

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.

39

No. A253156

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 4, 1970

A. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and  
VINCENT T. BUGLIOSI,  
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~REDACTED~~ Esq.  
RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

GARY FLEISCHMAN, Esq.  
RONALD L. GOLDMAN, Esq.

VOLUME 39

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

PAGES 5997 to 6084

I N D E X

PEOPLE'S WITNESSES:

CROSS

KASABIAN, Linda (Cont'd.) 6029 (Kanarek)

E X H I B I T S

DEFENDANTS' SPECIAL:

FOR IDENTIFICATION

A - Los Angeles Times, Preview Edition,  
August 4, 1970 6007

B - Los Angeles Times, Final Edition,  
August 4, 1970 6007

C - Herald-Examiner, August 4, 1970 6008

1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 4, 1970

2 9:51 o'clock a.m.

3 - - -

4 THE COURT: All parties and counsel are present. The  
5 jury is not present.

6 Are there some matters to be taken up out of  
7 the presence of the jury?

8 MR. KANAREK: Yes, your Honor. May I address the  
9 Court?

10 THE COURT: You may.

11 MR. KANAREK: Your Honor, Mr. Swinney, who is in the  
12 courtroom, I believe, has caused to be served upon a  
13 Sergeant Robinson at Sybil Brand a subpoena duces tecum,  
14 requesting certain -- that is, all of the paper work con-  
15 cerning Linda Kasabian, the medical records, all notations  
16 made concerning her, all requests for visits made concern-  
17 ing her, all communications of her lawyers to the jail.

18 And the sergeant -- I have here the declaration  
19 of Mr. Swinney, wherein the sergeant -- this part of the  
20 declaration -- I can represent to the Court that the  
21 sergeant states she is not going to honor this subpoena  
22 duces tecum because it does not have some magic words from  
23 the Court.

24 Now, I know your Honor and I were in agreement  
25 that a subpoena duces tecum does not require any kind of  
26 imprint from the Court, per se.

1 I wonder, through the good services of the  
2 Court, if we could have the Sheriff respond to this  
3 subpoena notwithstanding the representations made to Mr.  
4 Swinney.

5 I have Mr. Swinney here and I would offer him  
6 to be sworn as to what the sergeant stated, that she was  
7 not going to honor the subpoena.

8 THE COURT: Is there a copy of the subpoena in the  
9 file?

2 fls.

10 MR. KANAREK: Yes, your Honor.  
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1 MR. STOVITZ: No. 1, your Honor, the subpoena  
2 requests that these documents be brought August the 4th  
3 at 2:00 p.m.

4 Not speaking as a representative of the  
5 Sheriff's Office, but knowing that when we subpoena their  
6 records they ask for at least three days, I would think  
7 that that would be reason in and of itself to deny the  
8 request.

9 They cannot put out these things as they would  
10 from a computer. They have to search the records. Linda  
11 Kasabian's records are kept no differently than other  
12 prisoners' records, and it takes a couple of days to  
13 compile.

14 THE COURT: The return isn't due until 2:00 p.m.

15 MR. KANAREK: If Mr. Stovitz would stop talking,  
16 all I am asking for is the cooperation of the Sheriff's  
17 Department.

18 THE COURT: Aren't we premature, Mr. Kanarek, if  
19 the subpoena is not returnable until 2:00 o'clock this  
20 afternoon?

21 Let's wait and see what happens.

22 MR. KANAREK: We can anticipate, because Mr. Swinney  
23 tells me that she is not going to honor it. He can testify  
24 under oath to that.

25 THE COURT: Perhaps the person that made the state-  
26 ment doesn't speak for the entire Sheriff's Department.

1 Perhaps it will be honored. I have no way of knowing.

2 MR. KANAREK: Very well.

3 THE COURT: No one has failed to disobey it so far  
4 because it isn't yet due.

5 MR. KANAREK: That is correct; but in order to get  
6 this before the Court, we offer Mr. Swinney to be sworn.

7 THE COURT: All right. If there is a failure to  
8 respond to the subpoena, then that is the time to take it  
9 up.

10 Anything further?

11 MR. KANAREK: Yes. I have a motion to continue this  
12 case, your Honor, so that we can prepare for the Court in  
13 depth a motion for a mistrial in connection with the unfor-  
14 tunate remarks of President Nixon, Richard Milhous Nixon,  
15 who, I believe, is a member of the State Bar of California.

16 But, your Honor, I would ask, I would make a  
17 motion to continue so that we can prepare a writing, a  
18 written motion for a mistrial, with points and authorities  
19 and declarations, that your Honor has requested in the  
20 past in connection with motions before the Court, and I  
21 do make a motion to continue for that because of that  
22 unfortunate event.

23 THE COURT: There is no necessity to continue the  
24 trial, Mr. Kanarek. You don't have to file your motion for  
25 a mistrial today if you don't want to. You can take as much  
26 time as you like to prepare it, but there is no reason for

1 the trial not to go on.

2 MR. KANAREK: May I have a ruling on the motion to  
3 continue? Under People vs. Grovedi, your Honor, I believe  
4 that after all these events --

5 THE COURT: There will be no continuance. The motion  
6 is denied.

2a fls. 6

2-A

1 MR. KANAREK: Very well. Then I ask that your Honor  
2 voir dire the jury to determine whether or not there has  
3 been any contact, whether the jury knows of these events.

4 MR. STOVITZ: We will oppose a voir diring of the  
5 jury because we feel that it would be waving a red flag.  
6 If they didn't know about it before the voir dire, they  
7 will certainly know about it after the voir dire.

8 MR. FITZGERALD: I wonder if I might be heard?

9 I don't think that the record properly sets  
10 out what we are even talking about.

11 I wonder if I might remain seated while I  
12 address the Court also?

13 THE COURT: You may.

14 MR. FITZGERALD: Counsel in this case were  
15 informed, your Honor, that yesterday, August the 3rd, in  
16 Denver, Colorado, the President of the United States,  
17 Richard M. Nixon, at a conference with State officials on  
18 law enforcement stated as follows, and I am reading what  
19 purports to be an exact copy of President Nixon's remarks  
20 as prepared by United Press International. I have checked  
21 these remarks with accounts of Mr. Nixon's remarks that  
22 have been published in the Los Angeles Times, the  
23 Los Angeles Herald Examiner, the Hollywood Citizens  
24 News, and various television and radio stations, and the  
25 remarks are as follows:

26 "As we" -- this is the President speaking --



1 "As we look at the situation today, I think the  
2 main concern I have is the attitudes that we  
3 are creating among many of our younger people  
4 and also older people as well in which we  
5 tend to glorify and make heroes out of those  
6 who engage in criminal activities. This is not  
7 done intentionally by the press, it is not done  
8 intentionally by radio and television, I know.  
9 It is done perhaps because people want to read  
10 or see that kind of story.

11 "I noted, for example, the coverage of  
12 the Charles Manson case when I was in Los Angeles.  
13 Front page every day in the papers. It usually  
14 got a couple of minutes in the evening news.  
15 Here is a man who was guilty, directly or in-  
16 directly, of eight murders without reason.  
17 Here is a man yet who, as far as the coverage  
18 was concerned, appeared to be rather a glamorous  
19 figure, glamorous to the young people whom he  
20 had brought into his operations, and also  
21 another thing that was noted was the fact that  
22 two lawyers in the case, two lawyers who were,  
23 as anyone who could read any of the stories  
24 could tell, who were guilty of the most out-  
25 rageous, contemptuous actions in the courtroom,  
26 and who were ordered to jail overnight by the



1 "Judge, seem to be more the oppressed and the  
2 Judge seemed to be the villain."

3 "Let us understand, all judges are not  
4 heroes, all policemen are not heroes, and all  
5 those charged with crime are not guilty, but  
6 let us well understand, too, that the system,  
7 the system in which we protect the right of the  
8 innocent, in which the guilty man receives a  
9 fair trial and gets the best possible defense,  
10 that system must be preserved, and unless we  
11 stand up for the system, unless we see that  
12 order in the courtroom is respected, unless  
13 we quit glorifying those who deliberately dis-  
14 rupt,,and unless we begin to recognize that  
15 when a judge necessarily, after intense  
16 provocation, must hold individuals in contempt  
17 of court, that judge is justified, that he is  
18 acting in our behalf, then the system will  
19 break down, the innocent will suffer, but  
20 more important or just as important, I believe,  
21 I should say, the guilty will suffer as well,  
22 because in a society without law, the guilty  
23 then have no trials."

3-1

1 Now, what counsel, Mr. Kanarek, was referring  
2 to and what we would like to particularly refer to were the  
3 remarks apparently contained in Paragraph 3 of the  
4 President's statement.

5 Here is a man --

6 THE COURT: Are you going to read the follow-up  
7 statements, Mr. Fitzgerald?

8 MR. FITZGERALD: Yes, I am, your Honor. What we are  
9 referring to particularly is Paragraph 3 wherein he refers  
10 to Charles Manson as being guilty directly or indirectly  
11 of eight murders.

12 At the conclusion of that statement I am  
13 informed and believe, and <sup>on</sup> such information and belief  
14 would allege that a man who -- by the name of Ronald  
15 Ziegler, who purports to be the press secretary for the  
16 President of the United States, stated that the President  
17 failed to use the word "alleged" in referring to the  
18 charges against Charles Manson.

19 Later yesterday evening, which would be August  
20 3rd, the President himself under his signature, I am  
21 informed, issued the following statement:

22 "I have been informed that my comment in  
23 Denver regarding the Tate murder trial in  
24 Los Angeles may continue to be misunderstood  
25 despite the unequivocal statement made at the  
26 time by my press secretary.

1 "My remarks were in the context of my  
2 expression of a tendency on the part of some  
3 to glamorize those identified with a crime.

4 "The last thing I would do is prejudice  
5 the legal rights of any person in any circum-  
6 stances.

7 "To set the record straight, I do not  
8 know and did not intend to speculate as to  
9 whether the Tate defendants are guilty in fact  
10 or not. All of the facts in the case have not  
11 yet been presented. The defendants should be  
12 presumed to be innocent at this stage of the  
13 trial.

14 "To repeat what I said at the LEAA  
15 conference in Denver, our American system of  
16 justice requires the constant support of every  
17 citizen to insure a fair trial for the guilty  
18 and innocent alike."

19 Now, these remarks, and particularly  
20 President Nixon's remarks, were well reported in the  
21 media, and I have what appears to be a copy of the Preview  
22 Edition of the Los Angeles Times, August 4, 1970, and this  
23 is the Preview Edition which is published the day preceding  
24 the date it bears.

