

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

44

No. A253156

REPORTERS' DAILY TRANSCRIPT

Thursday, August 6, 1970

P. 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:

RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

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

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

PAGES 6468 to 6562

COPY

I N D E X

PEOPLE'S WITNESSES:

CROSS

KASABIAN, Linda

6473 (K)

E X H I B I T S

PLAINTIFF'S:

FOR IDENTIFICATION

87 - Photograph

6532

DEFENDANT'S:

B - Map of Los Angeles

6483

LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 6, 1970

2:00 P.M.

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

THE COURT: I asked all of counsel to come in. I just wanted to mention to you that I receive from time to time letters from various people all over the country, as you might imagine, in connection with this trial.

Some of them are intelligent criticisms, and they range all the way from there to gibberish at the other end of the spectrum.

I have one letter here which I don't know how to categorize it, but it's from a Marian, M-a-r-i-a-n, S. Buckley, 76 Hoyt Street, Brooklyn, New York.

The only reason I mention it is because some of the things that she says in here seem like they may pertain to this case, although it would appear highly questionable.

In any event the point I am making is, whenever I receive anything that would appear to me to relate in any way to any of the facts of this case I will let counsel know regardless of how unintelligible it may seem, so if you wish to follow it up in any way you are free to do so.

This is one of those letters. I have no idea what it means or whether this woman is sane or insane, but

1 she says some things that at least are eyebrow raising, if
2 nothing else, and so I make the letter available to counsel
3 for whatever purpose it might serve.

4 I would remind you, however, that the
5 publicity order will extend to this as being conceivably
6 something that might somehow relate to the trial, and it
7 certainly should not be made available to the press.

10-1

1 So, it will be available. You can read it
2 now, if you like.

3 (The letter is handed to Mr. Fitzgerald.)

4 MR. BUGLIOSI: Maybe to save time, if you want to
5 read it now, you can read it out loud, Paul.

6 THE COURT: Fine.

7 MR. BUGLIOSI: In that way we can accomplish at one
8 fell swoop --

9 MR. FITZGERALD: The return address is as was
10 indicated by the Court.

11 It is addressed to the Supreme Courthouse,
12 Los Angeles, California.

13 "Dear Judge, I am writing to you in
14 the hopes that I can be of some help in the
15 Sharon Tate murder case.

16 "You see, I believe the same as
17 President Nixon that this man might lose his
18 life just for the sake of newspaper reporters
19 want for a story.

20 "I played Sharon Tate with a blonde
21 wig on and also Patti Duke and Barbara Parkins
22 in 'Valley of the Dolls.'

23 "I was supposed to have had a
24 wedding in England with Roman Polanski because
25 he was director of the picture. After the
26 picture I was told I was going to be murdered

1 "in 1969 and they had an ambulance come to the
2 Garden City Hotel where the picture was made
3 and lay on a stretcher and covered up to be
4 shown being wheeled out of the house as one
5 of the murder victims.

6 "I was never pregnant and am still
7 alive. So I thought I should stick" -- it looks
8 like stick, but it could be "stiff" -- "in and
9 tell you what I know about the case.

10 "I was given this name Tate after
11 Mr. Fred Tate, the acting director of the U. S. Mint.
12 Those newspaper reporters would do anything for a
13 story.

14 "Sincerely yours, Marian F. Buckley."

15 THE COURT: There it is, gentlemen. If you can make
16 anything out of it, you are welcome to use it.

17 That is all I have.

18 MR. FITZGERALD: I might put an addendum to your
19 Honor's remarks.

20 Your Honor, I take it, has also received
21 telegrams, as we have?

22 THE COURT: Yes.

23 MR. FITZGERALD: And the reason I mentioned it, in
24 two of the telegrams I have received there had been
25 indicated in the bodies of the telegrams that copies have
26 been sent to you.

1 THE COURT: Yes.

2 MR. KANAREK: One slight addition.

3 The address is 76 Hoyt Street, Brooklyn, New
4 York, 11217, Room 5-E.

5 THE COURT: Very well, gentlemen. I will have the
11 fls. 6 letter in my file if any of you want it for any purpose.

11-1

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

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

5 You may proceed, Mr. Kanarek.

6 MR. KANAREK: Thank you, your Honor.

7 Q BY MR. KANAREK: Mrs. Kasabian, have you had
8 an opportunity to think of the path that you took away
9 from Los Angeles, over the lunch hour?

10 A I believe I knew the route to the house.

11 Q Pardon?

12 A To the house where I picked up the boys.

13 Q All right. From the house where you picked up
14 the boys what route did you take?

15 A That I still don't know.

16 Q You don't know the path you took through
17 Los Angeles?

18 A No, I just remember getting on a highway
19 going towards New Mexico.

20 Q Now, the day after the second night where did
21 you go?

22 A The day after -- I am not quite sure -- the day
23 after?

24 Q Well, you came back to the house, to the place in
25 the Spahn Ranch where you stayed.

26 A Yes.

L12

1 Q After the second night?
2 A Yes.
3 Q Is that right?
4 A Right.
5 Q And you went to sleep?
6 A Yes.
7 Q And you got up the following morning?
8 A Well, it was morning when I got there.
9 Q Well, you got up at some time during that day?
10 A Yes.
11 Q Where did you go during that day?
12 A I remember getting a sleeping bag and packing
13 the sleeping bag and hiding it behind the ranch.
14 Q And where did you go after you hid it behind the
15 ranch?
16 A I went back to the ranch.
17 Q And then where did you go?
18 A I remember that night I took care of the
19 children.
20 Q And then where did you go after you took care
21 of the children?
22 A Well, I slept with the children.
23 Q And then -- was that all night long?
24 A Yes.
25 Q Pardon?
26 A Yes.

1 Q Then where did you go the day after that?

2 A Let's see, that was the day that I went to see
3 Mary and Bruce and Sandy -- not Bruce, excuse me, Bobby.

4 Q And how did you get to where you went to see
5 Mary and Sandy and someone else?

6 A In a car.

7 Q Pardon?

8 A In a car.

9 Q In whose car did you go?

10 A Dave Hannon's.

11 Q Pardon?

12 A Dave Hannon's car.

13 Q And how long were you away from the ranch that
14 day?

15 A All day.

16 Q What time did you come back?

17 A Maybe around a little bit before sunset.

18 Q And then what did you do that night?

19 A I went on a garbage run, and then I went to the
20 waterfall.

21 Q All right, then what did you do the next day?

22 A I left the ranch and I picked up those two boys,
23 started driving towards New Mexico.

24 Q Well, sometime then during this period of time
25 you made arrangements with the two boys, didn't you?

26 A Yes.

1 Q Was there another day involved?

2 A No.

3 Q When did you make arrangements with the two
4 boys?

5 A When I was coming back from seeing Mary, who
6 I didn't see.

7 I picked them up hitchhiking, and --

8 Q You picked them up hitchhiking?

9 A Yes.

10 Q And who was in your car when you picked them up
11 hitchhiking?

12 A Just myself.

13 Q And you were not driving with anyone else?

14 A No.

15 Q And who was driving the car?

16 A Myself.

17 Q And whose car were you driving?

18 A Dave Hannon's.

19 Q And where had you been that day, the day that
20 you picked up the boys?

21 A I had just come from Sybil Brand, trying to
22 see Mary and Sandy, and somewhere in the downtown area I
23 tried to see Bobby.

24 Q And during this period of time between the
25 time of the -- what you call the second night and the time
26 that you went to New Mexico, on how many different

1 occasions did you try to see Mary and Sandy?

2 A Just this once.

3 Q Only one time?

4 A Yes.

5 Q And on how many different occasions did you
6 leave the ranch and drive a car all alone?

7 MR. STOVITZ: Since the second night, Counsel?

8 MR. KANAREK: Since the second night.

9 THE WITNESS: Just those two times.

10 Q BY MR. KANAREK: Twice?

11 A Yes.

12 Q You drove the car alone?

13 A Yes.

14 Q Is that right?

15 A Yes.

16 Q And directing your attention, Mrs. Kasabian,
17 to the gas station where you say you placed the wallet.

18 Where is that gas station?

19 A Where?

20 Q Yes.

21 A I don't know the part of town.

22 Q pardon?

23 A I don't know the part of town.

24 Q Well, as you sit on the witness stand now will
25 you tell us where that gas station is?

26 A I still don't know the name of the town.

1 Q Pardon?

2 A I still don't know the name of the town.

3 Q You don't know where it is?

4 A Right.

5 Q And do you know the name of the street that it
6 is on?

7 A No.

8 Q Do you know the number of the gas station?

9 A No.

10 Q And do you know what kind of a gas station it
11 is?

12 A Yes.

13 Q What kind of a gas station is it?

14 A Standard.

15 Q And directing your attention to this gas
16 station, between the time -- between the time of your
17 arrest and today have you been to that gas station?

18 A Yes.

19 Q And when did you go to that gas station?

20 A In the springtime sometime, I'm not sure of the
21 day or the month. It was after I had the baby.

22 Q Well, can you tell us what month it is?

23 A Yes, I believe it was about a week or so after
24 I had the baby, yeah.

25 Q About a week after you had the baby?

26 A Yeah.

1 Q And directing your attention to the gas
2 station, did you go to that gas station in the presence of
3 any other people since you have been arrested?

4 A Yes.

12-1

1 Q And in the presence of what individuals did you
2 go to the gas station?

3 A There were two police officers, I don't remember
4 their names, a woman and a man, and there was Mr. Bugliosi,
5 and I believe Mr. Gutierrez was there and Mr. Patchett,
6 and my attorney, Mr. Fleischman.

7 I think that is all.

8 Q And you opened up the top of the toilet bowl
9 and, lo and behold, there was the wallet?

10 A No.

11 Q Is that right?

12 A No.

13 MR. STOVITZ: I object to the question as unintelligi-
14 ble, your Honor.

15 THE COURT: Overruled.

16 BY MR. KANAREK:

17 Q Mrs. Kasabian, directing your attention to that
18 particular gas station, when you came in there, the wallet
19 wasn't there?

20 A No.

21 Q And before you went in there, you had told
22 somebody about where the wallet was?

23 A Yes.

24 Q Now, how long before you went to the gas station
25 or were taken to the gas station did you describe the wallet
26 to anyone after you were arrested?

12-2

1 A I didn't catch all of your question.

2 MR. KANAREK: May that be read, your Honor?

3 THE COURT: Read the question.

4 (The question was read by the reporter.)

