

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.

45

No. A253156

REPORTERS' DAILY TRANSCRIPT

Friday, August 7, 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:

~~RONALD HUGHES~~, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For Linda Kasabian:

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

VOLUME 45

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

PAGES 6563 to 6651

I N D E X

PLAINTIFF'S WITNESSES:

CROSS

KANARIAN, Linda

6570 (X)

DEFENDANT'S WITNESSES:

WHITELLY, Paul

6567

E X H I B I T S

PLAINTIFF'S:

FOR IDENTIFICATION

88 - Photograph of Abigail Felger's body

6595

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 7, 1970

2 9:20 A.M.

3 ---O---

4 (The following proceedings were had in open court,
5 all defendants being present, Mr. Fitzgerald and Mr. Shinn
6 being present for the defendants; Mr. Bugliosi and
7 Mr. Stovitz being present for the People.)

8 THE COURT: The record will show Mr. Fitzgerald and
9 Mr. Shinn are present. All of the defendants are present.

10 The prosecutors are present. The jury is not
11 present.

12 Mr. Fitzgerald, I believe you have a matter you
13 wish to take up.

14 MR. FITZGERALD: That's correct, your Honor.

15 I have heretofore caused to be executed, served
16 and filed a subpoena D.T. directed to Peter J. Pitchess,
17 Sheriff of Los Angeles County and/or his representative for
18 any and all documents, reports, hand written notes,
19 typewriter notes, stenographic reports, tape recordings,
20 concerning the statement made by a Los Angeles County
21 Sheriff's Office, West Hollywood, arrestee, Robert Speredes,
22 to representatives of the Los Angeles County Sheriff's
23 office and/or representatives of the Los Angeles Police
24 Department concerning one Fred Byron Small, who allegedly
25 told Speredes that he --

26 (Interruption off the record by Mr. Bugliosi.)

1 MR. FITZGERALD: I will stop at this point, if the
2 Court has in mind --

3 THE COURT: In accordance with our bench conference
4 yesterday, I understand that it is a document that con-
5 tains something pertaining to this case.

6 MR. FITZGERALD: That is correct.

7 In connection with this subpoena, one Sergeant
8 Paul Whiteley has appeared in court. He is present, your
9 Honor. He has indicated to me that he is a personal
10 representative of the Sheriff of Los Angeles County,
11 Peter J. Pitchess, and he has informally represented to me
12 that he has searched the files of the Los Angeles County
13 Sheriff's office and that, to his knowledge and to the
14 knowledge of others he has consulted, no such records
15 exist.

16 I ask that this matter be formally placed on
17 the Court's calendar in order that I might very briefly
18 depose Mr. Whiteley, the representative of Mr. Peter J.
19 Pitchess, under oath in that regard.

20 THE COURT: All right.

21 Where is the original subpoena now?

22 MR. FITZGERALD: It is in the court file, and I have
23 marked it with some white pieces of paper so that the Court
24 could easily find it.

25 (Pause while Mr. Fitzgerald consults the file.)

26 MR. FITZGERALD: I guess the papers came out. If I

1 may have a moment, I can find the exact reference for you.

2 THE COURT: Very well.

3 (Pause while Mr. Fitzgerald searches the file.)

4 MR. FITZGERALD: May I approach the bench, your
5 Honor?

6 THE COURT: Yes, you may.

7 MR. FITZGERALD: The portion of the file marked with
8 a rubberband, your Honor, if the Court please, is the
9 subpoena itself, and the return of service where the white
10 piece of paper is contained in the file is the application
11 for the subpoena d.t. and the declaration and affidavit
12 attached thereto.

13 (Pause while the Court reads.)

14 THE COURT: All right. You may proceed, Mr. Fitzgerald.

15 MR. FITZGERALD: May I call Mr. Whiteley?

16 THE COURT: Yes.

17 MR. FITZGERALD: Would you take the stand, please.
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1 THE CLERK: Would you please repeat after me.

2 I do solemnly swear --

3 MR. WHITELEY: I do solemnly swear --

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

5 MR. WHITELEY: -- that the testimony I may give --

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

7 MR. WHITELEY: -- in the cause now pending --

8 THE CLERK: -- before this court --

9 MR. WHITELEY: -- before this court --

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

11 MR. WHITELEY: -- shall be the truth --

12 THE CLERK: -- the whole truth --

13 MR. WHITELEY: -- the whole truth --

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

15 MR. WHITELEY: -- and nothing but the truth --

16 THE CLERK: -- so help me God.

17 MR. WHITELEY: -- so help me God.

18 THE CLERK: Would you be seated, please.

19 Would you please state and spell your name.

20 THE WITNESS: Paul Whiteley; W-h-i-t-e-l-e-y.

21
22 PAUL WHITELEY,

23 called as a witness in behalf of the defendants, having
24 been first duly sworn, was examined and testified as
25 follows:
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DIRECT EXAMINATION

1
2 BY MR. FITZGERALD:

3 Q Mr. Whiteley, would you state your business
4 and occupation?

5 A Detective Sergeant, Los Angeles County
6 Sheriff's Office, Homicide Bureau.

7 Q How long have you been employed by the Los
8 Angeles County Sheriff's Office?

9 A 13 years.

10 Q In connection with your official duties as
11 an employee of the Los Angeles County Sheriff's Office,
12 were you served with a subpoena as a representative
13 of Peter J. Fitchess?

14 A Yes.

15 Q And you have that subpoena in your hand,
16 do you not?

17 A Yes.

18 Q Were you listening to my remarks to the
19 Court before you were called as a witness?

20 A Yes.

21 Q And did you hear me refer to and read certain
22 portions of the subpoena?

23 A Yes.

24 Q To your knowledge, that is the subpoena to
25 which I am now referring and that you have in your
26 hand?

1 A Yes.

2 Q And that subpoena, does it not, directs
3 Peter J. Pitchess and/or a representative to produce
4 certain documents, reports, handwritten notes, typewritten
5 notes, stenographic reports, et cetera, concerning
6 certain information, does it not?

7 A Yes.

8 Q Did you make an attempt to locate and deter-
9 mine if such information was in existence within the
10 Los Angeles County Sheriff's Office?

11 A Yes, I did.

12 Q What did you do in that regard?

13 A I checked the record bureau and I also
14 contacted Deputy Robert Taranto.

15 Q Is he a Los Angeles County Sheriff's Officer?

16 A Yes, he is.

17 Q Is he assigned to the West Hollywood
18 Narcotics Division?

19 A Yes.

20 Q And what did you do in connection with the
21 aforementioned person?

22 A I asked him if there were any documents,
23 reports, handwritten notes concerning the conversation
24 that the subpoena asked for.

25 Q What, if anything, did he reply?

26 A He stated that there were none. It was

all verbal.

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2 Q Did he verify that such a conversation took
place?

3 A Yes.

4 Q Is it your testimony, then, that you were
5 informed by Sergeant Bob Taranto that such a conversation
6 took place but there are no records or documents in
7 connection therewith?

8 A That is correct.
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3 fls.

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1 Q Did you do anything else in connection with an
2 investigation pursuant to this subpoena?

3 A No.

4 Q Did you have any personal knowledge of any
5 documents or materials relating to the request in the
6 subpoena?

7 A No, I do not.

8 Q Was there some particular reason why you were
9 selected as a representative of Sheriff Peter J. Pitches?

10 A I don't know.

11 Q Is it because of your connection with the cause
12 of the People of the State of California vs. Robert Kenneth
13 Beausoleil?

14 A I do not know.

15 Q How did you receive this subpoena, do you recall?

16 A It was given to me by my lieutenant.

17 Q And his name, sir?

18 A Robert Grimm, G-r-i-m-m.

19 Q Did your investigation, if any, reveal that at
20 some date in the past there were documents, reports, or notes
21 of such a conversation?

22 A No.

23 MR. FITZGERALD: I have nothing further.

24 THE COURT: You may step down, sir.

25 MR. FITZGERALD: That concludes my examination of this
26 witness, your Honor, he may be excused.

3-2

1 THE COURT: Very well, you are excused, sir.

2 MR. SHINN: Your Honor, I have a motion to make.

3 THE COURT: Yes, Mr. Shinn.

4 MR. SHINN: Your Honor, I want to make a motion for a
5 continuance, your Honor.

6 I did not get very much sleep again last night,
7 your Honor. This is my third night and I am mentally and
8 physically unable to continue today.

9 I feel that a short continuance would be in
10 order, and I am not asking for two or three days, your
11 Honor, I am only asking for one day or a half a day, in
12 order that I may reorganize myself so I can adequately
13 defend my client, Mrs. Atkins.

14 THE COURT: Why were you unable to sleep last night?

15 MR. SHINN: I was on guard duty last night, your
16 Honor.

17 THE COURT: Guard duty?

18 MR. SHINN: I have an upper bunk, your Honor, and the
19 bed is about two feet wide and at home I have a king-sized
20 bed and I roll back and forth.

21 And I was guarding myself from making that one
22 roll in case I fall on the floor and break my leg or my arm
23 or my head.

24 I could not sleep; I was always conscious of
25 falling down.

26 THE COURT: Anything further?

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1 MR. SHINN: Nothing further at this time, your
2 Honor.

3 THE COURT: The motion will be denied.

4 The Court is now in recess until 9:45.

5 (Recess.)
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1 (The following proceedings occurred in
2 chambers. All counsel present, defendants absent.)

3 (An off-the-record discussion was had.)

4 THE COURT: Now we can go on the record.

5 I will give to the jury this instruction, which
6 reads as follows:

7 "You are instructed that it is proper
8 and permissible for any lawyer to talk to and
9 interview any witness or prospective witness
10 whom he calls or expects to call to testify in
11 a case. Such conversations may occur during
12 recesses or adjournments and at any other
13 time the witness is not actually testifying
14 in court."