25 In this case it was printed and published and  
26 on the newsstands and distributed on the evening of



August the 3rd.

I wonder, for the purposes of the following remarks and motions, if this might be marked by some special court number as an exhibit.

MR. FITZGERALD: Special A or Special 1 or whatever.

THE COURT: On behalf of all the defendants?

MR. FITZGERALD: On behalf of all of the defendants, your Honor.

THE COURT: All right, this will be Defendants' Special Exhibit A.

MR. FITZGERALD: I will hold that up. I will pass it also to the clerk.

It appears to contain a headline, "Manson Guilty, Nixon Declares."

I also have an edition of the Los Angeles Times bearing the date, Tuesday morning, August 4th, 1970.

This contains the final stamp in the upper right-hand corner.

In my experience this is the newspaper that is on the newsstand and distributed on the morning of the date which it bears, and in this case, August 4, 1970.

May this be marked Defendants' Special Exhibit B?

THE COURT: It will be so marked.

MR. FITZGERALD: This contains a bold headline,

1 "Nixon Explains."

2 In somewhat smaller letters, "Clarifies  
3 Comment on Manson's Guilt."

4 I have still another paper, the Los Angeles  
5 Evening & Sunday Herald Examiner. This purports to be an  
6 edition, Tuesday, August 4, 1970, and contains the head-  
7 line, "Nixon's Tate Trial Furore."

8 Then at the head of a column it contains in  
9 black, bold type, "Manson Defense Asks For Mistrial," in  
10 single quotes.

11 May this be marked Defendants' Special C?

12 THE COURT: It will be so marked.

13 MR. FITZGERALD: The defendants, each of them, your  
14 Honor, would move that the Court conduct an investigation  
15 and/or an examination of Los Angeles County Sheriff's  
16 personnel assigned to the supervision of the jury to  
17 determine:

18 A. Any possible exposure to the remarks of  
19 the President by way of newspaper, newspaper headline,  
20 radio, TV or personal communication or conversation.

21 B. When, where and how such exposure took  
22 place if it in fact did.

23 And C. The extent of such exposure.

24 And D. The effect of such exposure.

25 Counsel would also like to discuss between  
26 themselves and with the Court the possible procedures to



1 insure that during spousal and family visits over the  
2 weekend that no member of the jury is affected by the  
3 remarks of the President and by the general controversies  
4 that followed the President's remarks.

5 We, ourselves, discuss whether or not we  
6 should request the Court to conduct a voir dire examination  
7 of individual jurors, but inasmuch as all counsel have had  
8 the experience of examining jurors in regard to  
9 prejudicial pretrial publicity, we have all found it is  
10 difficult indeed to ask questions of a juror concerning  
11 what he may have read, seen or heard of a prejudicial  
12 character without implanting in the minds of those who  
13 have not, what you are attempting to elicit from those  
14 that have.

15 Consequently we are in disagreement as to  
16 whether the individual members of the jury themselves  
17 should be voir dired concerning their possible exposure to  
18 the remarks of the President.

19 But we think that at least your Honor should  
20 conduct an examination or investigation of those  
21 persons who are supervising the jury.  
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3a-1

1           What we have in mind is the possibility, for  
2           example, that inasmuch as the headlines in the newspapers  
3           are large, that individual members of the jury may have  
4           passed by newsstands on their way to, or the way from the  
5           court to the hotel last evening, through the corridors of  
6           the Ambassador Hotel or in or around or about the Ambassador  
7           Hotel, during any process of ingress or egress from the  
8           Ambassador Hotel, in their transportation from the hotel  
9           to the court this morning.

10           In addition, their possible exposure to tele-  
11           vision and radio materials concerning the case that  
12           occurred last evening.

13           THE COURT: Well, Mr. Fitzgerald, when I learned of  
14           the President's statement yesterday I took immediate steps  
15           to instruct the representatives of the Sheriff's Department  
16           to use special precautions in handling the jury yesterday  
17           and last night, and these steps were taken.

18           I also discussed with them this morning what  
19           steps were taken.

20           It appears that all of the special precautions  
21           were taken and there was no possible chance of exposure  
22           of the jury to any of this publicity.

23           For example, a special route was taken to and  
24           from the Ambassador Hotel to avoid any news stands.

25           All television, radio and phone calls were shut  
26           off last night.

3a-2

1 This morning a special bus with the windows  
2 blacked out -- or whited out -- a more appropriate  
3 expression, with Bon Ami was provided, so they could not  
4 see anything en route.

5 These precautions will be continued for the  
6 next several days until this matter dies down.

7 I am satisfied that there has been no exposure  
8 of any of these jurors to anything the press may have said.

9 I am having the Sheriff's Department prepare  
10 a statement of what was done and you will receive, each  
11 of you, a copy of it.

12 I see no reason for taking any further action  
13 at this time.

14 I think everything has been done that should  
15 be done to insure that the jury is not exposed to any of  
16 this publicity.

17 MR. KANAREK: May I address the Court, your Honor?

18 THE COURT: You may.

19 MR. KANAREK: Your Honor, I reiterate my motion that  
20 the jury be voir dired in this connection.

21 I make a motion for an evidentiary hearing.

22 I ask that testimony be taken under oath --  
23 regrettably, your Honor, I appreciate your Honor's doing  
24 everything that your Honor feels could be done, but I do  
25 make -- I make the motions that I have enunciated to the  
26 Court.



3a-3

1 May I have a ruling, your Honor, on my request  
2 to voir dire the jury?

3 THE COURT: It's all right if the People will  
4 respond first, isn't it, Mr. Kanarek?

5 MR. KANAREK: Certainly, your Honor. Mr. Stovitz  
6 last night is quoted as saying the whole thing about the  
7 President's remark is unfortunate, with his picture  
8 attached thereto, in the Herald-Examiner.

9 After all, your Honor, what we have here is a  
10 situation wherein the dignity of the Presidency has been  
11 imposed upon this trial, and it's been objectively imposed  
12 through no fault of Mr. Manson whatsoever, and if the  
13 result is -- I have here, your Honor, before the prosecu-  
14 tion goes into it, I have here Sheppard vs. Maxwell,  
15 a United States Supreme Court case.

16 In the Sheppard case Justice Clark points  
17 out that -- may I have a moment, your Honor.

18 (Pause.)

19 THE COURT: While you are looking, Mr. Kanarek, I  
20 want to direct all counsel to remove from counsel table  
21 any news containing any of this material so that they  
22 will not inadvertently be displayed to the jury when the  
23 jury comes in.

24 I will also order the special exhibits, A, B  
25 and C to be put under seal so they will not inadvertently  
26 be displayed to any of the jurors.

1 MR. KANAREK: Now, this is the United States  
2 Supreme Court speaking, your Honor, and in this Sheppard  
3 case the court says:

4 "If publicity during the proceedings  
5 threatens the fairness of the trial, a new trial  
6 should be ordered."

7 Prior to that Justice Clark makes the state-  
8 ment:

9 "Due process requires that the accused  
10 receive a trial by an impartial jury, free from  
11 outside influences."

12 Now, clearly the President of the United  
13 States --

14 THE COURT: Was the jury sequestered in the Sheppard  
15 case?

16 MR. KANAREK: No, but your Honor, as I say, the  
17 road to hell is paved with good intentions.

18 I believe that this jury, with the facts of  
19 life being what they are, this jury, I would believe it  
20 without being able to prove it, that this jury knows what  
21 President Nixon said, the substance of what he said,  
22 the retraction is inadequate.

23 If they don't know about the initial remarks,  
24 obviously they don't need to know about the retraction.

25 The bell has been rung; the Presidency of the  
26 United States has been invoked and the President has



1 declared that Mr. Manson is guilty.

2 There are people in our country who revere the  
3 President to such an extent that there is no question that  
4 the prejudice has attached.

5 The only way we can determine it is the same  
6 way with the death penalty, we ask the jury whether they  
7 are in favor or against the death penalty.

8 The only way we can do it, because these events  
9 have occurred, the only way we can do it is by bringing  
10 the jurors in and asking them.

11 We can ask them in camera, that is, one juror  
12 at a time, and we can couch it in language so that the  
13 juror, if he has not heard anything, would not be told,  
14 at least initially, as to what we are driving at.

15 We could ask him, "Did you hear of any news  
16 event yesterday that you think would involve your state  
17 of mind as to this trial?"

18 If we don't do that, your Honor, if we don't  
19 do that then Mr. Manson is being denied a fair trial.  
20 There is no question about it, a fair trial. He is being  
21 denied due process, and under the 14th Amendment of the  
22 United States Constitution, I invoke the 14th Amendment  
23 of the United States Constitution, I invoke the due process  
24 clause of our own California constitution and invoke just  
25 plain garden variety fairness.

26 We have a man in a dungeon in the County Jail

1 and we have the President of the United States stepping on  
2 him.

3 And I say something else, without being able  
4 to prove it:

5 The District Attorney of Los Angeles County  
6 is running for Attorney General. I say it without being  
7 able to prove it, that Evelle Younger and the President got  
8 together to do this.  
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4 fls.

-1

1           What I am saying is that the President of the  
2           United States is a politician, and I think he wishes  
3           Evelle Younger to be Attorney General of the State of  
4           California, and there are many ways of slicing bologna,  
5           your Honor, and it is my belief -- I can't conceive -- I  
6           can't conceive of a man who has the power to put the  
7           hydrogen bomb throughout the world, I can't conceive of him  
8           going before TV, before video tape, and not knowing what he  
9           is saying.

10           If he does that, he shouldn't be President of  
11           the United States. If he makes utterances like this, after  
12           he campaigned for law and order and all of that.

13           THE COURT: That will have to be decided in some  
14           other proceeding, Mr. Kanarek. Let's stay with the issues  
15           here.

16           MR. KANAREK: The issue here is, I believe, that  
17           State action is involved here. Mr. Younger -- this was a  
18           law enforcement conference -- I think Mr. Younger was  
19           trying to get as much mileage as possible, as he has con-  
20           tinued to do, to become Attorney General of the United  
21           States.

22           I believe it without being able to prove it.  
23           But if we have a full-fledged hearing on it, let's have  
24           President Nixon come to this courtroom. He is a member of  
25           the Bar of the State of California as far as I know. He  
26           may not be --

4-2

1 THE COURT: You made your point.

2 MR. HUGHES: May I address some remarks to the Court  
3 and remain seated while I do?

4 THE COURT: Yes.

5 MR. HUGHES: First, I would ask that this Court  
6 consider censuring the President of the United States,  
7 since he is a member of --

8 THE COURT: I have no intention of doing so.  
9 I think this thing is being grossly overplayed.

10 MR. HUGHES: Then, your Honor, considering that I  
11 have looked at the statement that the President has made,  
12 and I have looked at his retraction and the retraction of  
13 his press secretary --

14 THE COURT: All we are concerned with is whether or  
15 not the jury was exposed to any of the publicity.

16 I am convinced they were not. That is  
17 precisely why the jury was sequestered in the first place,  
18 or one of the reasons.