5 THE WITNESS: I believe I described it to my attorney.

6 BY MR. KANAREK:

7 Q And when was it that you described it to your
8 attorney?

9 A I am not sure at which meeting. There were a
10 number of meetings that they came to talk to me.

11 It was near the beginning when I first got to
12 jail.

13 Q And which attorney was it that you described
14 it to, or was it both?

15 A It could have been both.

16 Q And in what month did you describe the location
17 of the wallet?

18 A Location of the wallet?

19 Q Yes.

20 A You mean, in the toilet tank?

21 Q Yes.

22 A I don't know. I just know it was near the
23 beginning, when I first got to jail.

24 Q And when did you first come to Los Angeles
25 from New Hampshire?

26 A The first part of December.

2
12-3

1 Q And how soon after you came to Los Angeles
2 did you describe it?

3 A I don't know. Not very long after.

4 Q How many weeks?

5 A I don't know.

6 Q Was it two weeks, a month?

7 A I don't know, Mr. Kanarek.

8 Q You don't remember that time?

9 A No.

10 Q Now, Mrs. Kasabian, I have here a map of Los
11 Angeles.

12 (Mr. Kanarek shows a document to Mr. Bugliosi
13 and Mr. Stovitz.)

14 MR. KANAREK: May I approach the witness, your Honor?

15 THE COURT: You may.

16 MR. KANAREK: I have here a map of Los Angeles.

17 MR. FITZGERALD: Could we agree to have it marked?

18 MR. BUGLIOSI: Yes.

19 MR. KANAREK: Yes.

20 May it be marked, your Honor?

21 MR. FITZGERALD: As Manson's A for identification?

22 THE COURT: It will be so marked.

23 MR. KANAREK: Does the Clerk prefer any particular
24 place?

25 THE CLERK: I beg your pardon?

26 MR. KANAREK: Do you prefer any place on this map

12-4

1 to put the mark?

2 THE CLERK: No. That is all right. I will put the
3 mark on.

4 THE COURT: I think we may have some confusion if
5 we mark them in that manner, gentlemen.

6 Why don't we just mark it Defendants' B.

7 MR. FITZGERALD: No objection.

8 MR. KANAREK: Defendants' B.

9 THE COURT: We will keep all the Defendants' Exhibits
10 in sequence rather than assigning identical letters, to
11 avoid any confusion.

12 This will be Defendants' B for identification.

12a Fls.

12A-1

1 MR. KANAREK: Q Now, Mrs. Kasabian, we have
2 here a map of the Greater Los Angeles area, Los Angeles
3 and vicinity.

4 Would you look at this map, the one that says
5 "Los Angeles and vicinity," and see if that refreshes your
6 recollection as to the path you took when you left the
7 Spahn Ranch to go to New Mexico?

8 MR. STOVITZ: Counsel, may we describe for the
9 record that she is looking at the larger map, not the
10 detailed city street map?

11 MR. KANAREK: That is a fair statement.

12 THE WITNESS: I am supposed to be looking at this?

13 MR. KANAREK: Yes. Would you look at that map and
14 see if that refreshes your recollection as to the path you
15 took when you left the Spahn Ranch to go to New Mexico.

16 (Pause while the witness studies the map.)

17 THE WITNESS: I don't know. I can't seem to find
18 anything.

19 MR. KANAREK: Q That doesn't refresh your
20 recollection?

21 A No.

22 Q As to how you went or what path you took to
23 leave the Los Angeles area?

24 A Right.

25 I just know I went through Needles, California,
26 and through Gallup and into Taos.

1 THE COURT: May I see that map a minute?

2 (The witness hands the map to the Court.)

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

4 (Whereupon, all counsel approach the bench and
5 the following proceedings occur at the bench outside the
6 hearing of the jury:)

7 THE COURT: The map that she was shown, Mr. Kanarek,
8 doesn't even come close to the Spahn Ranch. It isn't on
9 this map. How could she show you?

10 MR. KANAREK: Your Honor, may I get in here just
11 a moment?

12 THE COURT: Yes.

13 MR. KANAREK: This map, your Honor --

14 THE COURT: The ranch is off the map in the upper
15 left-hand corner.

16 MR. KANAREK: No, your Honor.

17 Here is Topanga Canyon right here, Topanga
18 Canyon Boulevard.

19 THE COURT: It is at the extreme left border of the
20 map.

21 MR. KANAREK: Topanga Canyon. The Spahn Ranch is in
22 this area of San Fernando Valley.

23 THE COURT: It is my understanding that it is to the
24 west of that, which would be off the map.

25 MR. KANAREK: I am saying that she has spoken of
26 Topanga Canyon.

1 THE COURT: I suggest that you orient her on the map
2 at least as to Topanga Boulevard.

3 MR. KANAREK: This is cross-examination.

4 THE COURT: I understand; but you are departing from
5 an area not even on the map.

6 MR. KANAREK: Very well.

7 THE COURT: I just want the record to reflect that.
8 You may proceed in your own manner.

9 MR. KANAREK: All right.

13

13-1

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

3 MR. KANAREK: May I approach the witness, your
4 Honor?

5 THE COURT: You may.

6 BY MR. KANAREK:

7 Q Mrs. Kasabian, do you see on this map where
8 it says "Topanga Canyon Boulevard"?

9 A Yes.

10 Q All right, now, having that in mind, looking
11 at that street where it is stated "Topanga Canyon Boule-
12 vard," will you look at that map and see if you can tell
13 us the path that you took in leaving Los Angeles.

14 A I'm still not sure. I cannot really -- this
15 is not the map that I used, the kind of map.

16 Q What kind of map did you use?

17 A It showed the lower part of California, Ari-
18 zona, and I guess it is called Southwest part of the
19 United States.

20 Then it showed New Mexico and Texas.

21 Q Now, when you went downtown, when you went to
22 downtown Los Angeles to see Mary Brunner -- is that correct?

23 A Yes.

24 Q Sandy Good?

25 A Yes.

26 Q And Bobby Beausoleil?

13-2

1 A Yes.

2 Q Could you tell us what path you took to go
3 to downtown Los Angeles.

4 A I don't know. I was given directions how to
5 get there.

6 Q You were driving the car alone, is that
7 correct?

8 A Yes.

9 Q Well, you had directions to get down there.
10 Would you tell us, following those directions, what path
11 did you take to get to downtown Los Angeles?

12 A I don't know. I just took the exits I was
13 told to take.

14 Q What exits were you told to take?

15 A I don't remember now.

16 Q You have no memory of what exits you took
17 when you came to downtown Los Angeles to see Mary Brunner,
18 Bobby Beausoleil and Sandy Good?

19 A Well, for the two girls I was told to go to
20 SBI.

21 The name of the street was given to me.

22 Q What street was that?

23 A I am not sure.

24 Q And SBI, is that Sybil Brand Institute?

25 A Yes.

26 Q That is where you are now residing?

13-3

1 A Yes.

2 Q On the night which you call the second night,
3 Mrs. Kasabian, on that second night when you left the
4 beach at Venice --

5 A Yes.

6 Q -- you hitchhiked back to Spahn Ranch, you
7 say?

8 A Yes.

9 Q Now, you had no problem telling anyone where
10 to take you, right?

11 A No.

12 Q You knew exactly where you were going, right?

13 A Yes.

14 Q Now, when you went on garbage runs you knew
15 exactly where you were going, is that right?

16 A Usually somebody went with me.

17 Q Well, when you drove alone coming to downtown
18 Los Angeles you knew how to get here, didn't you?

19 A Not really. I was given directions and I had
20 to find my way.

21 Q But you used the directions and you got to
22 where you were going?

23 A Eventually, yes.

24 Q But you don't know who gave you the directions?

25 A No, I'm not sure who did.

26 Q And you don't know who gave you the directions

1 as to how to go through downtown Los Angeles to get to
2 Needles?

3 A Excuse me?

4 Q You don't know who gave you the directions
5 as to how to go through downtown Los Angeles to get to
6 Needles?

7 A A map gave me directions.

8 Q I see, but you don't know what map it was?

9 A It was a Southwestern map.

10 Q I see.

11 Did someone tell you or did you just use the
12 map?

13 A There was a bunch of maps in the car and I
14 followed the map.

15 Q You had no trouble following the map?

16 A Uh-huh.

17 Q Is that right?

18 A Right.

19 MR. KANAREK: Excuse me just a moment, your Honor.

20 (Pause.)

21 BY MR. KANAREK:

22 Q Now, Mrs. Kasabian, when you placed this
23 wallet in the place that you told us about, did you place
24 it there and forget about it?

25 A Yes.

26 Q And you did not think about it at all until

1 sometime in the future, right?

2 A Right.

3 Q And when was that time in the future that you
4 first thought about the wallet?

5 A Once I got back here, once I was arrested.

6 Q Once you were arrested?

7 A Yes.

8 Q And you did not think about it between the
9 time that you placed it there until you got arrested?

10 A No.

11 Q Is that right?

12 A Yeah.

13 Q Now, after you were at the gas station on
14 what you call the second night, you went on to Santa
15 Monica, is that correct, Venice?

16 A Yes.

17 Q In the Santa Monica area?

18 A Yes.

19 Q During the time that you went out to Santa
20 Monica did you drive an automobile?

21 A Yes.

22 Q And you were able to drive. Your mind was
23 completely clear, right?

24 A I was tired.

25 Q You were exhausted?

26 A Yes.

1 Q In fact you were exhausted at that time when
2 you were driving to Santa Monica?

3 A Yes.

13a fls. 3

13A-1

1 Q But nevertheless you drove?

2 A Yes.

3 Q And you went to this place with Mr. Manson?

4 A Yes.

5 Q Is that correct? And you went to a place
6 where you had known a man in this particular apartment
7 house.

8 A Yes.

9 Q And you went to this place with the idea in your
10 mind that someone -- Mr. Manson was telling you to go into
11 an apartment and kill someone?

12 A Yes.

13 Q Is that right?

14 A Yes.

15 Q But you were interested in protecting that
16 person, right?

17 A Yes, in a sense.

18 Q In a sense?

19 A Yeah, I did not want to kill anybody.

20 Q Pardon?

21 A I did not want to kill anybody.

22 Q You did not want to kill anybody?

23 A Uh-huh.

24 Q And you had been through this the night before,
25 and you at that time knew people had been killed, right?

26 A Right.

1 Q And you went to a different apartment so that
2 that person would not be killed, is that right?

3 A Right, yes.

4 Q And you pointed out this other apartment and
5 said, "That's where this particular person lives."

6 A Yes.

7 Q And so then you, as far as you were concerned,
8 somebody thought that the person in that apartment, you
9 remember someone opened the door, you said?

