

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT!

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

HON. MIOJAE L. SAUER, JUDGE

DIVISION NO. 94

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 812,709

**Plaintiff,**

-vs-

SUZSANNA EPSTEIN BARTHA,

VIO: sr.c. 332, PENA!,  
CODE, CT. I (Dismissed)  
and SEC. 43.30, LAMC,  
CT. II.

**Defendant.**

-oOo-

EXHIBIT 1: JUDICIAL JURY ON AP.

April 10, 1975

April 11, 1975

APPEARANCES:

**For the Plaintiff:**

JUDITH O. STEIN  
WHITE MITCHELL,  
Deputy City Attorneys

**For the Defendant:**

MARGUERITE BUCKLEY  
MARIE COLANERI

COPY

VOLUME 1 of 2

Pages 1 - 225, incl.

JOSIE GARDNER, CSR  
Official Court Reporter  
111 North Hill Street  
Los Angeles, California 90012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I N D E X					
PEOPLE's WITNESSESa					
	DIRECT	CROSS	REDIRECT	RECROSS	
ALCANTARA, Jose	105	226	245		
FALKENBORG, Carl	101	103	104		104
KIMBERLIN, Rosalie	47	72			
SHELLEY, Larry B.	76	94	100		
DEFENDANT'S WITNESSES:					
BARTHA,, Zsuzsanna, Emese	330	348	399		402
CHESSER, Barbara	128	142			
CONN, James P.	298	306	325		
GLUCK, Sberna	251	257	263		265
HARLOW, Allison	178	205			
PETERS, George	268	286	296		297
PEOPLE'S WITNESSES IN REBUTTAL:					
FALKENBORG, Carl	404				
SHELLEY, Larry B.	406				
PEOPLE'S EXHIBITS:			FOR	IN	
			IDENTIFICATION	EVIDENCE	
1 - Diagram			51		248
2 - Diagram			53		248
3 - Cloth			59		248
4 - Cards			59		248
5 - Advertisement			60		248
6 - Blank sample			62		248
7 - Vial			70		248
8 - Blue brochure and business card			80		248
9 - Card			83		248

1  
2  
  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>I N D E X</u> (Continued)		
PEOPLE'S EXHIBITS:	FOR	IN
	IDENTIFICATION	EVIDENCE
10 - Witchy Dance brochure	84	248
11-A Picture	85	248
11-B Photograph	86	248
11-c Enlargement of 11-B	87	248
11-D Photograph	88	248
11-E Photograph	88	248
11-F Photograph	89	248
11-G Photograph	89	248
11-H Photograph	91	248
11-I Photograph	91	248
11-J Photograph	92	248
11-K Photograph	92	248
11-L Photograph	92	248
11-M Photograph	92	248
11-N Photograph	93	248
11-0 Enlargement of 11-N	93	248
11-P Enlargement of lower chart in 11-F	94	248
DEFENDANT'S EXHIBITS:		
A- Death card	75	403
B - Queen of Swords card	75	403
C - magazine	187	403
D - Bat's Blood	337	403
E - Dragon's blood	337	403
F - Sign	337	403
G - Sign	338	403

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I N D E X (Continued)

<u>DEFENDANT'S EXHIBITS:</u>	<b>FOR</b>	<b>IN</b>
	IDENTIFICATION	EVIDENCE
B - Photograph of altar	340	403
I - Candle	342	403
J - Yellow Pages	345	403
K - Vial	401	403

1 LOS ANGELES, CALIFORNIA, THURSDAY, APRIL 10, 1975; 9:15 **A.M.**

2 ---000---

3  
4 THE COURT: Case 812709, Zsuzsanna Emese Bartha.

5 MS. BUCKLEY: Yes, your Honor. For the defendant,  
6 Marguerite M. Buckley and Marie Colaneri.

7 Your Honor, this case has some unusual complexity,  
8 and I have several motions that I would like to make. But I  
9 also believe that it would be extremely valuable for the court  
10 and for the conducting of this trial if we could have **a**  
11 conference beforehand to outline the areas which **we are** going to  
12 be going into and to delineate the issues, Constitutional  
13 issues and factual issues, which are going to be presented.  
14 Furthermore, I have a motion to make in limine about certain  
15 issues that I think are totally irrelevant to the case, and I  
16 just believe it would be advantageous for both the Court and  
17 judicious preceeding if we would have that conference.

18 Secondly, your Honor, I would like on the record to  
19 express my objection to the courtroom. This is a case which has  
20 much public interest because of the Constitutional issues  
21 surrounding the rights of religion; and there are many people  
22 who would wish to attend. The space here will make it  
23 impossible for there to be any kind of observers during the  
24 picking of the jury, which, I believe, is as important a part of  
25 the trial as any other part and should be conducted publicly.  
26 It would be impossible under these quarters, and so

27 THE COURT: Excuse me.

28 I would ask that the doorway be closed. If there are

1 any seats, they may be taken by spectators or anyone else. In  
2 fact I see soipe vacant seats in the last row.

3 MS. B,tJCKU : We have a hall full of people, your Honor,  
4 who -- we have been trying to arrange that certain people who  
5 have participated in this case and are important to the case  
6 take those empty seats. It's not a question of not enough  
7 people to fill them.