15 MR. BUGLIOSI: That is very good.

16 THE COURT: That doesn't direct itself to any
17 particular counsel or any comments of any particular counsel.

18 I think, under the circumstances, because of
19 some of the comments that have been made, it is necessary
20 and desirable to protect both sides.

21 MR. FITZGERALD: It is counsel's understanding that
22 such a remark by the Court in no way indicates that it is
23 not proper and permissible for counsel to inquire of the
24 witness whether or not he or she has spoken with an attorney.

25 MR. BUGLIOSI: I don't think that should be in it.

26 They can cross-examine, yes.

1 THE COURT: I don't think it should be part of the
2 instruction.

3 MR. FITZGERALD: Oh, no.

4 THE COURT: of course, that is a proper area of
5 cross-examination.

6 MR. BUGLIOSI: Sure.

7 MR. HUGHES: I am wondering if we should put some-
8 thing in about the prosecution and Miss Kasabian's attorneys
9 keeping the defense attorneys from talking with her also.

10 MR. FITZGERALD: In that regard, I might tell your
11 Honor this, and I am not in any sense attempting to be
12 disrespectful to the Court or in any way to abuse court
13 processes, but each of the defense attorneys have prepared
14 subpoenas for Linda Kasabian as their own witness, and
15 we attempt to effect service on her at some time when she
16 is outside of the courtroom, because courtroom service is
17 invalid, we are going to attempt to serve her with a
18 subpoena as a defense witness, and then we are going to
19 again initiate efforts to talk to her.

20 I think the record should be clear that we are
21 in good faith in attempting to talk to her and that we are
22 in good faith in attempting to introduce into evidence
23 refusal by her to talk to us.

24 In order to cover all the bases, we wanted to
25 be clear that we are going to attempt to talk to her as a
26 defense witness, we are going to subpoena her, and then we
are going to attempt to talk to her.

5-1

1 THE COURT: I see nothing wrong with that.

2 MR. FITZGERALD: All right.

3 THE COURT: Anything further, gentlemen?

4 MR. KANAREK: Yes, your Honor.

5 May the record reflect that on behalf of Mr.
6 Manson I oppose your Honor's filing this instruction at
7 this time.

8 It unfairly pinpoints an issue or issues in
9 the case by your Honor injecting this instruction at this
10 time.

11 We allege that denies Mr. Manson a fair trial
12 and due process.

13 But if your Honor -- may I take the yellow
14 sheet?

15 THE COURT: Yes, you may.

16 MR. KANAREK: But if your Honor insists on giving an
17 instruction, we are not asking for an instruction, but if
18 your Honor insists on giving one, the instruction that we
19 are asking is as follows:

20 "You are instructed that an attorney may
21 talk to a witness ~~comm~~ that he calls to the witness
22 stand period. The fact that an attorney speaks
23 to and consults with said witness during the time
24 she is in the courtroom and at recesses is one
25 of the circumstances you may consider in evaluating
26 the worth of the testimony of said witness."

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1 If any instruction is going to be given, we
2 ask that that instruction be given.

3 THE COURT: All right, and let the record also show,
4 Mr. Kanarek, that the reason I am inclined to give the
5 instruction I indicated at this time is because some of
6 the comments of counsel, you included, in the form of
7 colloquy or just individual statements made in front of the
8 jury which might give rise to an implication that there
9 was something improper about a lawyer talking with or
10 interviewing a witness, his own or anybody else's.

11 All right, gentlemen, let's go back.

12 MR. BUGLIOSI: Thank you, your Honor.

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

15 THE COURT: All of the parties, counsel and jurors
16 are present.

17 Before we resume the cross-examination, ladies
18 and gentlemen, I do want to give you one instruction:

19 You are instructed that it is proper and
20 permissible for any lawyer to talk to and interview any
21 witness or prospective witness whom he calls or expects to
22 call to testify in a case.

23 Such conversations may occur during recesses
24 or adjournments, and at any other time the witness is not
25 actually testifying in court.

26 You may continue your cross-examination,

1 Mr. Kanarek.

2 THE CLERK: The witness is on her way down, your
3 Honor.

4 (Mrs. Kasabian enters the courtroom.)

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

6 MR. KANAREK: Yes, thank you.

6 fls.

6-1

LINDA KASABIAN,

the witness on the stand at the time of the adjournment,
resumed the stand and testified further as follows:

CROSS-EXAMINATION (Resumed)

BY MR. KANAREK:

Q Now, Mrs. Kasabian, when you saw the tall man
being injured, did you start crying?

A I don't think so.

Q You didn't cry then, did you, Mrs. Kasabian?

A No.

Q When you saw the lady stretched out on the
grass, were you crying then?

MR. BUGLIOSI: Your Honor, that assumes a fact not
in evidence. She never testified she saw the woman
sprawled out. She said she saw Sadie chasing the woman
with an upraised knife.

THE COURT: Sustained.

MR. SHINN: Your Honor, that is a misstatement of
fact.

MR. STOVITZ: That's right. He didn't mean Sadie,
he meant Katie.

MR. BUGLIOSI: Yes. I meant Katie. I apologize.

THE COURT: All right.

MR. KANAREK: Q Now, this knife -- may I approach
the witness, your Honor?

1 THE COURT: You may.

2 MR. KANAREK: Q This knife, Mrs. Kasabian, was
3 your knife; right?

4 A Yes.

5 MR. STOVITZ: Counsel, will you identify it by
6 exhibit number, please?

7 MR. KANAREK: Yes. Exhibit 39.

8 MR. STOVITZ: Thank you, Counsel.

9 MR. KANAREK: Q Now, Mrs. Kasabian, when you
10 heard noises from this residence, Mrs. Kasabian, were you
11 in a state of shock?

12 A Yes. Still.

13 Q You were in a state of shock when you heard the
14 noises from the residence?

15 A Yes.

16 Q And did you recognize the noises from the
17 residence?

18 A They were screams.

19 Q I mean, did you recognize whose voices were
20 screaming?

21 A It just sounded like voices. I couldn't tell.

22 Q Now, these people that were in the house were
23 your friends; right?

24 A Yes.

25 Q Mr. Watson, Patricia Krenwinkel, Miss Atkins;
26 they were your friends, right?

A Yes.

1 Q And directing your attention to those screams,
2 you didn't know who was screaming, did you?

3 A I didn't know for positive but I had a feeling
4 that they weren't the ones screaming.

5 Q You what?

6 A I had a feeling that they weren't the ones
7 screaming.

8 Q You had a feeling? Were you in a state of
9 shock?

10 A Yes.

11 Q Did you think that they were not the ones
12 screaming?

13 A Yes.

14 Q You thought they weren't?

15 A Yes.

16 Q But your shock wasn't such that it kept you
17 from thinking that the people screaming were not your
18 friends?

19 MR. STOVITZ: Objected to as argumentative, your
20 Honor.

21 THE COURT: Overruled.

22 THE WITNESS: Would you repeat your question?

23 THE COURT: Read the question.

24 (The question was read by the reporter.)

25 THE WITNESS: I don't understand your question.

26 MR. KANAREK: Q Well, as you heard the screams,

1 did you think that the people screaming were your friends?

2 A No.

3 Q You definitely thought they were not your
4 friends?

5 A Yes.

6 Q Is that right?

7 A I had a feeling that it wasn't them.

8 Q In other words, you were willing to take a
9 chance that it wasn't them?

10 MR. STOVITZ: Objected to as argumentative, your
11 Honor.

12 THE COURT: Sustained.

13 Keep your voice up, please.
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1 BY MR. KANAREK:

2 Q Now, when you heard the screams, Mrs. Kasabian,
3 did you take that knife and go into the house in order
4 to protect your friends?

5 A No. I didn't have the knife.

6 Q Well, you were in a state of shock at that
7 point; is that right?

8 A Yes.

9 MR. STOVITZ: Objected to, your Honor, as being
10 asked and answered.

11 THE COURT: Overruled.

12 THE WITNESS: Yes.

13 BY MR. KANAREK:

14 Q How do you know for sure whether you did take
15 the knife and go in or not if you were in a state of shock?

16 MR. STOVITZ: I object to the question in that form,
17 your Honor, as argumentative.

18 THE COURT: Sustained.

19 BY MR. KANAREK:

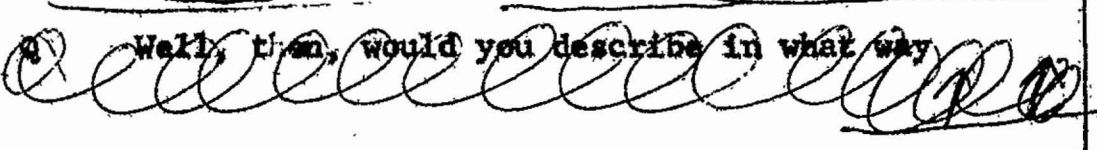
20 Q Well, having in mind this state of shock that
21 you have spoken of, Mrs. Kasabian, was that state of
22 shock such that you couldn't think?

23 A I could think.

24 Q Pardon?

25 A I could think.

26 Q Well, then, would you describe in what way



6a-2

1 other than just uttering the word "shock," s-h-o-c-k,
2 other than just stating that word, in what way were
3 your faculties affected by the shock that you stated you
4 had?

5 MR. STOVITZ: Your Honor, this was asked and answered
6 and thoroughly covered in yesterday's transcript. I refer
7 to Volume 43, morning session.

8 THE COURT: Sustained.

9 BY MR. KANAREK:

10 Q Now, Mrs. Kasabian, when you heard the scream-
11 ing, was your state of shock such that you didn't care
12 about what was happening to anyone in that house?