10 A Yes.

11 Q And someone in that apartment, as far as you --
12 what you are telling us -- the person with you thought
13 that that person was the person that had picked you up
14 previously.

15 MR. STOVITZ: I object to the question as un-
16 intelligible, your Honor.

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

19 THE WITNESS: No, I don't think so, unless he
20 repeats it.

21 THE COURT: Read the question.

22 (Whereupon, the reporter reads the question as
23 follows:

24 "Q And someone in that apartment,
25 as far as you -- what you are telling us --
26 the person with you thought that that person

x3a3

1 "was the person that had picked you up
2 previously.")

3 THE WITNESS: I still don't understand it.

4 THE COURT: objection sustained.

5 Reframe your question.

6 MR. KANAREK: I will be glad to re-word it, your
7 Honor.

8 Q BY MR. KANAREK: Mrs. Kasabian, you went to the
9 wrong apartment in order to protect the person that you say
10 had picked you up previously, that you had gone to the
11 apartment with and made love with and all of that?

12 A Yes.

13 Q And the apartment, the wrong apartment that
14 you went to had a human being in it, a person opened the
15 door, right?

16 A Yes.

17 Q And so you knew in your mind that there was a
18 live, flesh-and-blood person, at least one in that apart-
19 ment, is that correct?

20 A I don't understand you again.

21 Q Well, you went to the wrong apartment?

22 A Yes.

23 Q And in that apartment there was someone that
24 opened the door?

25 A Yeah.

26 Q And it was a person, a live person?

.3a4

1 A Yes.

2 Q That opened the door, right?

3 A Uh-huh.

4 Q And so as far as your state of mind was
5 concerned, the person that you were with thought that the
6 person that opened the door was the person that had given
7 you the ride, is that correct?

8 A Once I had knocked on the door and the person
9 had opened the door?

10 Q That is not clear to you what I am asking?

11 A No, I am still not clear what you are saying.

12 Q Someone opened the door?

13 A Yes.

14 Q Of the apartment that you say is the wrong
15 apartment?

16 A Yes.

17 Q So you were trying to get it across to the
18 person that you were with, the person that opened the door
19 was the person who is the person that befriended you?

20 A No.

21 Q You were not trying to get that across?

22 A No.

23 Q Did you point out the apartment, the wrong
24 apartment to the person you were with?

25 A Yes.

26 MR. STOVITZ: The trouble with that question is

13a5

1 "person." I believe it's plural.

2 MR. KANAREK: If Mr. Stovitz wants to take over
3 again I will defer and let him take over and ask the
4 questions.

5 THE COURT: Overruled. You may answer the question.

6 THE WITNESS: What was your question?

7 THE COURT: Read the question.

8 (Whereupon, the reporter reads the question as
9 follows:

10 "Q Did you point out the apartment,
11 the wrong apartment to the person you were with?"

14

14-1

1 BY MR. KANAREK:

2 Q You did do that?

3 A Yes.

4 Q So, your state of mind was such that someone
5 intent on killing knew that there was somebody in that
6 apartment, that the person who was doing, who was thinking
7 about killing, thought was the person that you had picked
8 up, the actor; is that correct?

9 MR. STOVITZ: Your Honor, I object to the question
10 as unintelligible.

11 MR. KANAREK: I think it is intelligible, your
12 Honor.

13 MR. STOVITZ: I will submit it.

14 THE COURT: Do you understand the question?

15 MR. STOVITZ: I want an evidentiary hearing, your
16 Honor, on whether or not this question is intelligible.

17 THE COURT: Do you understand the question?

18 THE WITNESS: Not now I don't. Too much confusion.

19 THE COURT: Read the question.

20 (The question was read by the reporter.)

21 THE COURT: The objection is sustained.

22 MR. KANAREK: Very well.

23 Q Mrs. Kasabian, you went to that wrong apart-
24 ment; right?

25 A Right.

26 Q And the person that you went there with --

14-2

1 A Persons.

2 Q -- the persons that you went there with were
3 intent on killing?

4 A Yes, I presume.

5 Q Right?

6 A Yes.

7 Q And they then knew that there was someone in
8 the apartment, the wrong apartment, as far as you knew,
9 they thought the person in the wrong apartment was the
10 person that had picked you up; right?

11 A Yes, I guess so.

12 Q And so you went merrily on your way to New
13 Mexico. Did you do anything to warn the person in the wrong
14 apartment that they might be killed?

15 MR. STOVITZ: Just a moment.

16 Your Honor, there seems to be a dangling
17 participle in there about going to New Mexico that makes
18 the question unintelligible.

19 THE COURT: Read the question.

20 (The question was read by the reporter.)

21 THE COURT: The objection is sustained.

22 Reframe the question, Mr. Kanarek.

23 MR. KANAREK: Very well.

24 BY MR. KANAREK:

25 Q Before you went to New Mexico, Mrs. Kasabian,
26 did you do anything to warn the person in the wrong apartment

1 that they were marked for death?

2 A No. I didn't consider they were marked for
3 death.

4 Q You didn't consider they were marked for death?

5 A No.

6 Q And why didn't you consider that they were
7 marked for death?

8 A Because they were marked for death at that
9 moment, and I didn't follow through with it.

10 Q They were what?

11 A They were marked -- he, or whoever was
12 supposed to be in that apartment -- was marked for death
13 at that moment when I knocked, but I knew that it wasn't
14 the right person, and I didn't follow through with it.

15 Q I see.

16 You knew that it wasn't the right person and,
17 therefore, you didn't follow through with it?

18 A Right.

19 Q Right?

20 A Right.

21 Q Did the people that were doing the marking for
22 death, did they know that it was the wrong person?

23 A Not that I know of.

24 Q Then would you tell me how you come to the
25 conclusion that it was only for that one instant, that one
26 time, that they were marked for death?

1 A I just feel that they wouldn't go back there.

2 Q They made you feel that they wouldn't go
3 back there, these people that were intent on killing
4 at that particular time would not go back and kill on
5 another occasion?

6 A I don't know. I just didn't feel that.

7 Q You didn't feel that they would?

8 A Yes.

9 Q You don't have any reason?

10 A No, I don't have any reason.

11 Q Well, Harold True was somebody that you had
12 known a year before?

13 A Yes.

14 Q And according to you, somebody had thought
15 over some long period of time to go to Harold True's
16 place and kill Harold True; is that correct?

17 MR. BUGLIOSI: That calls for a conclusion, your
18 Honor. It is also a misstatement of the evidence.

14a fls. 19 THE COURT: Sustained.

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23

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14a-1

1 MR. KANAREK: Q You say that on the second
2 night, Mrs. Kasabian, that someone that was in your
3 presence was going to do some killing at Harold True's?

4 A At Harold True's?

5 MR. BUGLIOSI: I object.

6 MR. KANAREK: Q Yes.

7 A No, I don't think I ever said that.

8 Q You never said that?

9 A No.

10 Q Did you think that?

11 A At one moment I did, yes.

12 Q At one moment you did? What did you say?

13 A What?

14 Q What did you say in connection with Harold True
15 when you say you were in the immediate vicinity of
16 Harold True's home?

17 A I said, "Charlie, you are not going to that
18 house, are you?"

19 And he said, "No."

20 Q And so, you thought that there was going to be
21 some killing as far as Harold True was concerned; is that
22 right?

23 A Well, no.

24 Q Then why did you talk -- why did you say,
25 "You are not going to Harold True's"?

26 A Oh, I thought you meant after.

4
1 Yes, I thought that was where he was going,
2 to Harold True's house.

3 Q Right?

4 A Yes.

5 Q And this was over a period -- had been how long
6 since you had been to Harold True's house?

7 A About a year.

8 Q So you say that someone went into the house
9 next door to Harold True; is that correct?

10 A Yes.

11 Q Now, you later came to learn that the people
12 in the house next door to Harold True had passed away; is
13 that right?

14 A Yes.

15 Q Pardon?

16 A Yes.

17 Q When did you learn that the people who lived
18 next door to Harold True had passed away?

19 A I believe I learned it when I was in Florida.

20 Q You learned it when you were in Florida?

21 A Yes.

22 Q The day after, the second night you went back
23 to the Spahn Ranch; is that right?

24 A Yes.

25 Q And all that day you heard nothing about any-
26 one having passed away in the house next door to Harold True?

1 A No, I didn't hear anything.

2 Q The next day you heard nothing about -- no
3 one discussed anything about the people in the house next
4 door to Harold True passing away; right?

5 A And it wasn't until sometime in October of 1969
6 that you found out that anyone next door to Harold True
7 had passed away; is that correct. --

8 A Yes.

9 Q -- Mrs. Kasabian?

10 A Yes.

11 Q I see.

12 Now, did you do anything in connection with the
13 person at Venice, the person in that wrong apartment, when
14 you found out about the killing in the apartment or the
15 house next door to Harold True?

16 Did you tell anybody that that person or persons,
17 whoever it might be in the wrong apartment, were in danger
18 of death?

19 A No.

20 Q And it is because you didn't consider that the
21 person in the apartment at Venice, or the person or persons
22 in the apartment at Venica, were in danger of death?

23 A No, I didn't think they were.

24 Q You didn't think they were; right?

25 A Uh-huh, yes.

26

14b-1

1 Q Now, did you discuss with Mr. Bugliosi, have
2 you spoken with Mr. Bugliosi concerning the time when you
3 found out that the people next door to Harold True's
4 had passed away?

5 THE WITNESS: Would you repeat that?

6 MR. KANAREK: May it be read, your Honor?

7 THE COURT: Read the question.

8 (The question was read by the reporter.)

9 THE WITNESS: I don't understand.

10 BY MR. KANAREK:

11 Q You don't understand that question?

12 A No.

13 Q Did you tell Mr. Bugliosi when you first found
14 out that the people next door to Harold True's had passed
15 away?

16 A I am sorry, I still -- I didn't quite get that.

17 Q Did you tell Mr. Bugliosi when you, Linda
18 Kasabian, first found out that the people next door to
19 Harold True had passed away?

20 A I'm sorry, I can't think. I don't know what
21 you are saying.

22 Q That question is not clear to you?

23 A No. For some reason, I can't think it.

24 MR. KANAREK: Do you want to take a half a minute
25 and think about it?

26 THE WITNESS: Okay.

14b-2

1 What is your question again?

2 MR. KANAREK: May it be read, your Honor?

3 THE COURT: Do you understand the words that he
4 used in the question?

5 THE WITNESS: They are sort of jumbled backwards and
6 I don't understand it.

7 THE COURT: You still don't understand the question?

8 THE WITNESS: No.

9 THE COURT: Then thinking about it isn't going to
10 help.

11 You had better reframe the question.

12 MR. KANAREK: I will try, your Honor.

13 BY MR. KANAREK:

14 Q At some time while you were in Florida in
15 October of 1969 you first found out that the people in
16 the house next door to Harold True had passed away?