19 MR. HUGHES: May I continue?

20 THE COURT: All right, go ahead, Mr. Hughes.

21 MR. HUGHES: I have looked at the statements as they  
22 stand. I find it very difficult, and impossible, to fit  
23 the word "alleged," as Mr. Ziegler used it later, into the  
24 President's statement, and retain grammatical context  
25 within that statement.

26 No matter where you try to fit the word



4-3  
1 "alleged" in, it does not fit in.

2 I believe, however, that we have here a  
3 situation that harkens back to our original -- to an  
4 original motion, which was a motion to dismiss, and I  
5 would, at this time, remake that motion to dismiss, your  
6 Honor, on behalf of Miss Van Houten.

7 I don't know if the other counsel will join me  
8 or not. However, the basis of this, your Honor, is that  
9 when the President of the United States sees fit to  
10 comment on the guilt or innocence of an individual in a  
11 trial, I believe that it shows -- and I believe we have  
12 documented it very clearly before your Honor -- that the  
13 publicity, the pretrial publicity was such that these  
14 defendants indeed were going to have a difficult time,  
15 and an impossible time, to get a fair trial.

16 I believe now that the actions of the President  
17 have clearly illustrated the effect that pretrial publicity  
18 had, and that indeed <sup>it</sup> is impossible for these defendants,  
19 not only at this point but at the point that we began  
20 selecting a jury, it is possible for them to receive a  
21 fair trial.

22 I would ask for a ruling on that motion, but  
23 I would also ask, your Honor, that this Court, if it does  
24 not see fit to censure the President of the United  
25 States, that inasmuch as Mr. Nixon is, I believe, a member  
26 of the State Bar, it would see fit to refer the matter to



4  
1 the State Bar of California.

2 I would ask for a ruling on the motion and a  
3 dismissal of the charges.

4 THE COURT: You may do it, if you care to, Mr.  
5 Hughes. I certainly have no intention of doing it.

6 Anything further?

7 MR. KANAREK: Yes.

8 I do make a motion for a mistrial, your Honor,  
9 in connection -- since your Honor is not going to voir dire,  
10 I make a motion for a mistrial.

11 THE COURT: The motion is denied.

12 MR. KANAREK: Your Honor, may Mr. Manson address a  
13 few words to the Court in that connection?

14 THE COURT: No, he may not. He will have to confer  
15 with you, and if you deem you must say something to the  
16 Court, you may say it in his behalf.

17 MR. FITZGERALD: I will join in Mr. Kanarek's request  
18 that Mr. Manson be allowed to address the Court.

19 I would also join in Mr. Hughes' motion to  
20 dismiss.

21 MR. KANAREK: I join in Mr. Hughes' motion, your  
22 Honor.

23 MR. SHINN: Join, too.

24 MR. STOVITZ: We oppose the motion to dismiss. We  
25 oppose the motion for a mistrial.

26 We think that Mr. Kanarek's remarks are

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1     unfortunate. He made the same remarks, your Honor recalls,  
2     about the Jury Commissioner sending over special jurors.  
3     We had an evidentiary hearing on that and found it to be  
4     completely unfounded.

5             I believe Mr. Kanarek dreams up these things  
6     just so he can get attention and for no other reason.  
7     He doesn't even believe them and, if he does, I pity him  
8     in his later life.

9             I feel that --

10            MR. KANAREK: Well --

11            MR. STOVITZ: I didn't interrupt you.

12            THE COURT: Just a moment, Mr. Kanarek.

13            MR. STOVITZ: If I said, "Mr. Manson," I meant  
14     Mr. Kanarek.

15             I feel that your Honor is entitled to an  
16     apology from the prosecution.

17             During the selection of the jury, we opposed  
18     the sequestering of the jury. Your Honor's foresight in  
19     that regard --

20            THE COURT: No apology is necessary, Mr. Stovitz.  
21     Let's get on with the trial.

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1 MR. STOVITZ: We would like to proceed with the  
2 trial. We feel that an extra precaution should be made  
3 this weekend when the spouses or visitors come out, that  
4 they should be specially addressed.

5 THE COURT: There will be special instructions with  
6 respect to the visitors on the weekend.

7 Mr. Kanarek, before I pass to another subject,  
8 what are the subjects of Mr. Manson's remarks, requested  
9 remarks?

10 MR. KANAREK: Mr. Manson, your Honor, wishes to be  
11 his own lawyer.

12 THE COURT: If he has a motion to make, I will hear  
13 it, but if he simply wants to make some gratuitous remarks  
14 generally, I will not hear it.

15 DEFENDANT MANSON: May I make a motion?

16 THE COURT: Yes, you may.

17 DEFENDANT MANSON: Your Honor, in view of the  
18 publicity, and it doesn't look like it is going to stop,  
19 I request this Court, as provided in the Constitution,  
20 to be able to confront and cross-examine witnesses, to be  
21 able to take a part <sup>in</sup> these proceedings in order for  
22 the Court, the jury, the spectators and the world that  
23 is misinformed so badly, to take a look at what they are  
24 judging.

25 It is easy to sit and be quiet and have  
26 someone else speak, but they are not my words, they are



4b-2

1 not my philosophy that you speak of, they are not my  
2 Family's that you talk of.

3 All the things that the Court seems to be  
4 confused about, I might be able to assist and to help you  
5 straighten this mess out, because you have certainly got  
6 a mess, you have made a mess of the whole thing. You have  
7 made a mess of it.

8 THE COURT: Are you making a motion of some kind,  
9 Mr. Manson?

10 DEFENDANT MANSON: Yes. I am making a motion to be  
11 allowed to move as my own counsel and have movement of  
12 the courtroom to cross-examine and be confronted and con-  
13 front witnesses, with the assistance of an attorney who  
14 can help me in the legal matters.

15 MR. FITZGERALD: Patricia Krenwinkel will join in  
16 that motion on behalf of Mr. Manson.

17 MR. HUGHES: Leslie Van Houten will join in that  
18 motion on behalf of Mr. Manson.

19 MR. SHINN: Miss Atkins will join in that motion.

20 DEFENDANT MANSON: Your Honor, I have the whole  
21 world --

22 THE COURT: Just a moment, sir.

23 I am not sure that I understand what you are  
24 talking about, Mr. Fitzgerald. Will you explain what  
25 motion you are joining in?

26 MR. FITZGERALD: Mr. Manson has made a motion to be



4b-3

1 allowed a limited pro per status. Patricia Krenwinkel has  
2 no objection to that; and if it is possible to join in  
3 that motion, we would like the record to indicate that we  
4 do join, and encourage the Court to grant such a motion.

5 MR. SHINN: Your Honor, I believe that the District  
6 Attorney has no objections.

7 THE COURT: I didn't hear you.

8 MR. SHINN: I stated that the District Attorney does  
9 not have any objections.

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1 MR. STOVITZ: You didn't hear any objection, no, but  
2 at the beginning we said our silence does not constitute  
3 consent.

4 MR. SHINN: Do you object, then, Counsel?

5 MR. STOVITZ: We have no standing to object or not  
6 to object.

7 THE COURT: Let Mr. Manson finish his argument.  
8 Have you finished, sir?

9 MR. MANSON: It seems that pro se it wouldn't be  
10 such a bad idea.

11 It also seems -- more than it seems, it is a  
12 fact that the news media has pretty much tried the case.

13 Now, if we are going to judge someone, let's  
14 exhibit that person.

15 THE COURT: Mr. Manson, I permitted you to speak in  
16 support of what I understood to be a motion. Now, you  
17 will have to make your motion crystal-clear to me so that  
18 I can rule on it, and I want you to confine your argument  
19 to the argument in support of that motion.

20 DEFENDANT MANSON: Your Honor, each man has a  
21 reality, each man knows what he knows to be true. For me  
22 to communicate to you, I have to use my reality because I  
23 don't know your reality.

24 I know you are a pilot and I know you have  
25 been through wars --

26 THE COURT: Mr. Manson --

1 MR. MANSON: May I finish?

2 THE COURT: -- I am not going to let you continue  
3 unless you get back on the track, as I indicated to you.

4 Tell me precisely what relief you are seeking  
5 and you may argue in support of that.

6 DEFENDANT MANSON: This is the problem. The track  
7 that you are on and the track that I am on is two different  
8 tracks.

9 You judge me from a slanted view. I ask this  
10 Court if I may stand up and be a man and maintain my voice  
11 in the courtroom to cross-examine witnesses that I am  
12 confronted with.

13 THE COURT: Are you asking to represent yourself?

14 DEFENDANT MANSON: Yes, in the pro se status if not  
15 in the pro per.

16 THE COURT: You are not asking for a substitution of  
17 attorneys?

18 DEFENDANT MANSON: Substitution of attorneys? I am  
19 asking for<sup>it</sup>/in any direction that you can give me  
20 consideration.

21 THE COURT: You have to make the motion, sir. I am  
22 not going to tell you what you want to do.

23 DEFENDANT MANSON: All right.

24 THE COURT: You will have to state it clearly so that  
25 I can understand and rule on it.

26 DEFENDANT MANSON: I make the motion that I be

1 allowed to proceed as my own attorney with assistance of  
2 counsel.

3 THE COURT: Now, this motion has been made a number  
4 of times before by you, Mr. Manson, as you know. Not only  
5 in this court, but in at least two, or possibly three,  
6 other courts in this case, in pretrial proceedings.

7 When I passed on it before, I reviewed all of  
8 the proceedings of those cases and, in addition, I had the  
9 opportunity to observe you and to hear you, and I reached  
10 my conclusion after considering all of those things.

11 Since the last time that motion was made,  
12 I have again had more opportunity to hear you. In rather  
13 lengthy jury selection proceedings in chambers where you  
14 sat across the desk from me for approximately five weeks,  
15 you have made a number of statements, a number of motions,  
16 during the course of those proceedings. And I have had no  
17 reason to change the conclusion that I reached before,  
18 that is, that you are not competent to represent yourself.

19 It would be a miscarriage of justice to permit  
20 you to represent yourself in a case having the complications  
21 that this case has.



