: The answer is stricken.

18 The jury is admonished to disregard it. I sug-
19 gest you make your objections a little sooner, gentlemen, if
20 you want them to get in before the answer is given.

21 How much more do you have, Mr. Bugliosi?

22 MR. BUGLIOSI: Just a minute or two, your Honor.

23 THE WITNESS: I sang songs on a recording, but --

24 Q You didn't write it?

25 A No.

26 Q Did Charlie write it?

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17a

A. I don't know who wrote it. I mean, my first
come and sung it to me and I put the music to it.
Q. You were not at Spanish Ranch during the entire
month of July, 1969, were you, Clem?
A. No.

17a-1

1 Q Where were you during that month?

2 MR. FITZGERALD: Objection, immaterial and
3 irrelevant.

4 THE COURT: Overruled.

5 THE WITNESS: In the desert.

6 BY MR. BUGLIOSI:

7 Q Where were you on July 17, 1969?

8 MR. FITZGERALD: Immaterial and irrelevant.

9 THE COURT: Overruled.

10 THE WITNESS: I don't know.

11 BY MR. BUGLIOSI:

12 Q Well, the Ventura Juvenile Court committed you
13 to Camarillo State Mental Hospital on July 17th --

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

15 BY MR. BUGLIOSI:

16 Q -- on July 17th, 1969, isn't that true, Clem?

17 THE COURT: The objection is sustained.

18 THE WITNESS: I don't know about the date.

19 MR. BUGLIOSI: This goes towards his credibility as
20 a witness, your Honor, any mental problem he might have.

21 THE WITNESS: Look here now --

22 THE COURT: Sit down, Mr. Kanarek.

23 The objection is sustained. The jury is
24 admonished to disregard it.

25 BY MR. BUGLIOSI:

26 Q Have you ever been in a mental hospital, Clem?

17a-2

MR. KANAREK: Objection, immaterial.

It is prejudicial. Its prejudicial value far outweighs the probative value.

BY MR. BUGLIOSI:

Q Were you ever in a mental hospital, Clem?

THE COURT: I will sustain that objection.

MR. BUGLIOSI: No further questions.

THE COURT: Any cross-examination?

MR. KANAREK: No, but I would like to make a motion.

THE COURT: All right, approach the bench.

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

THE COURT: State your motion.

MR. KANAREK: My motion is, your Honor, that your Honor admonish the jury not to consider Mr. Bugliosi's last -- that question.

THE COURT: I have admonished them exactly that.

MR. KANAREK: I ask your Honor to admonish the jury not to consider it for any purpose, and because of the vital importance, conceivably, who knows what the jury is going to accept, I did not call this witness originally.

THE COURT: What is your motion?

MR. KANAREK: I move for a mistrial.

THE COURT: Denied.

MR. BUGLIOSI: Isn't the mental status of a person, that they have been in a mental hospital -- I thought it

1 was always relevant, especially when it is close to the
2 times you are talking about.

3 THE COURT: Not for impeachment. It may be relevant
4 if you are conducting an insanity hearing or anything else.

5 MR. KANAREK: Will your Honor admonish the jury not
6 to consider that question?

7 THE COURT: Mr. Kanarek, you don't hear very well.
8 I did admonish the jury and I told you twice at the bench
9 that I did.

10 Are you telling me you did not hear it?

11 MR. KANAREK: I didn't.

12 THE COURT: Consult the transcript and your fellow
13 counsel.

14 MR. SHINN: Join in Mr. Kanarek's motion.

15 THE COURT: The motions are denied.

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

18 THE COURT: We will adjourn until 9:30 on Monday.

19 Do not converse with anyone or form or express
20 an opinion regarding penalty --

21 Remove the defendants from the courtroom.

22 (Whereupon the three female defendants are
23 removed.)

24 THE COURT: You are being removed for your comments
25 which have been heard throughout the courtroom, after being
26 warned a number of times.

1 You may return to these proceedings after you
2 affirm your willingness to comply with the Court's require-
3 ments that you conduct yourselves in a proper manner.

4 The record will show the female defendants are
5 standing right now with their arms upraised behind the
6 court reporter.

7 Remove them from the courtroom.

8 9:30 Monday morning.

9 (Adjournment.)
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