17 A Right.

18 Q Is that correct?

19 A Yes.

20 Q Now, my question, Mrs. Kasabian, is:

21 When did you first tell Mr. Bugliosi -- when
22 did you tell Mr. Bugliosi that you had found out that the
23 people next door to Harold True had passed away?

24 A When did I tell Mr. Bugliosi when I found out
25 these people were murdered the second night?

26 Is that your question? You are confusing me.

1 MR. KANAREK: Your Honor, may the question be read?
2 I think the question is clear, your Honor.

3 THE COURT: Apparently she is still not certain,
4 Mr. Kanarek.

5 MR. KANAREK: She says she is not certain, yes,
6 your Honor. I submit I have heard that.

7 MR. BUGLIOSI: I object to the implication in the
8 statement and his tone that she is lying about this,
9 your Honor, and I ask the Court to admonish the jury to
10 disregard that statement.

11 THE COURT: I don't think there is any such implica-
12 tion. The jury is admonished to disregard it if there is.

13 She apparently doesn't yet have a clear
14 understanding of what you are trying to elicit from her.

15 MR. KANAREK: Very well, your Honor.

16 BY MR. KANAREK:

17 Q Mrs. Kasabian, at some time you have spoken
18 with Mr. Bugliosi since you have been arrested?

19 A Yes.

20 Q Is that right?

21 A Yes.

22 Q And at some time you told Mr. Bugliosi the
23 first time that you knew that the people next door to
24 Harold True had passed away; is that right?

25 A Yes, I think so.

26 Q Pardon?

1 A Yes.

2 Q Is there anything unclear about that question?

3 A I guess not.

4 Q Now, would you please tell us what is the time
5 that you told Mr. Bugliosi, when you first told him, what
6 is the time that you told Mr. Bugliosi that you first
7 heard of the passing away of the people next door to Harold
8 Trus?

9 A I believe I told him when I was in Florida.

10 Q You believe?

11 A Yes.

12 Q You believe or do you know for sure?

13 A Well, that is when I found out about it, so
14 I am sure that is what I told him.

15 Q Well, as you sit there on the witness stand,
16 Mrs. Kasabian, do you have in your mind the conversation
17 you had with Mr. Bugliosi when you told him what you have
18 just stated?

19 A When I first told him?

20 Q Yes, right.

21 A No.

22 Q Now, directing your attention, Mrs. Kasabian,
23 to your taking of drugs, LSD and all of that.

24 Since you have been taking LSD, these drugs,
25 have you had lapses of memory?

26 A Probably. I can't recall, you know, an incident,
but I am sure I have.

15 fls.

1 Q You are sure you have had lapses of memory as
2 a result of your taking of LSD and other drugs?

3 A Uh-huh.

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

5 THE COURT: Overruled, you may answer.

6 THE WITNESS: Not necessarily because I have taken drugs.
7 I am sure it has happened when I was even younger.

8 Q BY MR. KANAREK: My question is, Mrs. Kasabian,
9 directing your attention to the time beginning with the
10 time that you started taking drugs, LSD, mescaline, peyote,
11 marijuana; since that time have you had lapses of memory
12 where you could not remember things that you felt had
13 occurred?

14 A Yes, sometimes.

15 Q Pardon?

16 A Yes.

17 Q And did these lapses of memory occur in
18 connection with periods of time when you were taking LSD?

19 MR. BUGLIOSI: Ambiguous question, your Honor.

20 THE COURT: Read the question.

21 (Whereupon, the reporter reads the pending
22 question as follows:

23 "Q And did these lapses of memory
24 occur in connection with periods of time when
25 you were taking LSD?"

26 THE COURT: I think it is ambiguous, Mr. Kanarek.

15-2

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Sustained.

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MR. KANAREK: Very well, your Honor.

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Q BY MR. KANAREK: Now, Mrs. Kasabian, directing your attention to times when you have been on what you call trips, drug-inspired trips, LSD-inspired trips, has it been your experience that you have difficulty in remembering things which occurred at the time and about the time that you were taking drugs?

9

A I don't think I understand you.

10

Q You don't understand that question?

11

A No.

12

13

Q Well, since you have started taking LSD and other drugs --

14

A Uh-huh.

15

16

17

18

Q -- has it been your experience that you cannot remember things which occurred during the time that you were on the trip, during the time that you were taking a drug-inspired trip?

19

20

A You mean once I have come down off the trip if I look back do I remember it, is that what you mean?

21

Q Do you understand the question?

22

A Well, that is my understanding of the question.

23

24

Q Well, then, would you answer the question, if you understand the question, please answer it.

25

26

A Sometimes when I think about -- if I go back in my mind to that trip, and I think about it long enough,

15-3

1 then I can remember.

2 Q Is that your answer?

3 THE COURT: Mr. Kanarek, we will take our recess at
4 this time.

5 Ladies and gentlemen, do not converse with
6 anyone nor form or express an opinion regarding the case
7 until it is finally submitted to you.

8 The Court will recess for 15 minutes.

9 (Recess.)

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5A-1

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

3 You may continue.

4 MR. KANAREK: May we approach the bench, your Honor?

5 THE COURT: Very well.

6 (The following proceedings were had at the
7 bench, out of the hearing of the jury:)

8 MR. KANAREK: Your Honor, I do make a motion to
9 suppress all of the evidence of Linda Kasabian in that
10 Mr. Bugliosi during this recess took Linda Kasabian into
11 the jury box and had a lengthy conversation with her.

12 It is my position that this is a violation of
13 due process and a fair trial under the 14th Amendment and
14 the California Constitution in that we have no access to
15 her, she will not speak to us, she is under the orders of
16 somebody.

17 She identifies herself with the prosecution.
18 She has not yet been given her immunity so that the only
19 alternative we have, your Honor, that I have, is to make a
20 motion to suppress her evidence or, in the alternative,
21 I would make a motion to have an evidentiary hearing out-
22 side of the presence of the jury where Mr. Bugliosi would
23 state under oath as to what he conferred, what he stated to
24 her and what she stated to him, and where we would have her
25 statement as to what she stated to him.

26 Otherwise we have state action; we have state

1. action --

2. THE COURT: What is the State action?

3. MR. KANAREK: Mr. Bugliosi, he is State action, your
4. Honor.

5. THE COURT: State action of what, what are you
6. talking about?

7. MR. KANAREK: He constitutes State action.

8. THE COURT: He is a deputy District Attorney. Now
9. what? Say something that will make some sense.

10. MR. KANAREK: That means his action, which is State
11. action, is depriving Mr. Manson of due process.

12. THE COURT: What action is he taking that you are
13. complaining of?

14. MR. KANAREK: He does things, that is State action,
15. according to the cases --

16. THE COURT: Get to the point, please, Mr. Kanarek.

17. MR. FITZGERALD: He violated a court order as a
18. State officer which effectively deprived the defendant of
19. due process of law.

20. Is that correct?

21. THE COURT: What order?

22. MR. FITZGERALD: The order of the court wherein your
23. Honor ordered the respective attorneys for Linda Kasabian
24. and the Deputy District Attorneys not to discuss with her
25. her testimony during recess or breaks.

26. MR. KANAREK: It was an animated, long conversation

1 and I ask for an evidentiary hearing.

2 MR. BUGLIOSI: We are the Deputy District Attorneys
3 in the case, and we were specifically excluded from that
4 order. The Court stated Mr. Stovitz and I could speak to
5 her. It's on the record.

16

16-1

1 THE COURT: Mr. Kanarek, you are wasting time. We
2 have gone over this.

3 MR. KANAREK: Well, your Honor --

4 THE COURT: I don't want to hear any more about it.

5 To suggest that the District Attorney has no
6 right to talk to the witness is absurd.

7 Let's proceed.

8 MR. KANAREK: Your Honor, then --

9 THE COURT: The motion is denied.

10 MR. SHINN: Join in Mr. Kanarek's motion.

11 MR. HUGHES: Join in the motion.

12 MR. KANAREK: Equal protection of the law, your Honor.
13 This is the relief we seek.

14 (Whereupon counsel return to their respective
15 places at the counsel table and the following proceedings
16 occur in open court within the presence and hearing of
17 the jury.)

18 THE COURT: You may proceed, Mr. Kanarek.

19 MR. KANAREK: Thank you, your Honor.

20 BY MR. KANAREK:

21 Q Mrs. Kasabian, directing your attention to
22 the second night, Mrs. Kasabian -- directing your attention
23 to your thinking, your state of mind -- did you have any
24 knowledge that anyone in the house next door to Harold
25 True was going to be killed?

26 A Yes, I think I did.

16-2

1 Q You did have that knowledge?

2 A It wasn't positive but I think, yes.

3 Q Pardon?

4 A It wasn't positive, but I think I heard

5 something that made me think somebody was going to be

6 killed.

7 Q And you never found out about the killings

8 until you got to Florida?

9 A Right.

10 Q Is that right?

11 A Yes.

12 Q Directing your attention to the next day.

13 During that day did you watch TV?

14 A No, I don't think I did.

15 Q Did you listen to the radio?

16 A No, not that I remember.

17 Q When you came down to visit Mary Brunner

18 and Bobby Beausoleil and Sandy Good, did you come into

19 the Los Angeles area?

20 A Yes, sir, I guess.

21 Q Do you read the English language?

22 A What?

23 Q Do you read the English language?

24 MR. BUGLIOSI: Argumentative, your Honor.

25 THE COURT: Overruled.

26 You may answer.

16-3

1 THE WITNESS: Yes, I can read English.

2 BY MR. KANAREK:

3 Q You say you were in this building?

4 A I'm not sure if it was this building but it was
5 in this area.

6 Q And did you see any newspaper or any newspaper
7 headlines when you came down to see Mary Brunner, Bobby
8 Beausoleil and Sandy Good?

9 A No, not that I recall.

10 Q Now, at the time that -- directing your
11 attention to the white automobile that you testified
12 concerning previously.

13 Do you remember that white automobile?

14 A The one that I took to New Mexico?

15 Q Pardon?

16 A The one that I took to New Mexico?

17 Q Was that the only white automobile concerning
18 which you have testified?

19 A No.

20 Q Was there another automobile that you testified
21 about?

22 A Yes.

23 Q Directing your attention to that automobile,
24 your state of mind was that someone wanted to kill the
25 people in that automobile; is that correct?