13 A Of course I did.

14 Q You did care?

15 A Yes.

16 Q Would you tell us, how did you -- what did you
17 do after you felt this emotion of care?

18 A I started to run towards the house to make
19 it stop.

20 Q You started to run towards the house to make
21 it stop?

22 A Yes.

23 Q Right?

24 A Yes.

25 Q You had that knife on you as you ran towards
26 the house, is that right, Mrs. --

6a-3

1 A No, I did not.

2 Q May I finish?

3 A No, I did not.

4 Q You didn't?

5 A No.

6 Q That was your knife; right, Mrs. Kasabian?

7 A Are you talking about this knife (indicating)?

8 Q That's right.

9 A Yes.

10 Q You had that knife for a long time before you
11 came to Spahn Ranch; right?

12 A Yes.

13 Q And you carried that knife on you for protec-
14 tion; right?

15 A No.

7 fls.

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1 Q You carried it to cut potatoes -- to cut --
2 A It was a kitchen knife.
3 Q A kitchen knife?
4 A Yes.
5 Q But you carried it on you wherever you went?
6 A Yes, sometimes.
7 Q And so you ran towards the house?
8 A Yes.
9 Q Now, Mrs. Kasabian, I'm going to --
10 Are you perfectly composed today, Mrs. Kasa-
11 bian?

12 A At the moment, yes.

13 Q Pardon?

14 A Yes, at the moment.

15 Q At the moment.

16 Now, I will show you this picture --

17 MR. KANAREK: Your Honor, I would like to have this
18 marked as a defense exhibit.

19 THE COURT: Don't hold it up to the jury, Mr. Kanarek.

20 MR. KANAREK: I'm trying not to.

21 MR. BUGLIOSI: It is a Grand Jury exhibit. The
22 People request it be a People's exhibit.

23 MR. KANAREK: I ask that that statement be stricken.
24 I would like to approach the bench.

25 THE COURT: It will be marked as People's 88 for
26 identification.

P 88 Id.

7-2

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

2 Q Now, I show you a picture of a lady, and I
3 ask you, Mrs. Kasabian, to look at that picture?

4 A I looked at it.

5 Q Would you take the picture, please.

6 THE COURT: She does not have to take it. She can
7 see.

8 Let me see the photograph.

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: Did you see the photograph, Mrs. Kasabian?

11 THE WITNESS: Yes, I did.

12 BY MR. KANAREK:

13 Q Now, Mrs. Kasabian, in connection with the
14 lady that you say you saw, you say you saw at the house.

15 Does that appear to be the lady?

16 A In the white gown.

17 Q Pardon?

18 A The white gown, I did not see her face. I
19 just saw her white gown and long hair.

20 Q I see, and in preparation for your coming to
21 court has anyone shown you or attempted to speak with you
22 concerning the identity of this lady in the white gown?

23 A I don't understand.

24 Q Well, you have spoken with Mr. Bugliosi and
25 Mr. Stovitz and police officers concerning this case,
26

1 haven't you?

2 A Yes.

3 Q Has anyone, has anyone in connection with
4 this case shown you this picture before?

5 A No.

6 Q Has anyone shown you a picture of this
7 white gown before?

8 A No.

9 MR. STOVITZ: May counsel be requested to, if he
10 is through questioning her about this picture, that the
11 picture be lowered, your Honor. It seems to be causing
12 some distress to the witness.

13 MR. KANAREK: I don't know whether it is or not.

14 THE COURT: I don't care for any comment, Mr.
15 Kanarek.

16 Let's go back behind counsel table and resume
17 your examination.

18 MR. KANAREK: Very well, your Honor.

19 (Mr. Kanarek returns to the counsel table.)

20 BY MR. KANAREK:

21 Q Now, Mrs. Kasabian, in connection with the
22 interrogations that you have undergone, you have spoken
23 to Mr. Bugliosi and Mr. Stovitz and various Los Angeles
24 police officers and District Attorney's representatives
25 over an extended period of time, maybe some eight months
26 or so, right?

1 A For as long as I have been in jail, yes.

2 Q And during that time, Mrs. Kasabian, has anyone
3 shown you the picture of anyone who passed away?

4 A No.

5 Q Not once, have they?

6 A No.

7 Q And so, directing your attention to your con-
8 versations with Mr. Bugliosi and Mr. Stovitz, they have in
9 their conversations with you shown you from time to time
10 certain exhibits that you have seen in this courtroom,
11 is that right?

12 A Yes.

13 Q Now, when you ran towards the house, Mrs.
14 Kasabian, what was in your mind; what were you running
15 towards the house for?

16 A To make it stop.

17 Q To make it stop?

18 A Yes.

19 Q You wanted all of this not to occur?

20 A Yes.

21 Q Right? And what was your state of mind; what
22 were you thinking as you ran towards the house?

23 A Just to make it stop. I wanted to make it stop.
24 I don't know.

25 Q Well, at some time you stopped running, is
26 that right?

1 A Yes.
2 Q And you started walking?
3 A I just stopped short.
4 Q You stopped short?
5 A Yes.
6 Q And what was in your mind and what were you
7 thinking when you stopped short?
7a fls. 8 A I saw somebody come out of the door.
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1 Q And you saw this person coming out of the door,
2 and what occurred when this person came out of the door?

3 A He stood at a post for a minute and then he fell
4 in the bushes.

5 Q Pardon?

6 A He stood at a post for a minute and then he fell
7 in the bushes.

8 Q I see. Then when you saw this person fall what
9 was going through your mind?

10 A I just knew for sure what was happening at that
11 point and I was just so sorry, I just said, "Oh, God, I'm
12 sorry," I think I said to myself, "please make it stop."

13 I was praying to God.

14 Q You prayed to God then?

15 A Yes.

16 Q I see, and how long did you pray to God?

17 A I don't know, everything just stood still.

18 Q I see. Were you in a state of shock?

19 A Yes.

20 Q I see. And you prayed to God for what period
21 of time?

22 A I don't know.

23 Q Well, can you give us an estimate?

24 A It was probably just for a few seconds, but it
25 seemed like forever.

26 Q I see, and when this person -- when this person

7a2

1 fell to the ground did you do anything with regard to the
2 physical body of the person that fell to the ground?

3 A No.

4 Q You just prayed?

5 A I just stood there, I couldn't do anything.

6 Q You could not do anything?

7 A Yes.

8 Q What was keeping you from doing anything?

9 A I don't know, I just couldn't do anything.

10 I just stood there.

11 Q Well, you're telling us, Mrs. Kasabian, that
12 when you heard the noises coming from the house you were
13 thinking that your friends were in danger, right?

14 A No, I did not think it was them.

15 Q You felt that somebody else was in danger?

16 A Yes.

17 Q And why did you think that somebody else was
18 in danger and your friends were not?

19 A I just felt that they were killing these people
20 because they killed that guy in the car.

21 Q You were thinking in terms of they were killing
22 these people because --

23 How was that, because they killed the guy in
24 the car?

25 A Yes.

26 Q And by "they," you meant who?

A Well, it was Tex who killed the guy in the car.

7a3

1 Q You just said they were killing these people
2 the way they killed the guy in the car.

3 A I made a mistake, I'm sorry.

4 Q What way did you make a mistake?

5 A By using the word "they."

6 Q I see. And what did you mean to say instead of
7 they?

8 A That Tex killed the man at the car.

9 Q Well, after Tex had killed the man at the car,
10 you had been to the back of the house, right?

11 MR. STOVITZ: Objected to as asked and answered, your
12 Honor.

13 THE COURT: Overruled.

14 THE WITNESS: Yes.

15 Q BY MR. KANAREK: And your intent after you
16 knew that the man in the car had been killed was to
17 enter that house and steal?

18 MR. STOVITZ: Objected to --

19 Q BY MR. KANAREK: Is that correct?

20 MR. STOVITZ: Objected to, your Honor, as being
21 asked and answered.

22 MR. KANAREK: Not so, your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25 Q BY MR. KANAREK: You wanted to steal after you
26 knew that the man in the car had died, right?

7a4

1 A I guess so. I don't know what I thought then.

2 Q You don't know?

3 A I don't know. I just did what Tex told me to
4 do.

5 Q I see. In other words, you were not operating
6 under your own thinking. You were operating under Tex's
7 thinking.

8 A I guess so.

9 Q You guess so. Would you think for a moment?

10 A I just know I did what he told me to do, and
11 that is to go in the back of the house.

12 Q And when you went in the back of the house it
13 was not because you were walking of your own free will, you
14 were walking under Tex's will, is that it?

15 A I don't understand you.

16 Q You don't understand the question?

17 A No.

18 Q Did you go to the back of the house,
19 Mrs. Kasabian, to steal because you wanted to steal?

20 A Well, that is why I thought we went there.

21 Q And that is why you went to the back of the
22 house, right?

23 A I guess so.

24 Q All right, now, would you tell us, Mrs. Kasabian,
25 why you prayed to God over the gentleman who came out of the
26 door and did not pray to God when the gentleman was shot

1 by, you say, Tex?

2 A It just did not seem real. I don't know, I
3 don't know, it just did not seem real at that point until
4 I saw this man.

5 Q I see. The first killing did not seem real to
6 you?

7 A Yes.

8 Q But the second killing did.

9 (Pause.)

10 MR. STOVITZ: Are you waiting for an answer?

11 MR. KANAREK: Yes, may we have an answer?

12 THE WITNESS: What was your question?

13 Q BY MR. KANAREK: The first killing, Mrs.
14 Kasabian, did not seem real to you, but the second one did,
15 is that correct?

16 A Yes.

17 Q Now, when you saw this lady in the white, what
18 you call the white gown, did that seem real to you?

19 A Yes.

8-1

1 Q And did you see that lady in the white gown
2 before you saw the man who you say fell over?

3 A No.

4 Q You saw the man who fell over first?

5 A Yes.

6 Q Then you saw the lady in the white gown?

7 A Yes.

8 Q And did you hear any screams coming from the
9 house after you saw the lady in the white gown and after
10 you saw the man who you say fell?