4d-1

1 DEFENDANT MANSON: What do we have now? Do we have  
2 justice now?

3 THE COURT: So your motion will be denied.

4 Is there anything further, sir?

5 DEFENDANT MANSON: Yes, sir.

6 You mentioned miscarriage of justice.

7 THE COURT: I don't want any further argument on  
8 that. I have ruled on that.

9 Now, do you have any further motion to make?

10 DEFENDANT MANSON: Then we will move down one peg  
11 to pro se.

12 Is there any chance to get in that slot?

13 THE COURT: No. The motion will be denied, if that  
14 is what it is.

15 DEFENDANT MANSON: You say "inadequate." I don't  
16 understand that. Inadequate in which respect?

17 THE COURT: Well, I have passed on that. I am not  
18 going to consider it further.

19 Now, if you have anything else to say, now is  
20 the time to say it, if you are making a motion of any  
21 kind, otherwise we are going to proceed with the trial.

22 DEFENDANT MANSON: Does the Constitution say I have  
23 a right to maintain a voice in this court?

24 THE COURT: Your voice is your attorney's voice, so  
25 long as you are represented by counsel.

26 DEFENDANT MANSON: I can't speak through another man.

4d-2

1 He lives in another world. He is a million miles away  
2 from reality.

3 THE COURT: I will have to ask you to sit down now  
4 and we will proceed with the trial.

5 Anything further, gentlemen, before we bring  
6 the jury back?

7 Bring in the jury.

8 DEFENDANT MANSON: Mr. Older, I can't accept you as  
9 being a good Judge. A pilot maybe. The inadequacy is  
10 a reflection of your own.

11 THE COURT: Mr. Manson, I am going to order you to  
12 refrain from speaking out in court.

13 DEFENDANT MANSON: Yes, sir.

14 (Whereupon the following proceedings were had  
15 in open court, the defendants, counsel and jury present:)

16 THE COURT: All parties, counsel and jurors are  
17 present.

18 Mrs. Kasabian, would you resume the witness  
19 stand.

20 Mr. Kanarek, you may resume your cross-examina-  
21 tion.

22 MR. KANAREK: Thank you, your Honor.  
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end

4d-3

LINDA KASABIAN,

called as a witness by and on behalf of the People, having been previously duly sworn, resumed the stand and was examined and testified further as follows:

THE BAILIFF: Speak into the microphone and state your name.

THE WITNESS: Linda Kasabian.

## CROSS-EXAMINATION (Continuing)

BY MR. KANAREK:

Q Mrs. Kasabian, have you ever called yourself Yana the Witch?

A Yana.

Q The Witch?

A I never said I am Yana the Witch.

I said that I was a witch one time.

Q Have you ever called yourself Yana? Have you ever told anyone you were Yana --

A Yes.

Q -- the Witch?

A I said my name was Yana. I never said I am Yana the Witch.

Q Well, directing your attention to the time you were driving from Los Angeles to New Mexico --

A Yes.

Q -- were you in the company of some other

people?

A Yes.

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1 Q During that trip, while you were in the company  
2 of these other people, did you call yourself -- did you  
3 say that you were Yana the Witch?

4 A I don't think I ever said I am Yana the Witch.  
5 I said my name was Yana and that I was a witch.

6 Q Right. In other words --

7 A I thought I was a witch.

8 Q You thought you were a witch?

9 A Yes.

10 Q And that was in the summer of 1969?

11 A Yes.

12 Q Are you saying to us that you didn't call your-  
13 self Yana the Witch, but you said you are Yana, a witch?

14 A Yes.

15 Q So you were finding a difference between a  
16 "the" and an "a"?

17 A Yes, I think so.

18 Q In that connection, did you discuss death with  
19 these people on this trip?

20 A I don't know. I can't remember what, you know,  
21 I discussed with them.

22 I just remember I told them what was told to  
23 me, and I don't remember the conversation.

24 MR. KANAREK: Your Honor, may that be stricken,  
25 "I told them what was told to me"?

26 The question doesn't ask for that answer. That

1 is not responsive.

2 MR. STOVITZ: I submit that it is, your Honor, but  
3 if counsel wants it stricken --

4 THE COURT: It appears to be responsive.

5 Overruled. The motion to strike is denied.

6 MR. KANAREK: Q Is your state of mind such,  
7 Mrs. Kasabian, that you feel that you can avoid criminal  
8 responsibility in this case by always saying "Somebody  
9 told me this"?

10 A No.

11 MR. BUGLIOSI: That is argumentative.

12 MR. GOLDMAN: That is an argumentative question.  
13 "Criminal responsibility"?

14 THE COURT: The answer is in, gentlemen.

15 MR. KANAREK: Your Honor, I have the greatest  
16 respect for Mr. Goldman and Mr. Fleischman, and I know she  
17 is a defendant in this case, but I don't believe they have  
18 any standing at this time to make objections on evidence in  
19 that regard.

20 THE COURT: All right. Let's proceed, gentlemen.

21 MR. KANAREK: May I have a ruling on that, your  
22 Honor?

23 THE COURT: On what?

24 MR. KANAREK: I ask your Honor to order Mr. Goldman  
25 and Mr. Fleischman, in connection with these proceedings,  
26 to cease and desist <sup>as</sup> as far/objections and all of that is

1 concerned.

2 Mr. Bugliosi and Mr. Stovitz are here  
3 prosecuting the case.

4 THE COURT: I don't see any necessity for any such  
5 order, Mr. Kanarek. It is the first time that it has  
6 happened.

7 I am not sure that they don't have a right to  
8 represent the woman.

9 MR. KANAREK: Then may we approach the bench so we  
10 can perhaps get it clarified?

11 THE COURT: There is no necessity.

12 Let's proceed.

13 MR. HUGHES: May I have the question read back?  
14 I missed the question.

15 THE COURT: Read the question and answer.

16 MR. STOVITZ: Wasn't there an objection to the  
17 question?

18 THE COURT: The answer came in.

19 (Whereupon, the record was read by the  
20 reporter.)

21 Q BY MR. KANAREK: Now, directing your attention  
22 to your state of mind at the time when you said that you  
23 were a witch, Mrs. Kasabian.

24 Would you tell us, did you think that you were  
25 a witch?

26 A Yes, I guess I did.

1 Q You thought, in fact, your state of mind was  
2 that you were a witch at that time when you stated, you  
3 verbalized those words?

4 A I didn't really know what a witch was, ~~but I~~  
5 ~~thought.~~ 7.7

6 Q Whatever a witch was, you thought you were a  
7 witch; correct?

8 A Yes.

9 Q Would you tell us, Mrs. Kasabian, in whose  
10 presence you were when you thought you were a witch and  
11 stated you were a witch?

12 A I don't remember their names. They were hitch-  
13 hikers.

14 Q Would you describe these individuals for us?

15 A Let me see. The two that I picked up here in  
16 Los Angeles were just young school boys that hitchhiked  
17 across the country; and I believe somewhere in Arizona I  
18 picked up a third hitchhiker.

19 Q Now, can you give us, with a little more  
20 precision, would you describe how tall they were?

21 A Well, the first two were just, maybe they were  
22 17 years old. They were still in high school. I don't  
23 remember how tall they were.

24 The third person that I picked up was tall.  
25 He had blond hair. He was very nice looking.

26 Q Was that near Gallup, New Mexico?

A Yes, I think so.



4f-1

1 Q That was where you picked him up?

2 A Yes. Around that area.

3 Q Pardon?

4 A Around that area.

5 Q I see.

6 You say he was tall. Would you state his  
7 height?

8 A Maybe six feet.

9 Q About how much did he weigh?

10 A I don't know.

11 Q And what color hair did he have?

12 A Blond.

13 Q And about what would be -- what was his  
14 weight?

15 MR. STOVITZ: You just asked that question. She  
16 said she didn't know.

17 I object to it as being asked and answered,  
18 your Honor.

19 MR. KANAREK: Your Honor, this is cross-examination.

20 THE WITNESS: Well, he wasn't skinny and he wasn't  
21 fat. He was just in between. A good build.

22 BY MR. KANAREK:

23 Q And do you remember, did he tell you his name?

24 A He might have, yes, at the time.

25 Q What was his name?

26 A I don't remember.

4f-2

1 Q Did he tell you where he was going?

2 A Yes. I think he said he was going to Texas.  
3 I think he said he had a construction job, or something to  
4 do with construction.

5 Q Now, did you tell this person that your name,  
6 at that time, when you spoke with him, was Yana, but that  
7 your name used to be Linda?

8 A Maybe.

9 Q Well, would you reflect upon that for a moment  
10 and tell us whether, in fact, you did state that your name  
11 was Yana and it used to be Linda?

12 A Yes, I probably said that.

13 Q Pardon? Excuse me?

14 A I probably said that.

15 Q Well, did you, in fact, say that?

16 A Well, I can't remember if I did say it.

17 Q Well, what makes you think that probably you  
18 said it?

19 A It just sounds right.

20 Q May I ask you what sounds right about it?

21 A That I would say my name is Yana but it used  
22 to be Linda. It just sounds right.

23 Q Well, may I ask you why it sounds right?

24 A I don't understand.

25 Q You don't understand what?

26 A Didn't I answer it the way I am supposed to

4f-3 1 answer it?

2 Q Well, has anyone told you that you are supposed  
3 to answer questions a certain way?

4 A No, but I thought I answered your question, but  
5 you keep asking.

6 Q Well, my question is -- may that question be  
7 read back, your Honor?

8 MR. STOVITZ: Which question, Counsel?

9 THE COURT: Reframe the question, Mr. Kanarek. We  
5 fls.<sup>10</sup> have long since gone by it.

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1 MR. KANAREK: Very well.

2 BY MR. KANAREK:

3 Q Why, Mrs. Kasabian, why did you say it sounds  
4 right that Yana was your name at that time rather than  
5 Linda?

6 A I still don't understand.

7 Q Well, may I ask you -- you don't understand that  
8 last question?

9 A No, I don't.

10 Q Well, did you in fact, Mrs. Kasabian, say "My  
11 name is Yana, but my name used to be Linda"? Did you in  
12 fact say that?

13 A I probably did, yes.

14 Q Then may I ask you, then, why do you say  
15 "probably"? Is there any doubt in your mind as to whether  
16 you said "My name is Yana but it used to be Linda"?