26 A Yes.

1 Q And having all of that in mind, when you
2 came to Los Angeles for your Juvenile Court hearing,
3 did you know of the fact that people next door to Harold
4 True had passed away?

5 A No, I don't think so.

6 Q You don't think so?

7 A Not at that time, no.

8 Q But you might have?

9 A I recall reading about it when I was in
10 Miami.

11 Q Well, my question is: When you came to Los
12 Angeles for the Superior Court hearing in connection with
13 getting your child, did you know that the people next
14 door to Harold True had passed away?

15 A No.

16 Q It is a hundred percent sure that you didn't
17 know then?

18 A Yes.

19 Q No question about it?

20 A No.

21 Q In your mind there is no question about it?

22 A No.

23 Q Now, when you went to New Mexico with the
24 two boys that you testified about, did you know that
25 anyone in that house next door to Harold True had passed
26 away?

1 A No.

2 Q Now, then, directing your attention to your
3 memory since you have been taking drugs. Let me withdraw
4 that.

5 During the recess did you speak to Mr. Bugliosi?

6 A Yes.

7 Q You spoke to Mr. Bugliosi, and you were sitting
8 in the jury box with Mr. Bugliosi?

9 MR. BUGLIOSI: I will stipulate that I talk to her
10 all the time, and that every witness I call to the stand
11 I will interview, and I am sure that the defense will do
12 it also. I will stipulate to that.

13 THE COURT: All right, gentlemen, let's proceed.

14 MR. BUGLIOSI: I talk to people before I call them
15 to the witness stand. I don't just call strangers.

16 MR. KANAREK: Your Honor, I would ask for an evidentiary--

17 THE COURT: Proceed with your question.

18 MR. KANAREK: Can we approach the bench?

19 THE COURT: The jury is admonished to disregard the
20 remarks of both counsel.

21 Ask your next question.
22
23
24
25
26

17 fls.

17-1

1 Q BY MR. KANAREK: Mrs. Kasabian, since you
2 have been taking drugs, Mrs. Kasabian, have you had lapses
3 of memory as to what occurred in connection with what
4 occurred during the time you were under the influence of
5 drugs or whatever you want to call LSD, marijuana, peyote?

6 A I believe you asked me that question once
7 before. I don't understand you right now.

8 Q You don't understand me?

9 A No.

10 Q Well, do you, directing your attention to the
11 times when you were under the influence of, let us say,
12 LSD --

13 A Yes.

14 Q -- do you have lapses of memory of what
15 occurred while you were under the influence of the LSD?

16 A When I am not under the influence, you mean?

17 Q Yes.

18 A Maybe for a while, until I sit back and think
19 about it, then sometimes I can remember it, maybe; sometimes
20 I can't.

21 Q So that there are times when you are under the
22 influence of LSD or some other drug and later on you cannot
23 remember what happened while you were under the influence,
24 right, is that correct?

25 A Sometimes.

26 Q That does happen?

17-2

1 A Sometimes.

2 Q Now, then, do you have occasions, Mrs. Kasabian --
3 I will withdraw that.

4 Since you have been back in Los Angeles, have
5 you been taken to the house next door to Harold True's by
6 Mr. Bugliosi or any other law enforcement?

7 A Not to the house itself, but I directed them to
8 where we parked.

9 Q In other words, you were outside the area of
10 the house, that is --

11 Well, you tell me, how close to the house have
12 you come since you have been back in Los Angeles?

13 A As close as where we parked that night.

14 Q And has Mr. Bugliosi taken you inside the
15 house?

16 A No.

17 Q Have you been in the company of anyone inside
18 the house next door to Harold True's house?

19 A No.

20 Q And on how many occasions have you been taken
21 to the area where you parked, where you say you parked
22 that night?

23 A Would you repeat that?

24 Q On how many occasions have you been taken to
25 the area where you parked the second night?

26 A Since I have been in custody?

17-3

1 Q Yes.

2 A I believe just that once -- yes, one time.

3 Q How long ago was that?

4 A It was after I had the baby.

5 Q That would be when, when did that happen?

6 A It could have been March or April.

7 Q Now, is your state of mind such that --
8 I will withdraw that.

9 In 1969 was your state of mind such that you did
10 not care if pigs were killed because they were going
11 through changes; they would be reincarnated as beautiful
12 people that much sooner?

13 Was that your state of mind in 1969?

14 A I don't think so.

15 Q That was not your state of mind?

16 A No.

17 Q In 1969 did you discuss death frequently,
18 Mrs. Kasabian?

19 MR. STOVITZ: I object to the question as too broad,
20 your Honor, there are three particular episodes or periods
21 of time in 1969, I think it should be confined to one of
22 those three periods of time.

23 MR. KAMAREK: I don't know what periods.

24 THE COURT: Overruled, you may answer.

25 THE WITNESS: You asked me if I spoke of death.

26 Q BY MR. KAMAREK: Frequently.

174

1 A Frequently? No.

2 Q You did not discuss it frequently?

3 A No.

4 Q But you did discuss it?

5 A Yes, I think I have.

6 Q Now, when you were driving to New Mexico,
7 when you were driving Mr. Hannon's car to New Mexico did
8 you discuss death with anyone that you were driving with?

9 MR. STOVITZ: That is objected to as immaterial,
10 irrelevant and calling for hearsay.

11 THE COURT: Sustained.

12 Q BY MR. KANAREK: Now, Mrs. Kasabian --

13 MR. KANAREK: May I have a moment, your Honor?

14 (Pause.)

15 MR. KANAREK: Now, may I approach the witness, your
16 Honor?

17 THE COURT: You may.

18 Q BY MR. KANAREK: Mrs. Kasabian, I show you
19 this picture which is Exhibit No. 42.

20 Now, would you hold that, please, because the
21 jury -- well, would you hold it up, I don't believe the
22 jury at this time is supposed to -- no, just look at it.

23 Now, Mrs. Kasabian, would you tell me when you
24 came back to the automobile -- do you recognize this
25 picture?

26 A Yes.

1 Q Is that correct?

2 A Yes.

3 Q Now, when you came back to the automobile,
4 Mrs. Kasabian, would you tell me -- I am speaking now of
5 the automobile that the boy was in who was shot, you say --

6 Would you tell me, Mrs. Kasabian, how did you
7 get -- how did you get over that fence or through that
8 fence?

9 A I climbed over it.

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18-1

1 Q You climbed over the fence?

2 A Yes.

3 Q And when you got over that fence, how far did
4 you go in order to get to your automobile?

5 A Down the hill.

6 Q Pardon?

7 A Down the hill.

8 MR. KANAREK: Would you hold the picture away?

9 MR. STOVITZ: Your Honor, is there any necessity for
10 her to hold the picture?

11 THE COURT: Just turn the picture over.

12 MR. KANAREK: All right.

13 BY MR. KANAREK:

14 Q How far did you go down the hill, Mrs. Kasabian?

15 A To the bottom of the hill.

16 Q Now, after you went to the bottom of the hill,
17 at that time, did you know that the person that was in
18 this -- or feel that the person that was in this picture
19 had passed away?

20 A Yes.

21 Q After you knew that this person had passed
22 away -- well, let me withdraw that and ask you:

23 When, as far as your mind is concerned, did
24 you first feel that the person that was in this picture
25 had passed away?

26 THE WITNESS: Would you repeat that?

18-2

1 MR. KANAREK: May that be read, sir?

2 THE COURT: Read the question.

3 (The question was read by the reporter.)

4 THE WITNESS: The moment he was shot.

5 BY MR. KANAREK:

6 Q At that point you felt that he was dead?

7 A Yes.

8 Q Is that right?

9 A Yes.

10 Q All right.

11 You then went around to the back of the house?

12 A Yes.

13 Q After that had occurred?

14 A Yes.

15 MR. BUGLIOSI: Your Honor, is it necessary that
16 Mr. Kanarek be right next to her?

17 THE COURT: If you have concluded your examination
18 with regard to the photo, Mr. Kanarek?

19 MR. KANAREK: Well, I haven't, your Honor, but I
20 will be glad to go back there.

21 THE COURT: All right.

22 BY MR. KANAREK:

23 Q Now, you say, Mrs. Kasabian, that you saw a
24 man at the door, Mrs. Kasabian, who was just injured.

25 A Yes.

26 Q Is that true?

1 A Yes.

2 Q And that person appeared to you to be bleeding?

3 A Yes.

4 Q Did you, Mrs. Kasabian, render any first aid
5 for that person?

6 MR. STOVITZ: That is objected to as argumentative,
7 your Honor.

8 MR. KANAREK: I am asking a question. That is not
9 argumentative.

10 MR. STOVITZ: Not only that, but this has been
11 covered in previous questions by this counsel.

12 MR. KANAREK: I have not mentioned this person at
13 all.

14 THE COURT: Overruled. You may answer.

15 THE WITNESS: No, I did not.

16 BY MR. KANAREK:

17 Q And is there some reason, Mrs. Kasabian,
18 that you didn't render first aid for that person?

19 A I don't know.

20 Q You don't know?

21 A No.

22 Q Were you in a state of shock so you don't
23 remember?

24 MR. STOVITZ: That is objected to, your Honor.
25 This state of shock was covered at great detail yesterday
26 between 3:00 and 4:15.

1 MR. KANAREK: Hardly, your Honor.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: Yes, I considered I was in shock.

4 MR. KANAREK: Q You considered you were in
5 shock?

6 A Yes.

7 Q Now, you were in shock, because you didn't
8 remember what was going on?

9 In what way were you in shock?

10 MR. STOVITZ: I object to the question as ambiguous,
11 and compound, unless counsel wants to strike the first
12 part of his question.

13 THE COURT: Read the question.

14 (The question was read by the reporter.)

15 THE COURT: The objection is sustained.

16 MR. KANAREK: Q Mrs. Kasabian, you are telling
17 us that you wish that these events hadn't happened; is
18 that right?

19 A Yes.

20 Q And you would do anything to do something
21 about it; right?

22 A Yes.

23 Q Is it a fair statement, Mrs. Kasabian, that
24 despite your saying that you would do anything that you
25 could about it -- I will withdraw that question.

26 Now, Mrs. Kasabian, how do you -- let me

1 withdraw that.

2 How close to the man in the doorway were
3 you?

4 A Maybe from where I am to a little bit past
18a fls. 5 where you are.

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1 Q Well, were you able to speak with this man?