11 A I don't know. I turned and ranned away.

12 Q Pardon?

13 A I turned and ranned away -- ran away.

14 Q Well, when did you hear the screams -- I
15 will withdraw that.

16 May I ask you: When you turned and ran away,
17 why did you run away?

18 A There was nothing to do and I didn't want to
19 kill anybody, and I just ran.

20 That was the only thing I could do.

21 Q You didn't want to kill anybody?

22 A Yes.

23 Q Well, you say you didn't have a knife?

24 A Yes.

25 Q Well, how would you have killed anyone?

26 A I don't know. Maybe if Tex or somebody told

8-2

1 me. I didn't know what was going to happen, and the best
2 thing I could do was turn and run away.

3 Q If Tex or someone told you? That went through
4 your mind? If Tex or someone told you to do something,
5 you would have done it, and then you would have killed
6 somebody, and that is why you ran away?

7 A No.

8 MR. STOVITZ: Just a moment. I object to the question
9 as a characterization of her testimony and not her testimony
10 at all. It is improper cross-examination.

11 THE COURT: Overruled.

12 Did you answer it?

13 THE WITNESS: I said no.

14 I don't know what his question was.

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

16 THE COURT: Read the question and the answer.

17 (The record was read by the reporter.)

18 BY MR. KANAREK:

19 Q Then that isn't the reason you ran away?
20 What is the reason, Mrs. Kasabian?

21 A There was just nothing I could do. I don't
22 know, I just turned and ran away.

23 Q I see.

24 You had no reason for running away?

25 A I think I have given you a reason. Maybe it
26 is not a reason to you. I just did the only thing I could

8-3

1 do.

2 Q Then you have told us all of your reasons as
3 to why you ran away?

4 MR. STOVITZ: That is objected to, your Honor, as
5 argumentative.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 BY MR. KANAREK:

9 Q Now, in running away, Mrs. Kasabian, you had
10 to scramble over a fence; right?

11 A Yes.

12 Q When you ran away, Mrs. Kasabian, did you run
13 away because you didn't want to get caught in a place
14 where someone had gotten killed? Is that the reason you
15 climbed over the fence and scrambled away?

16 A I don't think so.

17 Q You don't think so but you might have?

18 A I don't remember that going through my head.

19 Q Well, what was going through your head as
20 you scrambled over the fence? What was your reason for
21 scrambling over the fence?

22 A I can't remember thinking of anything until I
23 got to the bottom of the hill.

24 Q When you got to the bottom of the hill, Mrs.
25 Kasabian -- let me ask you -- from the time you got over
26 the fence until you got to the bottom of the hill, what

1 was going through your mind?

2 A I don't know.

3 Q Were you in a state of shock?

4 A I just remember running. I don't remember
5 what I was thinking.

6 Q Were you in a state of shock?

7 A Yes.

8a fls.

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1 Q And so you don't remember what occurred or what
2 was in your mind, right?

3 A I don't know what I was thinking about. I
4 don't even think I was thinking.

5 Q And your state of shock -- you were also in a
6 state of shock before you climbed over the fence, right?

7 A Yes.

8 Q So, your intent was to go into the house, run
9 right into the house, at a time while you say you were in a
10 state of shock, is that correct?

11 MR. STOVITZ: That is objected to, your Honor, as
12 being argumentative, having been asked and answered, and
13 also unclear as to what point counsel is talking about.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Well, Mrs. Kasabian, I am now
16 asking you: At the time that you state that you ran toward
17 the house with the thought that you were going into the
18 house, at that time -- at that time -- were you in a state
19 of shock?

20 A Yes, I guess so.

21 Q And so, being in a state of shock, you don't
22 know whether you went into the house or not, is that
23 correct?

24 A I know I didn't go into that house.

25 Q You know you didn't?

26 A Yes.

1 Q or is it a fair statement to say that you wish
2 you didn't?

3 MR. STOVITZ: That is objected to as argumentative,
4 your Honor.

5 THE COURT: Sustained.

6 MR. KANAREK: Your Honor, may I approach the witness
7 in connection with a photograph?

8 MR. STOVITZ: May the photograph be marked here, your
9 Honor, as People's next in order if it is a photograph that
10 was furnished by the People?

11 MR. KANAREK: Your Honor, we would ask for it to be a
12 defense exhibit. I think 89 is the number, but I ask for it
13 to be a defense exhibit, your Honor.

14 THE COURT: It will be People's 89 for identification.

15 MR. KANAREK: Q Mrs. Kasabian, I show you this
16 picture.

17 A Oh, God.

18 MR. BUGLIOSI: She has already looked at it, your
19 Honor. Is there any necessity for him to continue flashing
20 it in front of her face?

21 MR. KANAREK: Your Honor, it seems like I am the one
22 that is always the villain.

23 THE COURT: Just a moment.

24 Mrs. Kasabian, did you see the photograph?

25 THE WITNESS: Yes, I did.

26 THE COURT: Did you see it well enough to identify

1 the person in the photograph?

2 THE WITNESS: He was the man that I saw at the door.

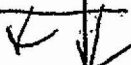
3 THE COURT: All right.

4 You may return.

5 MR. KANAREK: Thank you, your Honor.

6 MR. STOVITZ: So the record is clear, she is talking
7 about Exhibit 89 for identification, Counsel?

8 MR. KANAREK: I guess so, your Honor.

9 Q Mrs. Kasabian, why are you crying right now? 

10 A Because I can't believe it. It is just --
11 I don't know.

12 Q You can't believe what, Mrs. Kasabian?

13 A That they could do that.

14 Q That they could do that?

15 A Yes.

16 Q I see.

17 Not that you could do that, but that they could
18 do that?

19 A I know I didn't do that.

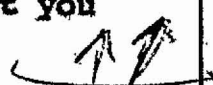
20 Q You were in a state of shock, weren't you?

21 A That's right.

22 Q Then how do you know it?

23 A Because I know it.

24 I do not have that kind of thing in me to do
25 such an animalistic thing.

26 Q And you are basing it upon the fact that you 

1 don't have it in you to do that kind of an animalistic
2 thing?

3 A Right.

4 Q Is that why you are saying you didn't do it;
5 right?

6 A I just know I didn't do it, Mr. Kanarek.

7 Q And your thinking, as you sit there on the
8 witness stand, Mrs. Kasabian, is that they did it; is that
9 right?

10 A Yes.

11 Q I see.

12 Now, when you got to the bottom of the hill,
13 Mrs. Kasabian, had you regained yourself from this state of
14 shock?

15 A Yes. I laid down on the ground for a few
16 seconds.

17 Q I see.

18 And after regaining yourself from a state of
19 shock, you waited there for the people that you came there
20 with?

21 A Not when I was on the ground, no.

22 Q Pardon?

23 A Not when I was on the ground.

8b-1 1

Q What were you doing when you were on the ground?

A I was thinking, trying to get my thoughts together.

Q I see.

What were you thinking about?

A My first thought was to go to the police and get help.

Q I see.

Mrs. Kasabian, the day before you were arrested in New Hampshire, the day before you were arrested in New Hampshire, Mrs. Kasabian, what did you do?

A The day before I was arrested?

Q Right.

MR. BUGLIOSI: It is too broad a question, your Honor. I object on that ground.

THE COURT: I think you should pinpoint it a little more definitely, Mr. Kanarek. Sustained.

MR. KANAREK: Yes, your Honor.

Q You tell us now, Mrs. Kasabian, that you were thinking about what to do and thinking about getting the police and helping as you could to do something in connection with this situation.

Between that instant and the day before you were arrested was how many days, Mrs. Kasabian?

A I don't know.

8b-2

1 Q Was it several months?

2 A Yes.

3 Q And the day before you were arrested you
4 weren't making any plans whatsoever to contact the police,
5 were you?

6 A Plans had gone through my head.

7 Q Pardon?

8 A Plans had gone through my head.

9 Q But the reason that you didn't contact the
10 police is because you didn't want to go to prison or the
11 gas chamber; is that right?

12 A No, that wasn't my reason.

13 Q Then what was your reason?

14 A I was pregnant, I had my baby with me; I was
15 just afraid.

16 Q You were afraid?

17 A I didn't know who to go to or how to do it or
18 anything.

19 Q You didn't know who to go to or how to do it?

20 A Yes.

21 Q But when you found out that the police wanted
22 you and you knew that the jig was up, so to speak, you
23 knew exactly what to do, didn't you?

24 MR. STOVITZ: That is objected to as argumentative,
25 your Honor.

26 THE COURT: Sustained.

8b-3

1 BY MR. KANAREK:

2 Q When you found out that the police, Mrs. Kasabian,
3 knew all about you and that there wasn't any chance
4 any more for you to hide what you had done, then you knew
5 what to do; right?

6 A I went to my mother and asked her what to do.

7 Q After you knew that your mother knew that the
8 police in New Hampshire were looking for you; right?

9 A Yes.

10 Q But the day before your mother knew, you were
11 going along living your life without contacting the police
12 or without doing anything about this matter or these
13 matters at all?

14 A Yes.

15 Q Correct?

16 A Yes.

17 Q So, it is a fair statement that you were
18 interested in No. One, Linda Kasabian?

19 A No. I was more interested in my children.

20 Q You were more interested in your children?

21 A Yes.

22 Q I see.

23 Then, what was the difference, Mrs. Kasabian,
24 as far as your children were concerned, between the day
25 before, when your mother and as far as you knew, the
26 police, had no knowledge of you, and the day after, when

8b-4

1 the police and your mother had knowledge of you?

2 MR. STOVITZ: Objected to.

3 I am sorry, Counsel. I thought you had finished.
4 You lowered your voice.

5 THE COURT: Had you finished the question?

6 MR. KANAREK: No.

7 MR. STOVITZ: I am sorry for the interruption.

8 BY MR. KANAREK:

9 Q My question, Mrs. Kasabian, you say you were
10 interested in the welfare of your children. Will you
11 please tell us how the welfare of your children involved
12 a difference in what you did the day before?