17 MR. STOVITZ: Objected to as argumentative, your  
18 Honor. She answered the question three or four times.

19 MR. KANAREK: I submit she hasn't, your Honor.

20 MR. STOVITZ: I submit the record speaks for itself,  
21 your Honor.

22 THE COURT: You may answer.

23 THE WITNESS: I remember telling them that my name was  
24 Yana and I just might have said "It used to be Linda,"  
25 but I'm not sure.  
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5-2

1 BY MR. KANAREK:

2 Q May I ask you then, now, would you listen to  
3 this carefully, Mrs. Kasabian:

4 Why aren't you sure as to whether or not you  
5 said that your name used to be Linda?

6 MR. STOVITZ: To which we object as being argumenta-  
7 tive, your Honor.

8 THE COURT: Sustained.

9 MR. KANAREK: I'm asking her why, your Honor.

10 THE COURT: She already told you she did not know.

11 Proceed.

12 BY MR. KANAREK:

13 Q Is it true you don't know, Mrs. Kasabian, why  
14 you probably said "Linda --"

15 A Yes.

16 Q -- "used to be your name"?

17 You have no reason for knowing why?

18 A Uh-huh.

19 Q Now, directing your attention to the time that  
20 you were driving Gallup, New Mexico.

21 Was there a discussion as to the ownership of  
22 the automobile?

23 A Maybe.

24 Q Well, when you say maybe, Mrs. Kasabian, what  
25 do you mean by maybe?

26 A Well, I don't remember the actual conversation

1 but I remembered that article on Yana the Witch, and  
2 some of it sounded familiar and some of it just did not  
3 seem to be true.

4 Q I'm asking you did you say that this automobile  
5 that you were driving was your automobile?

6 A I think I just said it belonged to everybody,  
7 something like that.

8 Q Now, directing your attention to your state  
9 of mind.

10 When you said that that automobile belonged  
11 to everybody, did you in fact believe that that automobile  
12 belonged to everybody?

13 MR. STOVITZ: That is objected to, your Honor, as  
14 being immaterial and irrelevant, her state of mind at  
15 that time is not in issue in this case.

16 MR. KANAREK: Your Honor, this is exactly the  
17 subject matter that Mr. Bugliosi went into in detail in  
18 his examination of this witness.

19 He went into all of her excursions, I think,  
20 up until the time that she went to New Hampshire.

21 THE COURT: That does not make it relevant.

22 MR. KANAREK: Pardon?

23 THE COURT: That does not make the question rele-  
24 vant.

25 MR. KANAREK: Yes, it does, your Honor, because she  
26 related to us matters concerning this excursion from Los

1 Angeles to wherever she went, and we have a right to know --  
2 the jury has a right to know -- all of us have a right  
3 to know as to whether or not this witness is in touch  
4 with reality.

5 MR. STOVITZ: Your Honor, if counsel is going to  
6 make further statements like that I think we should approach  
7 the bench.

8 We will have a full discussion at that time,  
9 and counsel can make any type of remarks he wants at the  
10 bench.

11 THE COURT: The jury is admonished to disregard the  
12 remarks of both counsel.

13 The objection is overruled. You may answer  
14 the question.

15 MR. KANAREK: May the question be read, your Honor?

16 THE COURT: Reframe the question.

17 BY MR. KANAREK:

18 Q Directing your attention, Mrs. Kasabian, to  
19 your state of mind, your thinking when you stated, as you  
20 have indicated you have stated there, near Gallup, New  
21 Mexico, that the automobile you were driving belonged to  
22 everybody, was your state of mind such that you believed  
23 that the automobile belonged to everybody?

24 MR. STOVITZ: Just a moment, your Honor, that was  
25 not her testimony, this is a characterization of her  
26 testimony.

1 This assumes facts not in evidence.

2 The witness stated that she was not aware  
3 of what her exact words were.

4 I think if your Honor will allow us to approach  
5 the bench on this subject matter we might enlighten the  
6 Court as to the surrounding circumstances of this entire  
7 matter.

8 MR. BUGLIOSI: May we approach the bench, your Honor?

9 MR. KANAREK: I don't think Mr. Stovitz can enlighten  
10 the Court. He was not there, your Honor.

11 MR. STOVITZ: Neither were you, Counsel.

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13 THE COURT: Approach the bench.  
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1 (The following proceedings were had at the  
2 bench out of the hearing of the jury:)

3 MR. BUGLIOSI: Your Honor, Mr. Kanarek is going into  
4 statements at this time that she made to some hitchhiker.

5 Now, I don't think that is admissible. In our  
6 direct examination we brought out the trip where she picked  
7 up some hitchhikers and drove from Point A to Point B.

8 Now he is going into conversations.

9 MR. STOVITZ: Not only that, but he does not have the  
10 witness in case Mrs. Kasabian were to answer, "No, I did  
11 not say that, we talked about the moon flight and things  
12 like that."

13 Mr. Kanarek does not have the witness, so this is  
14 in the form of the case of People vs. Locigno, where counsel  
15 could not ask a question on cross-examination of a witness  
16 that he could not later on show that the witness was in  
17 error.

18 MR. BUGLIOSI: That is the exact case. Can I get it  
19 in my notebook? The counsel knows they cannot disprove  
20 if they get a negative answer.

21 I got the applicable language of Locigno which  
22 I would like to read to the Court.

23 MR. KANAREK: They are deliberately avoiding the  
24 issue.

25 MR. FITZGERALD: I think we can produce them.

26 MR. KANAREK: The issue is this, your Honor, this

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1 witness is insane, and her testimony has to be stricken.

2 The issue goes to whether --

3 THE COURT: You are not going to prove insanity by  
4 asking her some questions, Mr. Kanarek.

5 MR. KANAREK: I am not going to prove insanity by  
6 asking some questions --

7 THE COURT: Let's get on with the cross-examination.

8 MR. KANAREK: But the point of the matter is, if her  
9 state of mind is such that she has no state of mind, that  
10 she is absolutely not with it, then all of her testimony  
11 including what she testified to to the prosecution has to  
12 be stricken.

13 MR. STOVITZ: So the Court may be further aware, there  
14 was an article that appeared in the Long Beach Sunday  
15 Supplement called Yana, The Witch.

16 This article was written by a correspondent for  
17 the Sunday Supplement and it was based upon an interview  
18 that that correspondent had with some college student who  
19 wished to remain anonymous.

20 The college student described the trip that he  
21 took from Arizona to New Mexico in which he met a girl called  
22 Linda who called herself Yana, and that this girl described  
23 some of her experiences in Los Angeles.

24 This anonymous college student also said  
25 he had sexual intercourse, I believe.

26 That is the substance of the article as well.

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1 That he left her at that time when the car broke down in  
2 New Mexico.

3 We know we have not been able to find this  
4 hitchhiker. I don't think counsel has been able to find  
5 him.

6 So no matter what conversations Mrs. Kasabian  
7 had with him, it would be inadmissible because, first of  
8 all, it is after the fact.

9 Secondly, it has nothing to do with the issues  
10 in the case because nothing in the article discusses the  
11 murders or anything of that nature.

12 And, thirdly, assuming for the moment she says,  
13 "I cannot remember whether I said it or not," they cannot  
14 prove that she does remember it.

15 They are just arguing with the witness on an  
16 immaterial matter.

17 MR. BUGLIOSI: Right.

18 Your Honor, first of all it is hearsay, what  
19 she told another party.

20 Now, if the defense argues that it is not  
21 hearsay, that it is not being offered for the truth of the  
22 matter asserted, but we are only going into impeachment  
23 matters, then we are dealing with Locigno, 193 Cal. Ap. 360  
24 at Page 388, where the Court states that it is improper  
25 to ask incriminating questions of a witness, knowing that  
26 the answer will be in the negative when these questions



1 insinuate or imply the existence of facts that the  
2 questioner knows he cannot prove and doesn't intend to try  
3 to prove."

4 Now, if they know --

5 THE COURT: All he is asking for is her state of  
6 mind.

7 MR. KANAREK: That's correct, your Honor, so I don't  
8 think Locigno covers this point.

9 THE COURT: He is asking her for her state of mind.

10 MR. BUGLIOSI: He is going into conversations now.

11 THE COURT: I would agree the conversations are  
12 probably objectionable, but I don't see going into her  
13 state of mind is objectionable.

14 MR. BUGLIOSI: The problem is if he asks these  
15 questions --

16 THE COURT: I have difficulty in seeing the relevancy  
17 of this --

18 MR. BUGLIOSI: He asks questions about conversations  
19 and we object, of course we are put in a bad light in  
20 front of the jury that we are trying to keep out information.

21 The point we are trying to make is the questions  
22 should not be asked in the first place because of the  
23 Locigno case.

24 THE COURT: I would agree on the conversations.

25 MR. KANAREK: Your Honor, the point of the matter is,  
26 first of all, I would like to make the allegation that,



1 again, because of the way that Linda Kasabian has been  
2 sequestered and the way --

3 THE COURT: Now, let's not go into that, Mr. Kanarek.  
4 We are up here for a very limited purpose.

5 Your question was objected to.

6 MR. KANAREK: But I must make this record.

7 He, Mr. Stovitz, says we cannot find the man;  
8 we have not found the man. Because of the way this case  
9 has been handled we have had no opportunity, and from this  
10 interrogation we may get information where we could find  
11 this man and bring him to this courtroom.

12 THE COURT: Why don't you ask her if she knows  
13 where he is?

14 MR. KANAREK: There has been a suppression of evidence.

15 THE COURT: There is no such evidence of that. Now  
16 let's proceed.

5B

5b-1

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

3 BY MR. KANAREK:

4 Q Mrs. Kasabian, directing your attention to  
5 your state of mind, and the automobile that you were  
6 driving, was your state of mind such that you believed  
7 that that automobile belonged to everybody?

8 A Yes.

9 Q You believed that it belonged -- would you  
10 name the people that you believed that automobile belonged  
11 to.

12 A There were no names; it just belonged to  
13 anybody and everybody.

14 Q I see. Now, directing your attention, Mrs.  
15 Kasabian, to credit cards.

16 Did you have credit cards with you when you  
17 were in that automobile?

18 A Yes, I had one.

19 Q All right. Did that credit card -- may I ask  
20 you to whom did that credit card belong?

21 A I don't know his name. He is a doctor.

22 Q Did the credit card belong to everybody or  
23 did the credit card belong to three or four people or  
24 the doctor -- or who did the credit card belong to?

25 A I imagine it belonged to the doctor in the  
26 beginning.

5b-2

1 Q Pardon?

2 A To the doctor in the beginning.

3 Q I see, in the beginning?

4 A Yes.

5 Q I see.

6 Then when you used that credit card -- did  
7 you use that credit card?

8 A Yes, I did.

9 Q When you used that credit card you knew that  
10 the credit card did not belong to you?

11 A Yeah, I guess I did.

12 Q You guess you did?

13 A Yes, I did.

14 Q Pardon?

15 A Yes.

16 Q You knew that it did not?

17 A Yes, I knew it, yes.

18 Q I see, and directing your attention to that  
19 credit card, did you in using that credit card find that  
20 the credit card was picked up, taken from you?