2 A No.

3 Q What part of this man's body were you able to
4 see?

5 A Almost all of it.

6 Q Now, were you in a state of shock when you
7 spoke with him, Mrs. Kasabian? *(referring to Mr. Taylor)*

8 A I never spoke with him.

9 Q You never spoke with him at all? There were no
10 words exchanged between you and him?

11 A No.

12 Q No words at all?

13 A No.

14 Q How do you know there were no words if you were
15 in a state of shock?

16 A Because I know I didn't speak to him.

17 Q Upon what do you base that?

18 A I just know I didn't speak to him.

19 Q You mean, you are telling us you didn't speak
20 to him?

21 MR. BUGLIOSI: This is argumentative.

22 THE WITNESS: I am telling you that I know I didn't
23 speak to him.

24 THE COURT: She has answered the question.

25 MR. KANAREK: Q You mean you feel that is the
26 correct thing to say?

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1 MR. STOVITZ: Objected to --

2 MR. BUGLIOSI: That is argumentative. Asked and
3 answered.

4 THE COURT: The objection is sustained.

5 The jury is admonished to disregard the state-
6 ment.

7 Careful, Mr. Kanarek.

8 MR. KANAREK: Pardon, your Honor?

9 THE COURT: Be careful in your comments.

10 MR. KANAREK: Then may I approach the bench?

11 THE COURT: No, you may not.

12 Ask your next question.

13 MR. KANAREK: May I approach the witness, your Honor?

14 THE COURT: You may.

15 MR. KANAREK: Q Mrs. Kasabian, you looked through
16 the window, didn't you, in that house?

17 A Yes.

18 Q (Holding up a photograph) Mrs. Kasabian, I
19 ask you --

20 MR. BUGLIOSI: Your Honor, is there any necessity
21 for this?

22 MR. KANAREK: Yes.

23 MR. STOVITZ: If there is a necessity for it, let's
24 mark the photograph.

25 MR. FITZGERALD: It has already been marked.

26 MR. STOVITZ: No, it hasn't.

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1 Let's mark it as the next People's exhibit,
2 Your Honor.

3 THE CLERK: That would be 87, your Honor.

4 MR. KANAREK: Your Honor, I suggest we mark it as a
5 Defendants' exhibit.

6 THE COURT: Put it face down on the witness stand.

7 MR. STOVITZ: People's what?

8 THE CLERK: 87.

9 THE COURT: 87 for identification.

10 MR. KANAREK: Can it be marked as a defendants'
11 exhibit?

12 MR. STOVITZ: It was furnished by the People.

13 MR. BUGLIOSI: It was before the Grand Jury.

14 MR. HUGHES: May we approach the bench?

15 THE COURT: Let's see the photograph.

16 (The photograph is handed to the Court.)

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1 THE COURT: Proceed.

2 MR. KANAREK: May it be marked as a Defendants'
3 exhibit?

4 THE COURT: It may not. It has been marked,
5 Mr. Kanarek.

6 Ask your next question.

7 MR. KANAREK: Very well.

8 Q Now, Mrs. Kasabian --

9 MR. KANAREK: If the witness wishes.

10 THE COURT: Are you able to go on now, Mrs. Kasabian?

11 MR. BUGLIOSI: Would you like to have a recess now?

12 MR. KANAREK: Your Honor, whatever colloquy, as long
13 as it is on the record, it may --

14 MR. BUGLIOSI: I asked if she would like to have a
15 recess.

16 MR. KANAREK: As long as it is on the record.

17 MR. BUGLIOSI: May we have a short recess?

18 THE COURT: We will take a 10-minute recess.

19 Ladies and gentlemen, do not converse with
20 anyone nor form or express an opinion regarding the case
21 until it is finally submitted to you.

22 (Recess.)

23 (The following proceedings were had in the
24 chambers of the Court, none of the defendants being
25 present; all counsel being present.)

26 THE COURT: All counsel including Mr. Goldman are

1 present.

2 You asked to speak, Mr. Goldman?

3 MR. GOLDMAN: Yes, your Honor, I asked to convene in
4 chambers to speak on behalf of my client.

5 In the first place, I want to make an
6 objection to the Court to the tactics that are being
7 employed by Mr. Kanarek at this time in exhibiting certain
8 photographs in connection with this case where there has
9 been no evidence introduced concerning my client's
10 percipient testimony, or the fact that she was a witness
11 in or to the matters that were being shown.

12 I refer to the photograph that was last
13 shown to my client.

14 MR. STOVITZ: For the record, that is a photograph of
15 Sharon Tate in the house which was marked No. 87 for
16 identification and it was previously identified as
17 Exhibit 27 of the Grand Jury.

18 MR. KANAREK: May I speak to that?

19 MR. GOLDMAN: Just a moment, I'm not finished.

20 The evidence that has come in has clearly shown
21 so far that my client was not in the Tate residence.

22 It has shown that she was not a witness to
23 nor did she see the scenes depicted in that photograph,
24 No. 87, and I imagine there are other photos concerning
25 others who were inside that residence.

26 I submit, your Honor, that those photographs

1 were shown to my client for the sole purpose of shocking
2 her; for the sole purpose of upsetting her on the witness
3 stand and distracting her from the business of the court.

4 I think it is shocking conduct of counsel. I
5 think he did that with the photograph of Steven Parent and
6 he attempted -- and your Honor admonished counsel -- and he
7 attempted to keep that photograph in front of her.

8 He tried to make her hold on to that photograph.
9 He made her hold on to the gun.

10 He tried to make her physically involved with
11 some of these matters.

12 Now, when it was relevant evidence we did not
13 object.

14 At this point it is not relevant; it is not
15 material. He has no foundation for exhibiting those
16 pictures to her other than shocking value.

17 I submit, your Honor, it is improper courtroom
18 decorum, improper tactics of counsel unless he lays a
19 foundation that they have some relevancy to her testimony.

20 MR. KANAREK: May I speak?

21 THE COURT: Yes.

22 MR. KANAREK: First of all, your Honor, I would ask
23 and I do this because this is serious business that we
24 have here, and I say this with regret.

25 I ask your Honor to strike from the record
26 Mr. Goldman's comments.

1 It is my position Mr. Goldman has no standing
2 in this court whatsoever.

3 THE COURT: Well, all right, I am not going to. He
4 does have standing.

5 MR. KANAREK: I am speaking in connection with the
6 subject matter that we have before us.

7 THE COURT: The comments are in the record. They
8 will not be stricken.

9 Now, if you want to address yourself to them,
10 you may.

11 MR. KANAREK: Yes, your Honor. The point is this:
12 I have, and the reason I don't wish to
13 belabor it or go into it is because I am representing a man,
14 and in representing him I don't think that I have the
15 obligation, your Honor, to answer Mr. Goldman or even the
16 District Attorney.

17 THE COURT: You asked to respond.

18 MR. KANAREK: Well, I wanted to strike his comments.
19 Your Honor, I think we are losing perspective
20 that this girl, this girl is a witness, your Honor.
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1 THE COURT: I am not losing perspective, sir.

2 MR. KANAREK: Mr. Goldman has.

3 MR. FITZGERALD: I would like to say in the record,
4 I may indicate that she has indicated, that is, Linda
5 Kaasbian has indicated she was not in the house; but I am
6 not bound by her testimony, and my personal belief is,
7 Mr. Goldman, I do not believe her.

8 She is a defendant in this case; she is
9 charged with seven counts of murder, and the District
10 Attorney of this county has seen fit not to give her
11 immunity.

12 We have no substantial evidence that at any
13 time, certainly if there was any evidence that she was not
14 completely implicated in this case immunity would already
15 have been granted her.

16 If you had any doubt about it, Mr. Goldman,
17 you would have interposed an objection on the grounds of
18 self-incrimination.

19 I am defending Mr. Kanarek's behavior. I
20 think it is entirely possible, if not probable, that her
21 implication in these offenses is greater than she has
22 indicated.

23 She may indeed have been inside both houses,
24 to wit, Tate and La Bianca.

25 MR. KANAREK: That is correct. Now, Mr. Fitzgerald
26 has stated it. Now, I don't think we are obliged, the

19a-2

1 state of the law being what it is, to have to justify
2 what we are doing.

3 Mr. Fitzgerald has stated it. I would not have
4 stated it, but he has stated it.

5 It is my belief that this girl was in this
6 house; that this girl is a clear liar; that this girl is
7 implicated in these matters just as much -- much more
8 so than Mr. Manson who is only --

9 THE COURT: You don't need to go any further, Mr.
10 Kanarek.

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: As a witness she is not entitled to any
13 special protection, because we happen to have some unpleasant
14 pictures in the case.

15 I agree with Mr. Fitzgerald, counsel are not
16 required to believe her story and accept it at its face
17 value.

18 That is the purpose of cross-examination, to
19 probe and explore and seek to elicit all of the facts
20 concerned in the case, and to impeach if possible.
21 That is what it is all about.

22 The fact that the picture is unpleasant is no
23 reason in itself to not show it to her, if it has some
24 other relevance, in answer to your question.

25 MR. GOLDMAN: Your Honor, if I may respond.

26 I believe I said in my opening remarks, if

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1 there was some relevancy shown, I could not agree more
2 with your Honor that there is every right to explore as
3 much as they can.

4 THE COURT: Of course the relevancy does not have to
5 be her statement as to whether or not she was in the
6 house.

7 The relevancy would appear to be, this is the
8 picture of one of the victims who was killed on the night
9 she was present. That would be enough to make it
10 relevant.

20 fls.

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1 MR. GOLDMAN: There is no evidence in the record at
2 this point. If they have such evidence, if they care to
3 put such evidence on the --

4 THE COURT: Who knows what may develop. That is the
5 purpose.

6 MR. GOLDMAN: They can ask her. She has denied
7 she was in the house.

8 MR. BUGLIOSI: A relevant inquiry might be: Does
9 the defense intend to offer evidence that Linda was
10 inside?

11 If they don't intend to offer it, then,
12 query, really, as to its relevance?

13 THE COURT: I think they have a right to show her
14 the picture and ask her if she saw it.

15 It may well be that the shock of that alone
16 would cause her to change her story, if she were lying,
17 and admit it.

18 I have no way of knowing what is going to
19 develop.

20 I don't think the fact that it happens to be
21 a shocking photograph is sufficient reason to deny the
22 defense the right to cross-examine on it.

23 MR. STOVITZ: So we don't consume any time on this
24 point, may we then, with the Court's permission, mark
25 the photograph of Abigail Folger --

26 THE COURT: I assume some authentication is going to

1 be offered to show that these are, in fact, the way
2 the victims were when they were discovered?