13 A I don't understand what you are saying.

14 Q May I finish the question?

15 A But you lost me in the beginning of your
16 question.

9 fls.

-1
1 Q In other words, you had no interest in yourself;
2 you had no interest in your physical welfare, the incon-
3 venience, the misery of being in a jail cell, the possi-
4 bility of going to the gas chamber.

5 You were not interested in that all these
6 months; you were interested only in the welfare of your
7 children, is that correct?

8 MR. STOVITZ: Objected to as argumentative, your
9 Honor.

10 THE COURT: Overruled, you may answer.

11 THE WITNESS: I don't know.

12 Q BY MR. KANAREK: Your answer to that question
13 is, "I don't know."

14 A Yes.

15 Q Is that right?

16 A Yes.

17 Q When you came back to Los Angeles, Mrs. Kasabian,
18 to get your daughter, you knew that you were involved in
19 seven killings, is that correct?

20 A Yes, I guess so.

21 Q And therefore, knowing that, knowing that --
22 did you arrange for the welfare of your child, Tanya, so
23 that she would not be involved emotionally or otherwise
24 with the possible future arrest of you in connection with
25 these matters?

26 A Yes. I made a few phone calls for money to go

1 back East, but I did not get any money and I hitchhiked
2 to Florida.

3 And I rested for a while and then my father
4 gave me money and I went to my mother's house.

5 Q Well, did it ever occur to you to work for
6 money?

7 A Yes, I did work.

8 Q Pardon?

9 A I did work.

10 Q Did you work? Where did you work?

11 A I babysat.

12 Q You babysat?

13 A Yes.

14 Q And you babysat while you were in Florida?

15 A Yes.

16 Q And you babysat for spending money because your
17 father and Judy Emmer were taking care of you, right?

18 A Yeah, they gave me a place to stay and food to
19 eat.

20 Q Yes, but I'm talking about going out and getting
21 a job and working, you did not do anything like that, did
22 you?

23 A No.

24 Q Did you?

25 A No.

26 Q Now, when you got to the bottom of the hill,

1 when you got to the bottom of the hill you say that all of
2 these things were going through your mind about going to the
3 police and all of that, right?

4 A Yes.

5 Q But the reason you did not go to the police
6 was because you did not want to be arrested, is that
7 right?

8 A No, that was not my thought.

9 Q Your own personal well-being had nothing to do
10 with it?

11 A No.

12 Q You were thinking only of Tanya when you did not go
13 to the police at the bottom of the hill?

14 A Yes, I did.

15 Q Only Tanya?

16 A Yes.

17 Q Right?

18 A Yes.

19 Q And throughout these proceedings, until you got
20 arrested you were thinking only of Tanya and the unborn
21 child, is that right?

22 MR. STOVITZ: That is objected to, your Honor. That
23 is a characterization of her testimony.

24 As to what time, Counsel?

25 He keeps jumping from one period of time to
26 another. It is quite ambiguous as to what period of

1 time he is talking about now.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: I thought that if I came forward that
4 they would just say that I was crazy and that I was making
5 it up, like they are trying to do now, and I just did not
6 know what to do.

7 Yes, I guess I did think about myself.

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

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

12 The Court will recess for 15 minutes.

13 (Recess.)
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1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may proceed, Mr. Kanarek.

4 MR. KANAREK: Thank you, your Honor.

5 BY MR. KANAREK:

6 Q Now, Mrs. Kasabian, is there some reason,
7 Mrs. Kasabian, that you have refused to speak with me
8 concerning this case?

9 A Yes.

10 Q Would you tell us, Mrs. Kasabian, why is it
11 you have refused to speak with me concerning this case?

12 A Because I don't trust you.

13 Q You don't trust me?

14 A Yes.

15 Q You think I am dishonest?

16 A Yes.

17 Q I see.

18 Now, do you see Mr. Fitzgerald there?

19 A Yes.

20 Q You have refused to speak with him also; right?

21 A Right.

22 Q You think he is dishonest?

23 A Yes, I do.

24 Q And we have Mr. Shinn here. Do you think he
25 is dishonest?

26 A Yes, I do.

10-2

1 Q I see.

2 And we have Mr. Hughes here. Do you think he
3 is dishonest?

4 MR. STOVITZ: That assumes a fact not in evidence
5 that Mr. Hughes requested to speak to this witness.

6 MR. HUGHES: I requested to speak to the witness,
7 your Honor.

8 MR. KANAREK: I will lay the foundation.
9 BY MR. KANAREK:

10 Q Do you think Mr. Hughes is dishonest?

11 A Yes.

12 Q Now, Mrs. Kasabian, do you remember Mr. Reiner?

13 A No.

14 Q You don't remember Mr. Reiner?

15 A No.

16 Q Now, Mrs. Kasabian, when you were at the
17 various communes that you have spoken of, Mrs. Kasabian,
18 did you have a state of mind concerning our form of
19 government that you enunciated?

20 A Yes.

21 Q And this was at about the time of these events
22 of the two days, the two nights, that you have spoken of?

23 A I felt those things about the Government for
24 a long time.

11 fls.

11-1

1 Q Would you tell us your thinking, would you tell
2 us what your thinking was concerning the government?

3 MR. BUGLIOSI: It's irrelevant, your Honor.

4 THE COURT: Sustained.

5 MR. KANAREK: May we approach the bench?

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

8 MR. KANAREK: Mr. Bugliosi has interjected this
9 issue. He has said that Mr. Manson, without belaboring it,
10 Mr. Manson had certain ideas in connection with the
11 revolution and various matters such as that.

12 It would be a denial of equal protection of the
13 law under the 14th Amendment, and a denial of due process
14 for me not to go into that, especially in view of Mr.
15 Bugliosi's position as to Mr. Manson, as part of our
16 defense it is our position that this girl viciously entered
17 into the killing of these people because she hated them
18 because they were pigs, because they were people that she
19 had a definite distaste for over and above, your Honor --

20 THE COURT: No one has precluded you from inquiring
21 into that.

22 MR. KANAREK: I am laying a foundational question as
23 to what was her state of mind at this time, what her
24 attitude was towards our established form of government.

25 Mr. Bugliosi opened up this issue, your Honor,
26 and his witness, it is my belief, has been in that house

1 and participated in the killings.

2 THE COURT: Philosophical views in general, unless
3 they can be related to this case, have no relevance.

4 That is the reason I sustained the objection.

5 I have no objection to your going into her
6 state of mind in the various events surrounding this
7 alleged crime.

8 You asked the question about "What do you
9 think about our government," or something like that.

10 MR. KANAREK: I will try to frame a proper question,
11 your Honor.

12 THE COURT: If you allege some connection which
13 would lead from one place to another, there is a chain
14 of relevancy, you may inquire.

15 MR. KANAREK: Very well, your Honor, I will try to
16 do that.

17 THE COURT: All right.

18 MR. KANAREK: Thank you.

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

21 BY MR. KANAREK:

22 Q Now, Mrs. Kasabian, on these two nights that
23 you have spoken of, these two nights were nights that
24 involved conversation between you and the people in the
25 automobile wherein you used the word "piggy"?

26 A Where I used the word, piggy?

1 Q Did you use the word, piggy, while you were
2 in the automobile between the Spahn Ranch and the Tate
3 residence?

4 A No.

5 Q You did not. You never used the word that
6 night?

7 A No.

8 Q Did you use the word "pig," that night?

9 A No.

10 Q Did anyone in the car use the word, pig, or
11 piggy?

12 A No, not that I recall.

13 Q And directing your attention to your state
14 of mind, to your state of mind, when you were at the
15 Tate residence, what was your thinking concerning the
16 people that lived at the Tate residence prior to the time
17 that you entered the premises?

18 A I don't know.

19 Q You don't know.

20 When you went to the premises did you go
21 there only for the purposes of stealing, Mrs. Kasabian?

22 A Yes.

23 Q No other purpose, right?

24 A No.

12 fls.

12-1

1 Q And the people that were with you, Mrs. Kasabian,
2 entered the premises only for the purposes of stealing;
3 is that correct?

4 MR. STOVITZ: The objection is that that calls for
5 a conclusion of this witness as to what someone else's
6 purpose was, your Honor.

7 THE COURT: Sustained.

8 MR. KANAREK: Q Well, did you have a discussion?
9 Did you have a discussion as you drove along in the
10 automobile? Did you have a discussion which involved the
11 purpose of going to the Tate residence?

12 A The purpose?

13 Q Yes.

14 A No.

15 Q No discussion was made by anybody?

16 A There was a discussion but not as to the pur-
17 pose, why we were going.

18 Q The discussion had nothing to do with the pur-
19 pose of going to the Tate residence, right?

20 A No.

21 Q Is that correct?

22 A Yes.

23 Q And so, as far as you knew and were concerned,
24 everyone in that car was going there only for the purpose
25 of stealing?

26 MR. BUGLIOSI: I object, your Honor. It calls for a

4-2

1 conclusion as to what other people were going there for.

2 MR. KANAREK: Talking about what she knew of her own
3 knowledge.

4 MR. BUGLIOSI: She couldn't know what they were
5 thinking of unless they told her. She testified they did
6 not tell her.

7 THE COURT: The objection is sustained.

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

9 (Pause.)

10 Q Now, Mrs. Kasabian, on the second night, when
11 you were driving along on that night, there was a dis-
12 cussion concerning Mr. True; is that right?

13 MR. STOVITZ: As she was driving along or after she
14 parked, Counsel?

15 I object to the question as ambiguous.

16 MR. KANAREK: I think it is clear. I said as they
17 were driving along.

18 THE COURT: Overruled. You may answer.

19 THE WITNESS: No.

20 MR. KANAREK: Q Pardon?

21 A No.

22 Q You had no discussion concerning Mr. True as
23 you were driving along?

24 A No.

25 Q I see.

26 While you were driving, on the second night,

.2-3

1 Mrs. Kasabian, did you utter any words from the time you
2 say you left the ranch until you got to the home of
3 Mr. True? Did any words come out of your mouth?