21 A Yes.

22 Q And directing your attention to your state of  
23 mind and your purpose in using the credit card, that you  
24 did use, it was to get as much mileage as possible out of  
25 the credit card before it was taken away from you, is that  
26 correct?

1 MR. STOVITZ: That is objected to as argumentative,  
2 your Honor.

3 THE COURT: Sustained.

4 BY MR. KANAREK:

5 Q Directing your attention to your state of  
6 mind, Mrs. Kasabian, in the use of that credit card, is  
7 it true that you used the credit card with the thought  
8 that you would use it until it was taken away from you?

9 MR. STOVITZ: That is objected to as argumentative,  
10 your Honor.

11 THE COURT: Overruled, you may answer.

12 THE WITNESS: For as long as I needed it.

13 BY MR. KANAREK:

14 Q In other words, you were going to use the credit  
15 card as long as you needed it?

16 A Yes.

17 Q But in your mind you knew that at some point,  
18 perhaps, someone would check that credit card with a list  
19 of no good credit cards and it would be taken away from  
20 you, is that correct?

21 A Yes.

22 Q And you felt that this device of using a  
23 credit card this way would give you as much mileage as  
24 possible in using the credit card, and still you would  
25 not get in trouble with the law?

26 MR. STOVITZ: That is objected to as being argumentative,



1 your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: I did not understand your question.

4 BY MR. KANAREK:

5 Q Well, was your state of mind such that you felt  
6 there was a risk in using this credit card; that the  
7 credit card might be taken away from you?

8 A I probably felt it eventually would, yes.

9 Q Now, you probably, Mrs. Kasabian, would you  
10 tell us, this is in fact true, it is not probably true,  
11 is it?

12 MR. STOVITZ: It is objected to as argumentative,  
13 your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: Yes, it is, in fact.

16 BY MR. KANAREK:

17 Q It is in fact true?

18 A Yes.

19 Q And it was your intent to use that credit card  
20 as long as possible before it was taken away from you?

21 MR. STOVITZ: That is objected to as immaterial.

22 BY MR. KANAREK:

23 Q Is that correct?

24 THE COURT: Overruled.

25 THE WITNESS: Yes.  
26

1 BY MR. KANAREK:

2 Q And so at some point this credit card was taken  
3 away from you because the credit card was not yours, and  
4 some list of credit cards which were dishonored --

5 MR. STOVITZ: That is objected to as calling for a  
6 conclusion of this witness, your Honor.

7 THE COURT: Sustained.

8 BY MR. KANAREK:

9 Q Now, may I ask you, Mrs. Kasabian, where did  
10 you get that credit card?

11 A From Bruce Davis.

12 Q And, Mrs. Kasabian, directing your attention to  
13 that credit card, did you steal that credit card, Mrs.  
14 Kasabian?

15 A I don't think so.

16 Q You don't think so?

17 A Huh-uh.

18 Q Now, would you tell us whether you did steal  
19 it or you did not steal it.

20 A Well, I know I went out one night and stole  
21 some credit cards but I don't know whether that was one of  
22 them.

23 Q I see, so referring to this doctor's credit  
24 card, you don't know whether the particular credit card  
25 that we are speaking of now is one that you stole or not?

26 A Yes.

1 Q And on many occasions did you go out and  
2 steal credit cards?

3 A Once that I went out and actually took the  
4 credit cards.

5 Q I see.

6 And where was that that you went to steal the  
7 credit cards?

8 A I don't know the area.

9 Q Pardon?

10 A I don't know the area.

11 Q Well, was it in the Los Angeles area?

12 A I guess so.

13 Q You guess so or do you know so, Mrs. Kasabian?

14 A I don't know what area it was.

15 5c fls.  
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5C-1

1 Q Well, when was it that you stole the credit  
2 card that you are speaking of?

3 A Near the end of July, I would say.

4 Q Pardon?

5 A Near the end of July.

6 Q Near the end of July?

7 A Yes.

8 Q And when you stole this credit card -- let  
9 me withdraw that.

10 You have stated that you stole other credit  
11 cards.

12 A I don't understand.

13 Q Well, have you -- let me withdraw that.

14 Directing your attention, Mrs. Kasabian, to your  
15 theft of credit cards, on how many different occasions in  
16 your lifetime have you stolen credit cards?

17 MR. STOVITZ: Objected to as being immaterial,  
18 irrelevant, and having nothing to do with the issues of  
19 this case.

20 THE COURT: Sustained.

21 Q BY MR. KANAREK: Now, at some time that  
22 automobile that you were driving ran out of gas, is that  
23 right?

24 A No.

25 Q The automobile broke down?

26 A Yes.



5C2

1 Q And when the automobile broke down did you  
2 hitchhike somewhere?

3 A Yes.

4 Q And did you hitchhike in the presence of this  
5 tall person that you are speaking of?

6 A Yes, I think I did.

7 Q Pardon?

8 A Yes, I think I did.

9 Q Now, while you were in the presence of this  
10 tall person did you speak of death?

11 A Possibly. I don't recall the conversation.

12 Q Well, when you were at the Tate residence,  
13 Mrs. Kasabian, did you think of death?

14 A I don't understand.

15 Q You don't understand?

16 A When I was there?

17 Q Yes.

18 A Did I think of death?

19 Q Yes.

20 A Well, death was right in front of me so I  
21 guess I thought about it.

22 Q I see, and directing your attention to your  
23 thinking of death at that time --

24 A Uh-huh.

25 Q -- would you compare for us that thinking of  
26 death with the thinking of death that you have thought of

1 when you were hallucinating under the influence of LSD?

2 MR. BUGLIOSI: Another fact not in evidence.

3 MR. STOVITZ: I also object to the question as  
4 ambiguous, unintelligible.

5 THE COURT: Sustained.

6 Q BY MR. KANAREK: Mrs. Kasabian, you have taken  
7 LSD, is that correct?

8 A Yes, I think that is pretty well known.

9 Q You seem exasperated with the question.

10 A Well, I think I have answered these questions a  
11 number of times.

12 Q And you feel that we are imposing upon you to  
13 ask these questions?

14 THE COURT: Proceed, Mr. Kanarek.

15 Q BY MR. KANAREK: Now, directing your attention  
16 to the first time, Mrs. Kasabian, that you ever took  
17 an acid trip.

18 A Yes.

19 Q Will you describe for us what -- what was  
20 going on in your mind during this first time that you  
21 took an acid trip.

22 MR. STOVITZ: I object to the question, your  
23 Honor, as being immaterial, irrelevant, and having nothing  
24 to do with the issues in this case.

25 It is completely remote.

26 THE COURT: Overruled, you may proceed.

5C4

1 THE WITNESS: The first time I took acid was in  
2 Boston in an apartment, and I remember it was mostly a  
3 music trip, listening to music on a stereo.

4 I don't think I really got into my mind on this  
5 first trip, I was more interested in the music.

6 Q BY MR. KANAREK: And in later trips you had  
7 gotten into your mind?

8 A Yes.

9 Q Well, will you tell us what did you think of,  
10 say, on your 23rd trip?

11 A Well, if you want me to go to my 23rd trip I  
12 will have to take an awful lot of time to think about it.

13 Q Please do.

14 MR. STOVITZ: I object, your Honor. It is immaterial,  
15 irrelevant.

16 Counsel characterizing the 23rd trip as just a  
17 middle trip, maybe he should explain that to the witness.

18 MR. KANAREK: Well, your Honor, Mr. Stovitz certainly  
19 was free to frame his questions and I would like to be  
20 free to frame mine.

21 MR. STOVITZ: I object to the question as being  
22 immaterial and irrelevant. It has nothing to do with the  
23 issues of the case.

24 THE COURT: I suggest you go to another question  
25 now and we will come back to it after she has had a chance  
26 to think about it.

5C5

1 Q BY MR. KANAREK: Well, do you want to think  
2 about it until, say, the afternoon recess, Mrs. Kasabian?

3 A Sure.

4 Q And then you will come back and tell us what the  
5 23rd trip was about?

6 A If I can remember the 23rd trip I will try.

7 Q Right now can you tell us what happened on the  
8 second trip? What did you think about on the second trip?

9 A I'm not sure if it was my second trip, but right  
10 around the very beginning I took a trip in New York City  
11 and I met this guy and he told me about California, about  
12 the Haight-Asbury District and we talked about love, love-  
13 making, things like that.

14 He asked me what I thought.

15 Q What was going on in your mind? Tell us what  
16 was going on in your mind during the second trip.

17 A Can you direct it to a specific thing? Lots  
18 of things were going on in my mind.

5D

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JD-1

1 Q Well, would you tell us what the lots of things  
2 are that were going on in your mind, that went on in your  
3 mind during the second trip?

4 A No, I don't think I can tell you.

5 Q Is there some reason that you cannot tell us?

6 A No, I guess not, I just can't.

7 Q You have no reason?

8 A Yeah.

9 Q Well, would you tell us what happened on your  
10 third trip?

11 A I cannot tell you right at this moment. I  
12 have to sit down and think about it by myself.

13 Q I see, and if you sit down and think about it  
14 by yourself you will be able to tell us what happened on  
15 the third trip?

16 A Possibly, yes.

17 Q And if you sit down will you be able to tell  
18 us what happened, let us say, on the seventeenth trip, if  
19 you sit down and think about it long enough?

20 A Yeah, maybe.

21 Q I see. Now, Mrs. Kasabian, directing your  
22 attention to the LSD that you had taken, is it a fair  
23 statements, Mrs. Kasabian, that you have not kept a score  
24 card on how many LSD trips you have taken?

25 A Yes.

26 Q Is that correct?

1 A Yes.

2 Q And what is it, Mrs. Kasabian, that determines  
3 in your mind as to when you take a trip?

4 A I don't understand you.

5 Q How do you decide that you are now going to  
6 take a trip?

7 A I still don't understand -- how do I decide?

8 Q Yes.

9 A I don't understand your question.

10 Q Well, what is the reason that at any particular  
11 time you decide to take a trip, to take LSD inside your  
12 body?

13 A Usually somebody comes with it or I just  
14 decide I want to take some acid, and I go out and get it.

15 Q And when you decide you want to take some acid  
16 you go get it or you find a fellow who will supply it for  
17 you or something, is that correct?

18 A Yes.

19 Q And when you have decided at any particular  
20 time it is just because like someone might decide, with-  
21 out any reason, is that it, just decide you want to take it  
22 right now and that is the way it is going to be?