3 MR. BUGLIOSI: Yes. We will put that on shortly.

4 MR. STOVITZ: Exhibit 87 is Sharon Tate.

5 THE CLERK: Do you want me to mark them?

6 MR. STOVITZ: Yes.

7 88 would be Abigail Folger.

8 MR. BUGLIOSI: The jury might think it is strange.

9 MR. STOVITZ: We can mark them again at that time.

10 Just so the record is clear as to what
11 counsel is exhibiting to Linda Kasabian, so that we
12 can make our proper objections in the record.

13 88 would be Abigail Folger.

14 Frykowski would be 89.

15 MR. FITZGERALD: For the record, we might indicate
16 that the photographs --

17 MR. STOVITZ: Sebring will be 90.

18 THE CLERK: Your Honor, are those marked now or
19 is he using the future tense, "will be"?

20 MR. STOVITZ: I ask that it be marked now.

21 THE COURT: You can put the numbers on the back for
22 your reference, Mr. Stovitz, and then we will actually
23 mark them in open court so the jury will have the benefit
24 of hearing them marked, using those numbers.

25 MR. STOVITZ: Mr. Kanarek, do you also intend to
26 show her the pictures of Mr. and Mrs. Leno La Bianca?

1 MR. SHINN: We don't know yet.

2 MR. KANAREK: Your Honor, the state of the law is
3 that we don't have to state.

4 THE COURT: If you intend to offer them, Mr. Stovitz,
5 you might as well put your proposed identification number
6 on them, and you can offer them in that sequence.

7 MR. STOVITZ: So that the record is clear, your
8 Honor, we will make reference to the Grand Jury Exhibit
9 numbers at this time.

10 On file.

11 THE COURT: All right.
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1 MR. STOVITZ: We have here a photograph of
2 Mr. Leno La Bianca which was marked Grand Jury Exhibit 50.

3 Another photograph of Mr. Leno La Bianca which
4 was marked Grand Jury Exhibit 51.

5 A photograph of Rosemary La Bianca, which was
6 marked Grand Jury Exhibit 52.

7 And a photograph of the hands of Mr. Leno
8 La Bianca marked Grand Jury Exhibit 49.

9 We will object to the showing of all of these
10 photographs that we have just named in the record to
11 Linda Kasabian, and we would urge your Honor to exercise
12 your discretion under Evidence Code 352 on the ground that
13 there is no foundation shown whatsoever that she was ever
14 shown these photographs, that she ever saw these persons in
15 life or death, and that she has no way of answering these
16 questions, that it is only to shock her and to try to
17 ridicule her and embarrass her.

18 Your Honor has the power in a trial to use
19 your discretion.

20 MR. FITZGERALD: That is not true, your Honor. It
21 just isn't true as to 88 and 89.

22 88 is a photograph of Abigail Folger on the lawn
23 in death, whom she claimed to have seen, on the witness
24 stand.

25 She said she saw Patricia Krenwinkel chasing
26 her down the lawn with a knife.

20a2

1 And the other is a picture of Frykowski,
2 who she actually said she saw die, fall to his death.

3 MR. BUGLIOSI: You have a point on that. Those two.

4 Another point that I have in mind -- my
5 alleged mind -- I am wondering if those photographs shown
6 to her don't fall squarely within Locigno on the rationale
7 that they know her answer is going to be no and they
8 don't intend to offer any evidence to disprove the negative
9 answer.

10 MR. FITZGERALD: Let us then talk to her off the
11 record.

12 MR. BUGLIOSI: 193 Cal. Ap. 2d, I believe, your
13 Honor, People vs. Locigno.

14 They have every reason to believe that her
15 answer is going to be no to that, and I don't think they
16 are going to put on any evidence that she was inside.

17 If they do or can make a representation to the
18 Court, then I don't think our objection is any good.

19 Page 360.

20 MR. SHINN: Your Honor, I don't know what Mr. Bugliosi
21 is basing his statement on. We haven't talked to
22 Linda Kasabian and we don't know what her answers are going
23 to be.

24 MR. STOVITZ: Ask your client.

25 Another thing, while we are here in chambers,
26 your Honor, I don't make this by way of any excuse for

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1 the witness, but I have been informed by the bailiff that
2 the witness is awakened before 4:00 o'clock in the
3 morning so that she can get ready and be brought over and
4 be gotten here in time for trial. This is one of the
5 reasons why she appeared to be tired yesterday. It was
6 about five after or ten after 4:00 and she was tired.
7 And of course, today it is now ten after 4:00.

8 Mr. Shinn can corroborate that.

9 MR. SHINN: You are saying something for the benefit
10 of the witness. How about the attorney? I made a motion
11 for a continuance on the grounds that I was tired. Now
12 you want the Judge to give consideration to the witness.

13 MR. STOVITZ: I am saying that she is awakened at
14 4:00 o'clock. They let you sleep.

15 MR. SHINN: I didn't sleep except one hour.

20b

20b-1

1 MR. BUGLIOSI: The Court holds at page 338, talking
2 about the prosecution, that I suggest that it equally
3 applicable --

4 "It was improper to ask questions which
5 clearly suggested the existence of facts which
6 would have been harmful to defendants in the
7 absence of a good faith belief by the prosecutor
8 that the questions would be answered in the
9 affirmative or with a belief on his part that the
10 facts could be proved and a purpose to prove
11 them if their existence should be denied."

12 There is other language in here, your Honor,
13 but what they are saying is that you can't ask someone a
14 question knowing that their answer is going to be no,
15 and knowing that you can't put ^{on} proof that the answer is
16 incorrect, knowing that you don't even intend to try,
17 it is just improper.

18 THE COURT: I don't think we have that situation
19 here.

20 MR. BUGLIOSI: I don't think there is any question
21 that Mr. Kanarek expects a no answer from her.

22 She has already testified she was not inside
23 the residence, and Mr. Kanarek knows that he is going to get
24 a no answer, and he doesn't intend to prove by other
25 evidence that she did, in fact, see this.

26 I suggest that this falls squarely within

1 People vs. Locigno.

2 MR. SHINN: May I respond in that connection?

3 THE COURT: I don't think that case is pertaining to
4 this kind of situation. Otherwise you could say, in any
5 case where a witness testifies on direct and the defense
6 counsel thinks he is lying but can't prove otherwise, that
7 he can't cross-examine on that point.

8 MR. BUGLIOSI: The vice that Locigno is dealing with
9 is a question which suggests the existence of a fact that
10 the questioner knows does not exist and doesn't even intend
11 to prove.

12 He is not seeking information, he is trying to
13 imply to the jury by his question that she was inside the
14 residence. He is trying to imply that, and he knows he
15 can't prove it, and he is not even going to try to prove
16 it.

17 THE COURT: He can ask.

18 MR. STOVITZ: He can ask her if she was inside, but
19 now that she says no, then he says: Okay, once you were
20 inside, did you turn to the right or to the left? Did you
21 put the rope around Sharon Tate's neck?

22 THE COURT: Of course, that kind of a question is
23 objectionable.

24 MR. BUGLIOSI: Why can't he ask her: Were you inside
25 the residence? If she says "No," what conceivable rationale
26 would there be --

1 THE COURT: He doesn't have to drop it at that point.

2 MR. BUGLIOSI: He can go further, but when she continues
3 to say no and he knows he can't disprove it, then when he
4 shows her a photograph of someone inside the residence, he
5 knows that her answer has to be no because she has already
6 told him that she hasn't been inside the residence.

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8 THE COURT: Not necessarily.
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1 MR. SHINN: May I respond to Mr. Bugliosi?

2 I think in that case there the prosecution has
3 already talked to the witness and knows what the witness is
4 going to testify to.

5 In this case, we haven't talked to Linda
6 Kasabian.

7 THE COURT: Witnesses don't always tell their
8 counsel the truth either.

9 MR. BUGLIOSI: I am sure that Mr. Goldman, on this
10 limited point, would permit defense counsel to ask Linda
11 whether or not she was inside the residence, whether she
12 saw any dead bodies inside the residence; but to show it
13 to her on the witness stand, I think Mr. Goldman is correct,
14 it is for the sole purpose of upsetting her and distracting
15 her from the real issues in this case.

16 If they could even make a representation as
17 officers of the court, a representation to the court,
18 that if she says no to that question that they intend to
19 prove that she was inside, just a representation, we would
20 withdraw our objection.

21 But I don't think they are even in a position
22 to even make that representation to the Court.

23 I know they are not going to put on any evidence
24 that Linda was inside that residence.

25 THE COURT: Of course, the question, as I recall, was
26 whether she looked inside.

20c2

1 Wasn't that it?

2 MR. STOVITZ: Whether she looked inside.

3 MR. GOLDMAN: Your Honor, this is an example of what
4 I am talking about.

5 The question was: Didn't you say that you
6 looked in a window? At that point he was exhibiting this
7 photograph. The photograph, at that point, had no relevance
8 even to the question that was being asked.

9 I suggest that the purpose of showing the
10 photograph at that time, similar to the situation of showing
11 her the photograph of Steven Parent -- we didn't object to
12 that because she testified about Steven Parent -- but
13 showing her the photograph of Steven Parent and asking her
14 not relevant to the photograph but questions as to whether
15 she climbed over a fence.

16 THE COURT: She admitted in her direct testimony --
17 not admitted, but she has testified that she saw two
18 people at least, three.

19 MR. GOLDMAN: Yes. Parent, Frykowski and Folger.
20 There is no question about that.

21 THE COURT: Yes.

22 It may well be that she saw more, and either
23 that she has forgotten or she is lying.

24 I don't see that the defendants are precluded
25 from going into that.

26 MR. GOLDMAN: I don't think so either.

20c3

1 THE COURT: She may have seen something in the
2 window.

3 MR. GOLDMAN: The point was that exhibiting the
4 photograph to her and asking her what she saw through the
5 window when, of course, the prior evidence was that she
6 looked through the window at a different time.

7 THE COURT: That may or may not have been proper --

8 MR. HUGHES: It is proper.

9 THE COURT: -- but there was no objection at that
10 point.

11 MR. GOLDMAN: What I am suggesting is that, at the
12 very least, your Honor exercise his discretion and control
13 over the courtroom proceedings so that Mr. Kanarek's
14 attempt to hold these pictures in front of my client and
15 force her to stare at the pictures, force her to hold the
16 pictures in her hand, asking her questions on other
17 matters, be stopped by the Court.

20D

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1 THE COURT: I agree, but I can't make all the
2 prosecution's objections for them, they have to do that
3 for themselves.