4 A Before we got there?

5 Q Yes.

6 A No.

7 Q You just sat there and said nothing, not one
8 word in the entire time you were driving?

9 A I may have said words, I don't remember. I was
10 mostly tired.

11 Q You were exhausted?

12 A Yes.

13 Q Right?

14 A Yes.

15 Q You were just plain exhausted?

16 A Yes.

17 Q So you don't recall what was said; right?

18 A Not everything that was said, no.

19 Q Well, were you sort of dozing off as you drove
20 along?

21 A Yes.

22 Q Do you recall what was said in the automobile
23 as you were driving along?

24 MR. STOVITZ: Your Honor, I will object to that as
25 being ambiguous.

26 Before they got to Harold True's house or

12-4

1 after they got to Harold True's house? What time? There
2 was a large period of time there, your Honor.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: There were a few conversations.

6 I don't know what you are asking about.

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

8 THE COURT: Read the question.

9 (The question was read by the reporter.)

10 THE WITNESS: Yes, I recall some things.

11 MR. KANAREK: Q You recall some things?

12 A Yes.

13 Q And some things you don't recall?

14 A Sometimes I was sleeping.

15 Q You were sleeping?

16 A Yes.

17 Q Because you were exhausted?

18 A Yes.

19 Q And about what percentage of time would you say,

20 Mrs. Kasabian, you were sleeping?

21 A I don't know.

22 Q Between the time you left the Spahn Ranch and
23 the time you got to the vicinity of Harold True's?

24 A I don't know.

25 I dozed off a few times when Charlie was
26 driving.

1 Q Would you tell us what percentage of the time?

2 A I don't know.

3 Q Like, was it five per cent? 80 per cent?
4 90 per cent?

5 A I don't know. I didn't sleep very long.

6 Q Pardon?

7 A I didn't sleep very long. I dozed off a few
8 times.

13-1

1 Q You did not sleep very much of the time?

2 A Yes.

3 Q And while you were driving along did you smoke
4 anything, Mrs. Kasabian?

5 A Cigarettes.

6 Q You smoked cigarettes while you were driving
7 along?

8 A Yes.

9 Q And those cigarettes, did you have a package of
10 cigarettes?

11 A There was a pack of cigarettes in the car for
12 all of us.

13 Q What did you bring with you, Mrs. Kasabian,
14 on that second night?

15 Would you tell us what you brought with you when
16 you went -- when you were driving, after having left the
17 Spahn Ranch?

18 A I had a few candy bars and a bag of peanuts.

19 Q And what else?

20 A I had some leather thong that Charlie gave me
21 and that is all.

22 Q Now, this leather thong that Charlie gave you --
23 that you say that Charlie gave you?

24 A Yes.

25 Q That leather thong, somehow or other, you lost
26 it, right?

1 A I don't know. I may not have lost it. It
2 might still be in my pocket.

3 Q Well, but between that day and this day you
4 lost it, right?

5 A I don't know where it is.

6 Q You don't know where it is?

7 A Yes.

8 Q You prefer those words to that you lost it?

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

11 THE COURT: Sustained.

12 BY MR. KANAREK:

13 Q Well, when you left the Spahn Ranch, Mrs.
14 Kasabian, you had this item that you are speaking of, the
15 thongs?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q And do you now have the thongs?

20 A No.

21 MR. KANAREK: Your Honor, may I have that exhibit?

22 THE COURT: What number, Counsel?

23 THE CLERK: 75 most likely, your Honor.

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

25 THE COURT: You may.
26

1 BY MR. KANAREK:

2 Q I show you, Mrs. Kasabian, an item which is
3 marked No. 75 for identification.

4 Would you pick that up, please?

5 A For what reason? I can see it.

6 Q Well, you would rather not pick it up?

7 A Well, it doesn't matter.

8 Q Well, would you please pick it up? Thank you.
9 Now, would you look at it?

10 A Yes.

11 Q Does that appear to be the thong or thongs that
12 you had?

13 A Yeah, it looks like them.

14 Q It looks like the thong that you had that
15 night, right?

16 A Yes.

17 MR. KANAREK: Thank you.

18 Q Now, Mrs. Kasabian, when you arrived at the
19 house, Harold True -- in the area of the house next door
20 to Harold True, by whatever means you arrived there,
21 were you more tired when you got there than when you had
22 left the Spahn Ranch?

23 A I don't know.

24 Q Well, are the events of that night a little
25 hazy to you, Mrs. Kasabian?

26 A Well, the parts when I was dozing off, I don't

1 know what was said or where we were.

2 Q Pardon?

3 A The parts when I was dozing off, I don't know
4 what was said.

5 Q I see. And, as you testify now, are the events
6 that occurred on the second night a little bit hazy?

7 A Not the parts that I heard, no.

8 Q The parts that you heard -- there's no haze
9 about those?

10 A No.

11 Q And there is no question in your mind that you
12 lost a thong or thongs that night, is that correct?

13 MR. STOVITZ: That is objected to, your Honor,
14 the characterization of the testimony.

15 She said she did not know what happened to
16 them. She didn't say she lost them.

17 It has been asked and answered.

18 THE COURT: Overruled.

19 THE WITNESS: I just remember Charlie giving them to
20 me and I don't know -- I don't remember him asking them
21 from me. If he did so they probably were still in my pants
22 the whole night.

23 BY MR. KANAREK:

24 Q All right.

25 A They were probably in my pants the whole night
26 but I did not check to see.

1 Q You never checked to see them after that
2 night?

3 A No.

4 Q After that night you haven't seen them since?

5 A Right.

6 Q Correct?

7 A Right.

8 Q So there is no haze about that in your mind,
9 I mean, you know for sure that what you have just said
10 is true?

11 A Yes.

12 Q Now, Mrs. Kasabian, on how many instances,
13 Mrs. Kasabian, did you have sexual relations with Mr.
14 Watson?

15 A Mr. Watson?

16 Q Yes.

17 A Two or three times.

18 Q Two or three times?

19 A Yes.

20 Q Now, could it have been more than that?

21 A Not that I can remember.

22 Q You mean it might possibly be more than that?

23 A It could be, yes, but I remember just specific
24 instances, and possibly a third.

14 fls.

14-1

1 Q One of them was the first night that you came?

2 A Yes.

3 Q Right?

4 A Yes.

5 Q Is it a fair statement that while you were at
6 the Spahn Ranch you had sexual relations with many people?

7 A Yes.

8 Q With many men?

9 A With the men at the ranch, yes.

10 Q All of the men at the ranch, right?

11 A Not all of the men, no.

12 Q Well, will you tell us those with whom you had
13 sexual relations?

14 A Charlie, Tex, Bruce, a guy named Chuck, Bobbie.
15 That is all.

16 THE COURT: What was the last name?

17 (The record was read by the reporter.)

18 THE WITNESS: And Clem.

19 MR. KANAREK: Q Anyone else?

20 A No, not that I can remember.

21 Q And it is a fair statement, is it, that you
22 enjoyed sexual relations?

23 MR. BUGLIOSI: This is immaterial. Object.

24 MR. KANAREK: Yes, your Honor, it is material. I
25 can represent to the Court --

26 THE COURT: The objection is sustained.

14-2

1 MR. KANAREK: Does your Honor wish me to enunciate
2 why I believe it is material?

3 THE COURT: No, sir. Let's proceed.

4 MR. KANAREK: Pardon?

5 THE COURT: Ask your next question.

6 MR. KANAREK: Q Mrs. Kasabian, is it a fair
7 statement that while you were at the ranch, and referring
8 to the people that you have spoken of, you had sexual
9 relations with these men from time to time during the time
10 you were there?

11 A Yes.

12 Q And is it a fair statement that your sexual
13 relations with these people covered the entire time, that
14 is, practically each and every day you had sexual relations
15 with someone or other?

16 A No.

17 Q Now, on how many days didn't you have sexual
18 relations?

19 A I don't know. I didn't count them.

20 Q Well, would it be a fair statement to say that
21 you had sexual relations more than, let us say, 50 per cent
22 of the time you were there?

23 MR. STOVITZ: You mean, taking the hours, or the days,
24 Counsel?

25 MR. KANAREK: I don't know.

26 Is the question unclear to you?

4-3

1 MR. STOVITZ: It is unclear to me. I object to it as
2 being ambiguous, your Honor.

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: Is it a fair statement, taking
5 the total days involved, Mrs. Kasabian, that you were at
6 the ranch, that you had sexual relations more than 50
7 per cent of those days?

8 A No.

9 Q Less than 50 per cent?

10 A Yes.

11 Q I see.

12 About what percentage? Taking up the total
13 number of days that you were there, what percentage of those
14 days did you engage in sexual activity?

15 A I am not sure about percentages. I don't know
16 how to relate it in percentages.

17 Q You don't know what percentage means?

18 A Yes, I do, but I don't know how to relate it
19 to you.

20 Q Well, you were at the ranch for what period of
21 time?

22 A A little bit more than a month.

23 Q Well, how many weeks?

24 A I don't know how many weeks.

25 Q You don't know how many weeks you were there?

26 A Right.

Q Can you give us an estimate as to how many weeks?

14-4

1 A Probably five or six.

2 Q Five or six?

3 A Yes.

4 Q Let us say that it was five weeks. Seven days
5 in a week. There would be 35 days.

6 Would you tell us on how many of those 35
7 days did you engage in sexual relations?

8 MR. STOVITZ: Your Honor, I object to the question.

9 The witness said five or six weeks, and counsel
10 now chooses arbitrarily to take five weeks. It is a
11 characterization of her testimony.