23 A Yeah.

24 Q Is that right?

25 A Yes.

26 Q Now, would you say that you looked forward to

1 taking acid trips?

2 A Yeah.

3 Q And since you started taking acid you have  
4 enjoyed it. You have enjoyed taking these acid trips?

5 A Yes.

6 Q Now, during the time that you have taken acid  
7 have you ever seen death during any acid trip that you  
8 take?

9 A You mean a person dying?

10 Q Any aspect of death?

11 A No.

12 Q Have you ever considered that you were near  
13 death in an acid trip?

14 A Yeah.

15 Q Which acid trip was it that you considered you  
16 were near death?

17 A I don't know which acid trip it was, but in  
18 New Mexico I remember one trip.

19 Q You took a trip while you were in New Mexico?

20 A Yes.

21 Q And that is while you were in Taos?

22 A Yes, this was long before what we are here  
23 for now.

24 Q What are we here for now, Mrs. Kasabian?

25 A The Tate case, I believe.

26 Q Pardon?

1 A The Tate case.

2 Q I see, we are here for doing what in the Tate  
3 case?

4 A To find out the facts.

5 Q I see, and what is your reason for being here?

6 A To give the facts that I know about.

7 Q I see.

8 And you are not here because you want to save  
9 yourself from imprisonment or the death penalty?

10 A No, not really.

11 Q Not really, I see.

12 Now, then, tell us about this --

13 First of all, when was it that you took this  
14 acid trip in New Mexico wherein you saw death --

15 MR. STOVITZ: It is not what she said, your Honor,  
16 it is the characterization of her testimony, I believe it  
17 is not proper cross-examination.

18 THE COURT: Sustained.

19 Q BY MR. KANAREK: Would you tell us, Mrs.  
20 Kasabian, what went on in your mind during this time when  
21 you say you viewed death in this New Mexico trip?

22 A Well, I don't know if you would call it death,  
23 but I remember laying in a field and looking up at the  
24 clouds, and I felt that part of myself -- I don't know, I  
25 cannot explain it.

26 Q A part of yourself was apart from your physical



1 body?

2 A Yes.

3 Q Is that correct?

4 A Yes.

5 Q And what part of your body was apart from  
6 your physical body?

7 A I don't know what you call it.

8 Q Was there any particular portion of your body  
9 that you felt was --

10 A Oh, no, my body was intact.

11 It is hard to explain. I don't have the words  
12 to explain it.

13 Q Well, would you explain it to the best of your  
14 ability?

15 A Well, somebody once told me that it's called the  
16 ego death.

17 Q Ego death?

18 A Yes, and so I guess that is what I experienced,  
19 but I cannot put it into words for you.

5E

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5e-1

1 Q I see, so is it a fair statement that you felt  
2 that your personality, your soul and your spirit was  
3 removed from your physical body?

4 A I don't know.

5 Q Is it a fair statement that you felt that your  
6 soul and your spirit had died even though your physical  
7 body was alive?

8 A No.

9 Q What do you mean by it is ego that you have just  
10 spoken of?

11 A Well, ego is sort of like a personality, I  
12 guess, I'm not really sure, and this is what I believe  
13 died on that trip.

14 MR. KANAREK: May those last few words be read back?

15 THE COURT: Read the answer, please.

16 (Whereupon the reporter reads the answer as  
17 follows:

18 "A Well, ego is sort of like a personality,  
19 I guess, I'm not really sure, and this is what I  
20 believe died on that trip.")

21 MR. KANAREK: I see.

22 BY MR. KANAREK:

23 Q Then when you say that that is what died  
24 during that trip, you felt that your mind or your spirit  
25 had ceased to exist?

26 A I believe my mind and spirit are two different

5e-2

1 things.

2 Q Well, do you believe that your mind ceased to  
3 exist during that trip?

4 A No. My mind was still there.

5 Q Do you believe your spirit ceased to exist  
6 during that trip?

7 A No.

8 Q Well, then, what ceased to exist during that  
9 trip, Mrs. Kasabian?

10 A I don't know, I just told you I cannot really  
11 explain it.

12 I think it was ego because somebody told me  
13 that is what it is.

14 Q I see, and that was what, during the year of  
15 1967?

16 A No, '68.

17 Q During the year of 1968?

18 A Yes.

19 Q And about what month in 1968?

20 A July, I believe.

21 Q And that would be approximately two years ago?

22 A Yes.

23 Q And who else was with you during that ego  
24 death trip?

25 A I was by myself.

26 Q Lying in a field of grass in New Mexico?

5e-3

1 A Yes.

2 Q Now, directing your attention, Mrs. Kasabian,  
3 to a number of trips that you have taken, would you tell  
4 us whether you have any measuring rod for the number of  
5 trips you have taken, how frequently have you taken trips?

6 A Well, I sat down one day and thought about  
7 it and I came up with about 50.

8 Q And would you tell us upon what basis you  
9 came up with 50? Would you tell us how you figured that  
10 out?

11 A Well, I tried to go from the first to the  
12 second to the third, you know, I just sat down and really  
13 thought about it and this is what I came up with.

14 Q Well, would you tell us exactly what went  
15 through your mind as you figured out the number of trips?

16 A I don't understand your question.

17 Q Well, how did you come up with the number 50  
18 instead of the number 12, for instance?

19 A I just told you, I just sat down and thought  
20 about it.

21 Q And what were the things you thought about  
22 that made you say the number was 50?

23 A Remembering where I was, trying to remember  
24 who was there, trying to remember the exact experience  
25 that I experienced.

26 The things surrounding the experience -- does



1 that answer your question?

2 Q I don't know, Mrs. Kasabian.

3 A Well, I am finished. I am asking you.

4 Q Are you finished?

5 A Yes.

6 Q Now, so this number, 50, that you have come  
7 up with, is a number whereby you figured out each and  
8 every trip that you took, is that right?

9 A Yes, approximately, yes.

10 Q All right, now, then you feel that you can  
11 tell us where you were and who was present with you and  
12 what you thought on the 23rd trip after you think about  
13 it over the noon recess?

14 A Yeah, I think I can.

15 Q I see. Will you be able to do that from 1 to  
16 50, is that right?

17 A It might take longer than the noon recess.

18 Q I see. How long would it take for you to  
19 figure out those facts as to people?

20 A I don't know. I have had a lot of time to  
21 think about it.

22 Q I see. Directing your attention then to  
23 the No. 50, do you think that the number of trips you  
24 have taken is exactly 50?

25 A No, it's probably not exactly.

26 Q I see. Well, what would you say --

5e-5

1 Well, what would you say the true number is,  
2 the exact number of trips?

3 A I could not say. I am just saying approxi-  
4 mately; it could be more or less.

5 Q It could be more than 50?

6 A I have doubts that it is more, but it could be.

7 Q I see, and would you state on what reason do  
8 you base your statement that you have doubts that it is  
9 more?

10 A I don't understand your question.

11 Q Why do you state that you have doubts that it  
12 is more?

13 A That it is more?

14 Q Yes.

15 A Because I have tried to go back to the first  
16 and the second and the third.

17 I may have forgotten a few, I don't know, I'm  
18 not perfect.

19 Q Mrs. Kasabian, you say from December of 1965  
20 on to the present time you have taken acid, is that  
21 right?

22 A Excuse me.

23 MR. STOVITZ: That is not her testimony, Counsel.  
24 I object to it as being --

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

1 THE COURT: No -- go ahead, put the question to the  
2 witness directly, avoid that problem.

3 BY MR. KANAREK:

4 Q How often, Mrs. Kasabian -- how often,  
5 let us say, per month have you taken acid trips?

6 A Some months I took it more than others.

7 Q And the frequency that you have taken acid  
8 trips is dependent only upon your whim and caprice, when  
9 you decide to take an acid trip you go out and get the  
10 acid and take the trip, is that correct?

11 A Yes.

12 Q Are there occasions when you take acid trips  
13 maybe three, four, five, six times a week?

14 A No, I don't think I ever took it that much  
15 so close together.

16 Q Why, is there some reason why you did not take  
17 acid trips that close together?

18 A Well, it is physically exhausting.

19 Q When you take acid trips you get tired?

20 A Yes.

21 Q Is that right?

22 A Yes.

23 Q You don't even have enough energy to lift  
24 a sugar cube to your mouth? What kind of exhaustion is it?

25 A Well, after a while it just becomes a physical  
26 exhaustion. You are tired and you don't, you know --

1 MR. KANAREK: I see.

2 Oh, yes, your Honor, may we approach the bench  
3 for a matter of physical necessity?

4 THE COURT: Very well. Do you wish to take a recess?

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: Ladies and gentlemen, do not speak to  
7 anyone nor form or express an opinion regarding the case  
8 until it is finally submitted to you.

9 We will recess for 15 minutes.

6 fls.



6-1

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

3 You may continue, Mr. Kanarek.

4 MR. KANAREK: Thank you, your Honor.

5 Q Mrs. Kasabian, directing your attention to the  
6 last recess, do you recall that I tried to speak with you?

7 MR. BUGLIOSI: Your Honor, may we approach the  
8 bench?

9 THE COURT: Proceed, Mr. Kanarek. Ask your  
10 questions. Let's proceed.

11 MR. KANAREK: Yes.

12 THE WITNESS: Yes, I remember.

13 MR. KANAREK: Q Is there some reason --

14 MR. BUGLIOSI: Same objection, your Honor. He is  
15 going into matters totally irrelevant.

16 THE COURT: Mr. Kanarek, proceed with your cross-  
17 examination. I don't want that subject gone into.

18 MR. KANAREK: Then may we approach the bench?  
19 I believe that it goes to her state of mind.

20 THE COURT: Not at this time.

21 MR. KANAREK: Very well. I <sup>will</sup> defer that type of  
22 questioning, your Honor, until some later time.

23 THE COURT: Proceed.

24 MR. KANAREK: Q Mrs. Kasabian, directing your  
25 attention, then, to the various acid trips that you take.  
26 You say that the only -- let me withdraw that.

5-2

1                   One of the reasons why you stop taking a trip  
2 or defer taking a trip is because you are exhausted?  
3 Is that a fair statement?

4           A       Yes.

5           Q       Now, in this period of time, from 1965 until the  
6 present time, have you done any work? Have you worked  
7 anywhere?