4 MR. STOVITZ: Also, your Honor, while we are here,
5 I think the Court has the power to limit cross-examination
6 when it gets to the point of tedium.

7 I think this full day, the entire day today,
8 Mr. Kanarek verged on the borderline of tedium.

9 These photographs were asked for by
10 Mr. Kanarek yesterday at 3:00 o'clock. At that point I
11 thought he was going into them, and for the whole day today
12 he has been just boring us to tears.

13 I don't know what kind of an objection it is,
14 but whatever it is, your Honor has the discretion to
15 control the cross-examination, and I am going to start
16 objecting more and more often to see if we can't get to
17 the point.

18 THE COURT: Well, frankly, gentlemen, while there are
19 aspects of it that might have been boring, I certainly
20 would not have foreclosed anything that went on today
21 except those questions to which I sustained objections.

22 MR. STOVITZ: All right.

23 Recess until tomorrow morning at 9:15?

24 MR. BUGLIOSI: I would like to bring up one more
25 point.

26 MR. GOLDMAN: I would like to make a request, and I

1 would rather do it in chambers.

2 Should this conduct that I have mentioned,
3 which the Court indicates is probably objectionable, that
4 is, asking questions concerning other matters while
5 exhibiting photographs concerning something else, if there
6 is no objection by the prosecution to that, I feel I have a
7 standing to protect my client in those matters.

8 THE COURT: I agree that the photographs should not
9 be displayed until after the question has been put to the
10 witness and the Court has had a chance to rule on any
11 objection. Then, assuming you have the green light at
12 that point, Mr. Kanarek, or whoever is doing the
13 examining, you may then exhibit the photograph to the
14 witness.

15 I agree it is improper to stand up there with
16 a photograph in your hand for five minutes, and put it in
17 her hand and have her hold it, while you go through a
18 series of questions that have nothing to do with the
19 photograph.

20 That would be true of any demonstrative
21 evidence.

22 So, if you are going to examine on the
23 photographs, take it step by step, and before the photo-
24 graph is exhibited, give the People a chance to make their
25 objection and give me a chance to rule on it before it is
26 displayed to the witness, and then we will proceed.

1 MR. KANAREK: Your Honor, there is another point.

2 I am told that there is a letter which
3 constitutes the immunity.

4 This letter is a letter from the offices of
5 either Mr. Goldman or Mr. Fleischman or both, to the
6 District Attorney.

7 As I understand it -- I may be incorrect about
8 it -- this letter has never been executed by the District
9 Attorney's Office.

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21-1

1 Now, I may be wrong about that, I don't know.

2 May I inquire through the Court if we may have
3 that letter, your Honor?

4 MR. STOVITZ: I don't have it.

5 MR. KANAREK: Then you see, your Honor --

6 THE COURT: Is this a new subject now, Mr. Kanarek?

7 MR. KANAREK: Yes, your Honor.

8 MR. STOVITZ: May we take it up at 9:15 tomorrow?

9 MR. FITZGERALD: I think it is fair to apprise the
10 Court of this, that unless we are provided with full and
11 complete information surrounding any immunity agreement
12 between Mr. Fleischman and Mr. Goldman and counsel for the
13 prosecution, we do intend to call both Mr. Fleischman and
14 Mr. Goldman as witnesses at the defense portion of the
15 case.

16 It is obviously material in terms of impeachment,
17 terms of various other aspects of impeachment to demonstrate
18 there is in existence an immunity agreement.

19 This witness, Linda Kasabian, has also indicated
20 she is aware of some kind of an agreement, and certainly if
21 we decide to call Mr. Goldman and Mr. Fleischman as witnesses
22 we will subpoena them tomorrow, if we don't get the letter
23 or the nature of the agreement, and we are going to ask
24 they be excluded from the courtroom.

25 MR. STOVITZ: I think the entire matter of the
26 immunity has been gone into.

21-2

1 We have not been close about this. There is
2 an agreement between our office and Mr. Fleischman and
3 Mr. Goldman that upon completion of Linda Kasabian's
4 testimony we shall petition the Superior Court for a grant
5 of immunity.

6 Now, our original agreement contemplated that
7 she would testify against not only these defendants but
8 also Mr. Watson in the event that there were separate trials.

9 However, because of the fact that Mr. Watson
10 has now been delayed in Texas, we intend to petition the
11 Superior Court for a grant of immunity to Linda Kasabian
12 before Mr. Watson is returned, on the assurance of counsel
13 that she will return to the State of California if and when
14 Mr. Watson returns, and that she will testify truthfully
15 on Mr. Watson's trial.

16 MR. KANAREK: Then I would like to allege at this
17 time, your Honor, a violation of equal protection of the
18 law as to Mr. Manson in that Mr. Watson is getting the
19 legal --

20 THE COURT: Do you waive your client's not being
21 here? This meeting was not called for the taking up of
22 these matters, Mr. Kanarek, and I want the record to
23 clearly show that the defendants are not present now,
24 and I want your waiver on the record, if you want to
25 proceed with something like this.

26 MR. KANAREK: Very well.

21-3

1 MR. FITZGERALD: Let's not proceed.

2 THE COURT: All right.

3 MR. BUGLIOSI: I would like to bring up one other
4 point before I forget, your Honor.

5 Would the Court advise the jury that it is
6 perfectly proper for prosecutors and the District Attorneys
7 to speak, to talk to witnesses whom they call to the
8 witness stand.

9 Mr. Kanarek continues to imply to the jury that
10 when I talk to Linda or Mr. Stovitz talks to Linda that
11 there is something very sinister and unscrupulous about this.

12 I don't think we can assume that these 12
13 people on the jury, all of whom are virgins, from a legal
14 standpoint, know it is proper.

15 All they know is that Mr. Kanarek, a member of
16 the Bar, does not think it is proper. They can say "Well,
17 he is an attorney; he said it's improper. Maybe Mr. Bugliosi
18 and Mr. Stovitz should not be talking to her. Maybe they
19 are coaching her."

20 I would appreciate if the Court would say it is
21 perfectly proper for defense attorneys to talk to their
22 witnesses and for Mr. Stovitz and I to talk to our
23 witnesses.

24 Otherwise all we have is Mr. Kanarek's allegations,
25 and it is nothing more than an allegation. It is improper.

26 And they are sitting there for two or three

1 months probably thinking that the prosecution is doing
2 something they should not be doing.

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1 MR. KANAREK: May I respond to that, your Honor?

2 THE COURT: Yes.

3 MR. KANAREK: My response to that is this:

4 The prosecution would be entitled to a jury
5 instruction that it is all right for lawyers to talk to
6 witnesses.

7 But the trier of fact, I submit to the Court,
8 has a right to know in deciding credibility, in deciding
9 whether they can believe a witness, as to how frequently
10 these talks were, what the context is in which they are
11 made.

12 THE COURT: But that is not the point, Mr. Kanarek,
13 you can examine on cross-examination as you have done.

14 You can ask Mrs. Kasabian if she conferred
15 with Mr. Bugliosi. That is not the point.

16 The point is you are standing up and stating
17 in open court in some form or another, making some
18 statement which implies that there is something wrong
19 about it.

20 MR. KANAREK: Your Honor, the question that I asked
21 was merely during the last recess --

22 THE COURT: These were not just questions. You made
23 some comments in between the questions.

24 MR. KANAREK: I believe it is the questions that he
25 is objecting to.

26 I asked her on the witness stand during the

21a2

1 recess, "Did you speak with Mr. Bugliosi?"

2 MR. BUGLIOSI: Yesterday, your Honor, at 4:12
3 I asked for an adjournment because he was going into
4 physical evidence, and he got up and said something to the
5 effect, "Everybody knows the only reason he wants an
6 adjournment is so he can tell Linda how to answer my
7 questions."

8 He is accusing me of subornation of perjury
9 in a capital case! In effect, that is what he is doing.
10 He can go into the questions whether I have spoken to her,
11 but I would appreciate if the Court would advise the jury.

12 THE COURT: If you remind me in the morning I will
13 so instruct the jury for the protection of both sides.

14 MR. FITZGERALD: What Mr. Bugliosi and Mr. Stovitz
15 and the Los Angeles Police Department have done in this
16 case goes well beyond any interview with any witnesses.

17 We have information that Linda Kasabian may
18 have committed perjury. We will resolve all doubts in her
19 favor, say she is mistaken.

20 We subpoenaed records from the County Jail.
21 She talked to Mr. Bugliosi on far more occasions than she
22 indicated.

23 THE COURT: That is not the point. We are talking
24 about the question, what do counsel have a right to say in
25 front of the jury.

26 MR. FITZGERALD: Well, all right.

1 MR. STOVITZ: Speaking on behalf of Mr. Vitzelio's
2 stomach, your Honor, can we adjourn until tomorrow morning
3 at 9:15?

4 THE COURT: I beg your pardon?

5 MR. BUGLIOSI: Speaking on behalf of the juror's
6 stomach, your Honor.

7 THE COURT: 9:15.

8 MR. STOVITZ: Yes.

9 MR. KANAREK: I object to the platitude that is all
10 right for lawyers to talk to witnesses.

11 THE COURT: Do you wish to formulate an instruction,
12 Mr. Kanarek? I will be happy to have you do so.

13 MR. KANAREK: I would be glad to formulate among
14 us the instruction.

15 THE COURT: Why don't you and Mr. Bugliosi collaborate
16 on an instruction that is acceptable to both sides?

17 MR. BUGLIOSI: I can represent to the Court he and I
18 can spend 1,000 hours on it and we would not come up with an
19 instruction acceptable to both of us.

20 THE COURT: Mr. Kanarek, I would suggest that you
21 make the first draft, give it to Mr. Bugliosi for his
22 comments and criticisms, and if I see anything of merit in
23 it I will take it from there.

24 MR. KANAREK: Very well, your Honor, I will do that.

25 MR. BUGLIOSI: Thank you, your Honor.

26 THE COURT: Is there any necessity for the Court to

1 go back on the bench?

2 MR. STOVITZ: So stipulated.

3 THE COURT: 9:15 for counsel.

4 MR. KANAREK: We are not ordered back? Only
5 Mr. Fitzgerald, your Honor. I am not ordered here.

6 THE COURT: You don't have to be here if you don't
7 want to.

8 MR. KANAREK: I might, but I would rather.

9 THE COURT: Miss Krenwinkel should be here.

10 THE BAILIFF: They will all be here at 8:45.

11 (Whereupon, an adjournment was taken to
12 reconvene Friday, August 7, 1970 at 9:15 A.M.)
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