12 MR. KANAREK: I will be glad -- all right, I will
13 please Mr. Stovitz and --

14 MR. STOVITZ: Don't please me, please the Court,
15 counsel.

16 THE COURT: Rephrase the question.

14A

14a-1 1

MR. KANAREK: All right.

2

BY MR. KANAREK:

3

4

Q Mrs. Kasabian, we will take six times seven, which is 42.

5

6

7

Of the 42 days that you were there, let us say you were there 42 days, on how many days did you have sexual relations?

8

9

A Can I say it in terms of how many times I made love?

10

11

Q That is what I am asking, right.

12

13

14

15

MR. BUGLIOSI: His question was number of days. Now she is answering, your Honor, in the number of times she made love. It could be more than once a particular day. So, I think the question and anticipated answer is just ambiguous.

16

17

18

19

THE COURT: Let's find out what the answer is.

Mr. Kanarek added that that is what he was asking her in response to her question to him.

20

21

22

23

Are you able to answer that, Mrs. Kasabian?

THE WITNESS: How many times I made love?

THE COURT: That is the last question.

THE WITNESS: Yes.

Eleven times.

24

25

26

MR. KANAREK: I see.

Q And that took place, you made love 11 times, and that took place on how many days?

1 A Just throughout the time that I was there.
2 I don't know what day.

3 Q But it is 11?

4 A Yes.

5 Q Now, of that 11, how many times did you make
6 love to Mr. Manson?

7 A Four times.

8 Q Four times?

9 A Yes.

10 Q And of that, how many times did you make love
11 to Mr. Watson?

12 A I counted three.

13 Q That makes four left over.

14 A Yes.

15 Q Did you ever make love on more than one day --
16 pardon me -- on a given day, more than once?

17 A Not that I can recall.

18 Q Not that you can recall?

19 A Right.

20 Q So that these 11 days were spread over --
21 these 11 times were spread over 11 different days?

22 A Yes.

23 Q Now, directing your attention to your feelings
24 for Tex.

25 Is it a fair statement that you felt that you
26 were in love with Tex?

1 A I was in love with everybody.

2 Q Well, may we ask it this way: Were you especi-
3 ally in love with Tex?

4 A No.

5 Q You weren't more in love with Tex than anyone
6 else?

7 A No.

8 Q You loved everybody equally?

9 A Yes.

10 Q Is that right?

11 A Sure.

12 Q And this included the girls? You loved the
13 girls and the boys equally well; is that a fair statement?

14 A Well, I didn't make love to the girls, so it
15 was a different form of love, a different level of love
16 that I had for the guys compared to the girls.

17 Q I see.

18 But you loved all the guys the same?

19 A Yes.

20 Q And you didn't love Tex any more than you loved
21 Bobby?

22 A No.

23 Q Right?

24 A No.

25 Q And so, when you were there at the Tate residence,
26 you were up there -- or were you up there because you loved

1 Tex?

2 A I was up there because Charlie told me to come.

3 Q Because Charlie told you to come, that is why
4 you were there?

5 A Yes.

6 Q When Charlie told you to go up there, your
7 mind was completely clear; is that right?

8 A Yes.

9 Q You weren't under the influence of any drug?

10 A No.

11 Q You weren't under the influence of anything;
12 right?

13 A I was under the influence of Charlie.

14 Q You were under the influence of Charlie?

15 A Yes.

16 Q When you were up there and all this killing
17 was taking place at the Tate residence, you were under the
18 influence of Tex, you did what Tex told you to do; right?

19 A Yes.

20 Q If I had been up there, you would have been
21 under my influence; is that right?

22 MR. BUGLIOSI: This is argumentative and ridiculous.

23 THE COURT: Sustained.

24 BY MR. KANAREK:

25 Q What I am saying, Mrs. Kasabian, your statement
26 that you were under the influence of Charlie and that you

1 were under the influence of Tex is a crutch in your mind;
2 is that correct, Mrs. Kasabian?

3 MR. BUGLIOSI: That is argumentative, your Honor.

4 THE COURT: Sustained.

5 BY MR. KANAREK:

6 Q Looking into your mind, Mrs. Kasabian, and
7 recognizing the horrible things that occurred at the Tate
8 residence, in your mind, is it a fair statement that you
9 wish to have an excuse for what you did that night?

10 A An excuse?

11 Q Yes.

12 A No.

13 Q You are not looking for any reason why you
14 yourself were not responsible for your own actions?

15 A I have admitted what I did and I am taking
16 responsibility for what I did.

17 Q You have admitted what you did?

18 A Yes.

19 Q I see.

20 Now, what did you do that you have admitted?

21 A I ran away, I went around the house, I threw
22 clothing out, I threw guns and knives out. All those
23 things I admitted to you.

24 And I admitted not killing people because I
25 didn't kill them.

26 Q Go on.

1 A All the other things that I have admitted to
2 you.

3 Q But in your mind, you haven't admitted to
4 anything wherein you did anything really wrong though;
15 fls. 5 right?

15-1

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

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: You have admitted to things,
5 Mrs. Kasabian, or you have tailored your thinking to admit
6 to things that really don't matter, have you not?

7 MR. STOVITZ: Argumentative.

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: How have you chosen these
10 things that you have admitted to, Mrs. Kasabian?

11 MR. BUGLIOSI: Argumentative, your Honor.

12 MR. KANAREK: I have asked her how she chose them,
13 Your Honor.

14 THE COURT: I think the form of the question is
15 objectionable, Mr. Kanarek.

16 Sustained.

17 Q BY MR. KANAREK: Well, you have now told us
18 everything you have admitted to?

19 A Yes.

20 Q Now, in connection with the second night,
21 Mrs. Kasabian, would you tell us what you have admitted
22 to?

23 MR. BUGLIOSI: Your Honor, what he is asking for is
24 the relation of her testimony all over again.

25 THE COURT: Sustained.

26 MR. BUGLIOSI: It is an incredibly broad question.

15-2

1 THE COURT: The objection is sustained.

2 Q BY MR. KANAREK: Now, Mrs. Kasabian, are you,
3 Mrs. Kasabian, in your mind -- in your mind -- do you feel
4 that these people that passed away at the Tate residence,
5 passed away because of what you did?

6 MR. BUGLIOSI: Your Honor, this calls actually for a
7 legal conclusion.

8 MR. KANAREK: Not at all, your Honor. I am asking
9 her for her subjective intent, her state of mind.

10 MR. BUGLIOSI: It is much too broad a question.
11 She may have some philosophical concept, your
12 Honor, that because she was with these people that night
13 she is responsible.

14 It is irrelevant what her philosophical state
15 of mind is.

16 MR. KANAREK: I am not discussing her philosophical
17 state of mind. I am asking her for her criminal responsi-
18 bility, whether or not she feels that what she did --

19 THE COURT: I will sustain the objection to the
20 question, Mr. Kanarek.

21 You may pursue the subject further but you
22 will have to ask another question.

23 MR. KANAREK: Very well, your Honor.

24 Q BY MR. KANAREK: Mrs. Kasabian, as you sit
25 there on the witness stand right now, do you feel that you
26 were at fault in connection with the passing away of the
five people at the Tate residence?

5-3

1 MR. BUGLIOSI: Calls for a legal conclusion, your
2 Honor.

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: Mrs. Kasabian, when you were
5 at the Tate residence you knew everything that you were
6 doing, right?

7 A Yes.

8 Q And you were there doing what you did freely
9 and voluntarily on your own part, right?

10 A Yes.

11 Q Now, as a result of this, these two nights and
12 all of this, you are contributing information to someone,
13 a writer, whereby you are going to get money, is that
14 correct?

15 MR. BUGLIOSI: That is argumentative.

16 THE WITNESS: Would you repeat that?

17 THE COURT: Read the question.

18 (Whereupon, the reporter reads the pending
19 question as follows:

20 "Q Now, as a result of this, these
21 two nights and all of this, you are contributing
22 information to someone, a writer, whereby you are going
23 to get money, is that correct?"

24 THE WITNESS: No, it doesn't concern the Tate case at
25 all.

26 Q BY MR. KANAREK: It doesn't?

15-4

1 Q And in what way does it not -- I will withdraw
2 that.

3 You say -- would you tell us what it does
4 concern then?

5 A Me, myself.

6 Q Pardon?

7 A Myself.

8 Q You, yourself?

9 A Yes.

10 Q And someone is paying -- is going to pay a
11 large sum of money concerning you and yourself, right?

12 A Yes.

13 Q Is your state of mind, your thinking such that
14 the reason someone is going to pay you that money has no
15 relationship to what happened at the Tate residence?

16 MR. BUGLIOSI: Calls for a conclusion, your Honor,
17 as to what someone else is thinking.

18 THE COURT: Read the question, please.

19 (Whereupon, the reporter reads the pending
20 question as follows:

21 "Q Is your state of mind, your
22 thinking such that the reason someone is going
23 to pay you that money has no relationship to
24 what happened at the Tate residence?"

25 THE COURT: Sustained. Just a moment, Mr. Kanarek.

26 (Pause.)

15-5

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

2 MR. KANAREK: Yes, your Honor.

3 Q BY MR. KANAREK: Well, has anyone prior to
4 the time that you were arrested, Mrs. Kasabian, ever
5 offered you any large sum of money for your life's story?

6 A No.

A

15a-1

1 Q And is it true that this interest in you has
2 taken place since you have been in custody in connection
3 with the very matters before this court right now?

4 MR. STOVITZ: That is objected to, your Honor, when
5 he said "very matters," the witness answered it had some-
6 thing to do with her prior life before she got involved
7 here.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: Would you read the question.

10 THE COURT: Read the question.

11 (Whereupon the reporter reads the pending
12 question as follows:

13 "Q And is it true that this interest in
14 you has taken place since you have been in custody
15 in connection with the very matters before this
16 court right now?"