8           A       Yes, I have.

9           Q       And where have you worked?

10          A       A number of places.

11          Q       Would you tell us where you worked?

12          A       Let's see. I have worked -- do you want the  
13 names of the places?

14          Q       Yes, please.

15          A       I worked in a convalescent home back East in  
16 New Hampshire.

17          Q       Will you tell us from what time to what time  
18 you worked there?

19          A       Oh, actually, that is when I was in school.

20          Q       That was before 1965?

21          A       That was before, yes.

22          Q       My question is from 1965 to the present time.

23          A       Yes.

24                   I worked in a bagel shop in Nashua, New Hampshire.

25          Q       Will you give us the period?

26          A       Right after I got married.

6-3

1 Q The first time?

2 A Yes.

3 Q To Mr. Beaslee?

4 A Peaslee.

5 Q Peaslee?

6 A Yes.

7 I think I worked from September to October.

8 Q of 1965?

9 A Yes.

10 Q Now, my question is -- you say that Christmas  
11 of '65 was when you took your first trip --

12 A I made a mistake there. It was '66. Christmas  
13 of '66.

14 Q Christmas of '66 is when you took your first  
15 trip?

16 A Yes.

17 Q So it wasn't Christmas of '65?

18 A Right.

19 Q I see.

20 Then, directing your attention from the  
21 beginning, from Christmas of '66, Mrs. Kasabian, until the  
22 present time, will you tell us where you worked?

23 A Let's see. I worked in a factory. I have  
24 forgotten the name of it. The Hampshire Company in  
25 Nashua.

26

6a-1

1 Q Will you give us, from Christmas of '66 on,  
2 the dates on which you worked?

3 A I can't remember the dates.

4 Q You don't know whether you worked six months  
5 or six hours?

6 A I worked usually no more than a couple of  
7 months.

8 Q Pardon?

9 A Usually no more than a couple of months.

10 Q Well, would you tell us, directing your  
11 attention to this Hampshire Company --

12 A Yes.

13 Q -- directing your attention to that, would  
14 you tell us from when until when you worked?

15 A I believe it was in February or March of '67.

16 Q Until when, Mrs. Kasabian?

17 A I think that job lasted about a month.

18 Q Then would you tell us the next time you  
19 worked?

20 A Let's see. Before that job I worked at  
21 Take 5 Film Productions in New York City. That job only  
22 lasted a week.

23 Q When was that week? When did that occur?

24 A Right around the beginning of the year,  
25 about '67.

26 And let me see. Then I remember I had another



1 job in a factory, Hitchner's Manufacturing Company. That  
2 was in the fall or winter sometime. I can't remember the  
3 dates.

4 Q Would you tell us when this occurred?

5 A I just told you, I don't remember the dates.  
6 It was in the fall of the winter.

7 Q What year did it occur?

8 A '66.

9 Q Pardon?

10 A '66.

11 Q That would be before Christmas of '66?

12 A Yes.

13 Q My question is:

14 From Christmas of '66 to the present time.

15 A I think that is about the only jobs.

16 Q Those are the only jobs you have had?

17 A Yes.

18 Q So, outside of what you have told us, you have  
19 not earned any money from what we might call proper sources  
20 other than those places?

21 MR. BUGLIOSI: Argumentative, your Honor.

22 THE COURT: Sustained.

23 BY MR. KANAREK:

24 Q Now, then, while you were pregnant with  
25 Tanya, you took LSD; is that correct?

26 A Yes.

1 Q Throughout your pregnancy?

2 A No. I believe I only took it two or three  
3 times.

4 Q And is there some reason that you didn't take  
5 it more than two or three times during your pregnancy  
6 with Tanya?

7 A Somebody told me that it was dangerous for  
8 the baby.

9 Q Somebody told you it was dangerous for the baby?

10 A Yes.

11 Q So you didn't take any LSD except two or three  
12 times during the pregnancy?

13 A Right.

14 Q Then directing your attention to the period of  
15 your pregnancy --

16 A Yes.

17 Q -- the nine months, the approximate nine  
18 months period of Tanya's pregnancy --

19 A Yes.

20 Q -- when would that period have ended? When  
21 was she, Tanya, born?

22 A She was born March 3rd of '68.

23 Q Pardon?

24 A March 3rd of '68.

25 Q March 3rd of '68?

26 A Yes.

1 Q So, from that nine-month period back, you only  
2 took LSD two to three times?

3 A Yes.

4 Q Then, after Tanya was born, from '68 until the  
5 present --

6 A Yes.

7 Q -- there was no restraint or no reason why  
8 you shouldn't take LSD; correct?

9 A Yes.

10 Q So you took LSD because you enjoyed it from  
11 about March of '68 to the present?

12 A The present? You mean right now?

13 Q Yes.

14 A I haven't taken acid for quite a while.

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Q You haven't taken acid for quite a while?

A What?

Q You say you haven't taken acid for quite a while?

A Yes.

Q Then there were periods of time in this period that you now say begins in 1966 --

A Yes.

Q -- there were periods of time when you took acid, let us say, five times a week; maybe five or six times a week?

A I don't recall ever taking it that close together.

Q Well, the only reason, you are not now working, you are not pregnant, the only reason, the only restraint upon your not taking the acid is the exhaustion; is that correct?

MR. STOVITZ: That is objected to as argumentative and a characterization of her testimony.

She said that was one of the reasons, and he said, "This is the only reason."

Your Honor, it is improper cross-examination.

MR. KANAREK: Your Honor, in this question I am not adverting to any previous testimony whatsoever, your Honor. I am asking a question. I am not referring to anything that is in the record.

THE COURT: Do you understand the question, Mrs. Kasabian?



THE WITNESS: Not really.

MR. KANAREK: May it be read?

THE COURT: Read the question.

(The question was read by the reporter.)

THE COURT: overruled.

You may answer.

THE WITNESS: Are you talking about here right now?

I am not taking acid now.

MR. KANAREK: Q Let's talk about a time when you are taking acid, you are not pregnant and you are not working.

A Yes.

Q Then the only restraint upon you taking acid is the matter of exhaustion?

A No.

Q Pardon?

A No, that is not the only reason.

Q Pardon?

A That is not the only reason.

Q What other reason would there be?

A Sometimes there was no acid to take, sometimes I just didn't want to take any.

I had household chores to take care of.  
To take a trip, you know, is like taking a vacation.

Q I see,

So, sometimes you couldn't get the acid, and

B3

1 that is the reason you wouldn't take it, because you  
2 couldn't get it and you wanted it; is that right?

3 A Not necessarily.

4 Q Well, you just -- didn't you just, a few moments  
5 ago, tell us that is one of the reasons you didn't take  
6 acid, because you couldn't lay your hands on it?

7 A Well, it just wasn't right there.

8 Q Pardon?

9 A It just wasn't right there.

10 Q What do you mean when you say it wasn't  
11 right there?

12 A It wasn't within my reach.

13 Q I see.

14 Then, Mrs. Kasabian, is it a fair statement  
15 that you took acid during the time, at some times, from  
16 Christmas of 1966 to the present time, shall we say,  
17 four times a week, perhaps?

18 A That is a lot of acid to take I believe, within  
19 so close a time period -- period of time -- excuse me.  
20 I don't think I have ever taken that much so close  
21 together.

C-1

1 Q I see. But you may have?

2 A I may have, sure; but I don't recall taking it  
3 that close together.

4 Q Well, when you take acid, do you keep track?  
5 Were you keeping track of the fact that you were exhausted  
6 the day before yesterday and, therefore, today you are not  
7 going to take acid?

8 A Was I keeping track of it?

9 Q Yes.

10 A No.

11 Q Now, directing your attention to the time when  
12 you were married, living with Mr. Kasabian.

13 A Yes.

14 Q You took joint trips; is that a fair statement?  
15 You and Mr. Kasabian?

16 A Yes.

17 Q Pardon?

18 A Yes.

19 Q And in that regard, do you get a certain added  
20 pleasure or added effect by taking a trip with someone  
21 else? Does this give you something special?

22 A You get to know each other better.

23 Q While taking this trip?

24 A Yes.

25 Q You get some kind of -- you feel that you know  
26 the person you are taking the trip with better?

1 A Yes.

2 Q And during the time that you are taking these  
3 trips together, do you have sexual relations?

4 A Yes.

5 Q Directing your attention, Mrs. Kasabian, to  
6 the time -- what is the time between the time that you take  
7 acid until you feel it?

8 A How long does it take to come on? Is that what  
9 you are asking me?

10 Q Yes. Right.

11 A Again, it depends on the quality and the  
12 quantity. Usually about an hour.

13 Q So, this is your estimate; your experience is  
14 about an hour?

15 A Yes.

16 Q Now, then, directing your attention to the time  
17 that is involved while the trip is going on. Would you  
18 tell us, after you take the trip, begin the trip, until  
19 the trip is over --

20 A Would you start your question over again?

21 Q Certainly.

22 From the time that you start the trip until the  
23 trip is over, how much time el es?

24 A I don't know. I never kept track of the  
25 time.

26 Q Well, is it a ma several days that you



are on this trip?

A No. Usually a day.

Q You are on a trip a whole day?

A Yes.

Q When you are tripping?

A Yes.

Q And directing your attention to the time between the time that you first take the acid internally until this hour period has elapsed. What is your state of mind? What are you thinking about during that hour, knowing that something is going to happen in an hour?

A What do I think about?

Q Yes.

A I don't know.

Q You mean you don't remember, referring now to the some 50 trips that you have spoken of, you don't remember as to what you were thinking about during this come-on period of one hour?

A Maybe I was anticipating what the trip would be like, or thinking about somebody way back when, or what somebody was doing in another place.

I don't know what I was thinking about while I was waiting.

Q Well, will you pick any trip, any trip of these 50 trips that you say you have taken, and tell us what you were thinking about during the time that the trip

1 was coming up?

2 MR. STOVITZ: I object to the question as being  
3 ambiguous, immaterial, and has nothing to do with the issues  
4 in this case.

5 THE COURT: Overruled.

6 THE WITNESS: I think I just answered that question  
7 to the best of my ability.

8 MR. KANAREK: Q Then, are you telling us that  
9 as far as the 50 trips that you have taken, you do not  
10 remember anything that occurred in your mind during the  
11 come-on period as to each and all of those trips?

12 A Not at this particular moment, no.

13 Q I see.

14 Well, do you think if you thought about it you  
15 could tell us what happened during the come-on period of,  
16 let us say, trip number 4, during this hour period?

17 A Possibly.

18 Q Pardon?

19 A Possibly.

20 MR. KANAREK: I see.

21 THE COURT: We will take our recess, Mr. Kanarek.

22 Ladies and gentlemen, do not converse with  
23 anyone nor form or express any opinion regarding the case  
24 until it is finally submitted to you.

25 The Court will recess until 2:00 p.m.

26 (Whereupon, at 12:01 p.m. the Court was in  
recess.)