17 THE WITNESS: Yes, I guess so.

18 BY MR. KANAREK:

19 Q And your state of mind is such that as a
20 result of these writings you will receive some money?

21 A Yes.

22 Q Is that correct?

23 A Yes.

24 Q And is it a fair statement that your state of
25 mind is such that the only way you can enjoy that money,
26 those dollars, is to leave custody and walk out of this

1 courtroom?

2 A I don't care about the money. I am doing it
3 to pay my attorneys.

4 Q I see. And you have no desire for the money
5 whatsoever?

6 A It doesn't matter if it is there or not. I
7 have never usually had money.

8 Q What is that?

9 A It doesn't matter if I have money or not.

10 Q It doesn't matter whether you have money or
11 not?

12 A Yes.

13 Q I see, and you were not going to get any
14 of this money at all?

15 A I'm sure I will get some.

16 Q And you know you will get some, right?

17 A Yes.

18 Q Now, did you know, Mrs. Kaasbian, when you
19 left, when you left the Tate residence that you, Tex,
20 Sadie and Patricia Krenwinkel were going to go on a
21 creepy-crawl mission?

22 MR. BUGLIOSI: Your Honor, this calls for a conclusion.
23 She testified to what she thought; she cannot testify to
24 what they were thinking.

25 MR. KANAREK: That is not so, your Honor.

26 MR. BUGLIOSI: Unless they told her.

1 THE COURT: What isn't so?

2 MR. KANAREK: Mr. Bugliosi answered his own
3 objection.

4 If there was discussion, then of course she
5 had reason to believe that as a result of this discussion,
6 that everybody knew where the car was destined.

7 THE COURT: Read the question, please.

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

10 "Q Now, did you know, Mrs. Kazabian,
11 when you left, when you left the Tate residence
12 that you, Tex, Sadie and Patricia Krenwinkel were
13 going to go on a creepy-crawl mission?")

14 MR. STOVITZ: I think the question was "When you
15 left for the Tate residence."

16 MR. KANAREK: Your Honor, is he asking me to second
17 guess the reporter.

18 MR. STOVITZ: No, no, but the reporter sometimes --

19 THE COURT: The objection is overruled. You may
20 answer.

21 THE WITNESS: Did I know if we were going to a
22 creepy-crawly mission when we came from the Tate residence?
23 I didn't get the question.

24 THE COURT: You don't understand it?

25 THE WITNESS: No.

26 MR. KANAREK: May the question be read?

1 THE COURT: Read the question once more.

2 (Whereupon the reporter reads the pending
3 question once again as follows:

4 "Q Now, did you know, Mrs. Kasabian,
5 when you left, when you left the Tate residence
6 that you, Tex, Sadie and Patricia Krenwinkel were
7 going to go on a creepy-crawl mission?"

8 THE WITNESS: No.

9 BY MR. KANAREK:

10 Q You did not know that?

11 A No.

12 Q So that when you were driving along you were
13 driving along having left the Spahn Ranch, all the guns
14 and the knives were in the car, you had no knowledge that
15 you were going on a creepy-crawl mission.

16 MR. BUGLIOSI: I object, he is assuming a fact not
17 in evidence.

18 MR. STOVITZ: This is another example of how counsel
19 asks one question one time --

20 THE COURT: Just make your objection.

21 MR. STOVITZ: I make the objection that the question
22 is unclear, your Honor.

23 THE COURT: The objection is sustained.
24
25
26

16 fls.

1 Q Now, Mrs. Kasabian, at some point -- at some
2 point -- in that trip, did you become aware that it was
3 going to be a creepy crawl mission?

4 A I thought within my own mind that it was, yes.

5 Q Well, you say, Mrs. Kasabian, that you weren't
6 on any drug that night?

7 A Right.

8 Q And you were on friendly terms with Mr. Watson,
9 Susan Atkins and Patricia Krenwinkel?

10 A Right.

11 Q Was there any lack of ability on your part to
12 talk?

13 A No.

14 Q Was there any lack of ability on the part of
15 these other people to talk?

16 MR. BUGLIOSI: Objection. It calls for a conclusion.

17 THE COURT: Sustained.

18 Q BY MR. KANAREK: Did you hear the other people
19 talk, use the English language, in the car?

20 A Driving to the Tate residence?

21 Q Yes.

22 A Tex talked.

23 Q Tex talked?

24 A Yes.

25 Q You talked; right?

26 A I don't remember talking.

6-2

Q You uttered no words at all?

A Well, I must have but I don't remember. I don't know.

Q You don't know whether you did or not?

A Right.

Q And so you assumed that you were going on a creepy crawl mission at some point? You assumed that to be the case, right?

A Yes.

Q You didn't know it when you started off?

A I didn't know it for a fact. I just thought it.

Q You just thought it?

A Yes.

Q Well, when did it become in your mind a fact?

MR. BUGLIOSI: Your Honor, that assumes a fact not in evidence.

THE COURT: Sustained.

MR. KANAREK: Q Well, at any time did it become a fact in your mind that you were going to be on a creepy crawl mission that night?

A I don't understand.

Q You don't understand that question?

A No.

Q Well, when you started out, your state of mind was such that you weren't thinking that you were going on a

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1 creepy crawl mission?

2 A I'm sorry, but I can't understand you now,

3 Q You don't understand that question?

4 A No.

5 Q Well, when you left the Spahn Ranch,
6 Mrs. Kasabian, was your state of mind such that you thought
7 you were going on a creepy crawl mission?

8 A I thought it, yes.

9 Q You thought it?

10 A Yes.

11 Q Now, then, looking into your mind, at some
12 point did you come to realize, instead of you just thinking
13 that it was going to happen, that it was going to happen
14 for sure?

15 A No.

16 Q You never figured out it was going to happen
17 for sure?

18 A No.

19 THE COURT: It is 12:00 o'clock, Mr. Kanarek.

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

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

24 MR. STOVITZ: Your Honor, before leaving the bench,
25 may counsel and I approach the bench on an informal matter?
26 It is just going to take about two seconds.

1 THE COURT: I would prefer that you come into chambers,
2 gentlemen. There is another matter that I wanted to take
3 up in any event, and we can do that now.

4 (The following proceedings occur in chambers.
5 All counsel present, defendants absent.)

6 THE COURT: I asked you to come in -- the record will
7 show that all counsel are present -- because we have
8 another note from Mr. Vitzelio, which reads as follows:

9 "Los Angeles, California.

10 "August 7, 1970

11 "Honorable Judge Older:

12 "Dear Sir:

13 "I would like to be excused from jury
14 duty on account of my wife's health and my own.

15 "Yours truly,

16 "Walter A. Vitzelio."

17 Does anyone care to comment?

16a-1

1 MR. KANAREK: I make a motion, your Honor, that we
2 have another voir dire of the juror after we come back.
3 I make a motion that we have a voir dire of the man.

4 THE COURT: Well, I have no objection to your thinking
5 it over during the noon hour. In fact, I think that is
6 probably the best idea.

7 Under the Code section, of course, a juror who
8 requests to be excused may be excused and replaced with an
9 alternate.

10 Perhaps Mr. Vitzelio should be questioned again
11 as to his present state of mind and physical complaints.

12 There have been some incidents at the hotel,
13 which have been related to me by the bailiff, and there is a
14 question whether he is in a state of mind that any of you
15 would want to have a juror in.

16 MR. FITZGERALD: As I indicated previously, I am
17 willing to stipulate.

18 MR. HUGHES: I am willing to stipulate.

19 Could we have the bailiff relate those incidents?

20 THE COURT: Yes. Go ahead, Mr. Murray.

21 THE BAILIFF: Your Honor, it was related to me by
22 another deputy that one night he was up on the sixth floor
23 balcony hollering down to the people on the lawn, "Shut up."

24 He couldn't go to sleep. That was sometime
25 between 8:00 and 9:00 o'clock.

26 And every night now he wants me to examine him

1 medically. Last night I had to look at his gums. He had
2 gum problems.

3 He has gallbladder problems; he hasn't gotten
4 enough sun. He can't go swimming.

5 He wants five dollars' worth of apples.

6 MR. BUGLIOSI: Apples?

7 THE BAILIFF: Yes.

8 THE COURT: In lieu of dinner?

9 THE BAILIFF: Yes.

10 He insisted that I examine his gums with a
11 flashlight.

12 MR. KANAREK: To see if they are dilated?

13 MR. STOVITZ: I think that if all counsel are willing
14 to stipulate, rather than embarrass the juror, the People
15 will stipulate as well.

16 I know from thinking back to my Army experience
17 25 years ago, there were some people that just couldn't
18 stand regimentation, and they would act a little
19 eccentric.

20 MR. HUGHES: I think it goes further than that.
21 I think it illustrates what Mr. Kanarek brought up in his
22 jury challenge. Here we have a very aged juror. Because
23 of the \$5 limitation, you can only get old, retired people
24 on a jury like this.

25 I think it illustrates the point that
26 Mr. Kanarek was making on the jury panel challenge.

1 MR. STOVITZ: I think the record should also show
2 that of the six alternates, one woman appears to be in her
3 60's or early 60's, and the other five appear to be
4 quite young.

5 MR. HUGHES: Yes. Some of them appear to be young.

6 THE COURT: Let's take it up after the noon hour, and
7 I will have you come back in.

8 I think your clients should be present.
9 I think the defendants should be present and have knowledge
10 that the Court is considering excusing one of the jurors
11 and replacing him with an alternate. Then we can
12 proceed from there.

13 I think, if it is done, Mr. Darrow, I suppose
14 we will have to give the alternate the regular juror's
15 oath if he replaces Mr. Vitzelio.

16 THE CLERK: They were given the same oath as the
17 regular jury. The alternates and regular jury's oath is
18 the same.

19 THE COURT: Mr. Clerk, I will have you make
20 Mr. Vitzelio's letter a part of the file.

21 THE CLERK: Yes, sir.

22 (Whereupon, at 12:07 p.m. the court was in
23 recess.)
24
25
26