8 THE COURT: Excuse me, Ms. Buckley.

9 MS. BUCKLEY; Yes, your Honor. So I understand the space  
10 problem. But, on the other hand, your Honor, I do believe that  
11 the.issues involved here, being Constitutional issues, are of  
12 major importance and that my client is entitled to a public  
13 trial, and that, with the space here, once we bring in a jury  
14 panel, there will be no opportunity for either members of the  
15 public or members of the press who may wish to attend. And on  
16 that grounds I would move that we move to a larger courtroom to  
17 **have** this trial.

18 THE COURT: Are you saying we hold the case in the  
19 Colosseum or someplace so that a hundred thousand people can  
20 appear as spectators?

21 MS. BUCKLEY: No, your Honor, I'm not saying that; but I  
22 think there's a difference between the Colosseum where there's  
23 a hundred thousand people and the courtroom that, once you have  
24 a jury panel in, will leave no seats for the public at all.

25 THE COURT: For the record, there are 12 seats in the jury  
26 box. There are, I believe, 25 seats in the audience, which will  
27 allow for a jury panel of 37 persons. I'm not sure there are  
28 any other courts in this building that have much bigger seating

1 than that.

2 Mrs. Stein, do you wish to be heard?

3 MRS. STEIN: The People have no position. And we would be  
4 willing to waive jury, as a matter of fact.

5 THE COURT: Well, of course, that's not the issue before  
6 the Court at this time.

7 MRS. STEIN: I agree with your Honor.

8 THE COURT: I believe it is a public courtroom. It's open  
9 to the public, and there will be some **seats**, I'm sure, for some  
10 spectators to sit in during the process of the jury selection.  
11 And for that reason the motion to have the matter transferred  
12 to another courtroom is denied.

13 MRS. STEIN: Your Honor, I might also add that, once the  
14 jury is selected, the entire courtroom will be empty and  
15 available for the trial. The evidence doesn't commence until  
16 the selection of the jury, for the record.

17 THE COURT: The motion to move the court to another  
18 courtroom is denied

19 Your next motion, Ms. Buckley?

20 MS. BUCKLEY: Your Honor, the ad limine motion is designed  
21 particularly not to have certain matters made public and to be  
22 kept out of the trial, and it's my understanding that that type  
23 of motion would have to heard in chambers or out of the presence  
24 of the public and any -- other than the -- possibly the defendant  
25 and the prosecution --

26 THE COURT: I'm not exactly sure what type of motion you're  
27 referring to.

28 MS. BUCKLEY: **An ad** limine motion, your Honor, is a motion

1 to, in advance of the trial, raise issues which should not be  
2 brought into the trial because they would be prejudicial to the  
3 trial of the matter, and it **is a way** of in advance notifying the  
4 other side, in this case the prosecution -- although the  
5 prosecution frequently will make the same kind of motion -- that  
6 if certain issues are raised or brought into the trial -- that  
7 it will be error per se. They're warned in advance that any  
8 attempt to bring those issues into the trial are error. And  
9 that kind of motion cannot be argued in the public because that's  
10 the whole purpose of the motion, to keep it out of the public  
11 eye, your Honor.

12 THE COURT: You are now asking that we hold a hearing in  
13 chambers without any members of the public present. Apparently  
14 only counsel and the defendant or -- I do not even know if the  
15 defendant will be present -- and therefore the public will not be  
16 present, which is somewhat contrary to a motion you previously  
17 made; that the public is denied the right to hear the trial in  
18 the courtroom.

19 MS. BUCKLEY: Your Honor, the ad limine motion is an  
20 integral part of the defendant's right to a fair trial because,  
21 when it is known in advance that there are certain issues which  
22 will inflame a jury or the public, those issues have a right to  
23 be kept out of the court. And the fact that we're in a municipal  
24 court where we have not had a pretrial should not in any way  
25 deprive my client of the rights to have that kind of a motion  
26 heard by you prior to the trial.

27 THE COURT: Mrs. Stein?

28 MRS. STEIN: No written motions of any kind whatsoever by

defense counsel have been presented to our office in advance.

~~The trial was continued.~~ I, it was originally scheduled for the 24th of March. I think, and the defendant has had more than adequate time to file any kind of motions. Additionally, I believe what the defendant is referring to is Penal Code 403 to 405, that type of motion.

THE COURT: I think that's in the Evidence Code.

MRS. E. N. I Evidence Code.

"R, I <, < ;

MS. BUCKLEY: Your Honor, may I say that now I've been practicing in the West L.A. courts for a number of years and had experience; and one of my experiences is coming into a court before a trial where I have filed written motions, and the city attorney has never bothered to, you know, file written motions in return, partly because of the case load. I understand this. But to say -- to all of a sudden say that a motion cannot be heard by the judge about prejudicial matters when even, frankly, putting a written motion in would have exposed, I think, to public view the issue that I believe would be prejudicial. And I think, your Honor -- one of the other problems I have, your Honor, is that every other judge I've appeared before in this court has always gone into chambers with me before the hearing to delineate what we're going to do in the trial. And I had no notion that there was a judge who was sitting in this courtroom -- I had not had prior experience with you, your Honor and I did not know of any reputation which would have said that you would not be willing to sit down in your chambers beforehand.

THE COURT: I haven't said one thing or the other, Ms. Buckley. This is all new to me. I'm merely trying to hear

1 what both sides have to say.

2 MS. BUCKLEY: I understand that, your Honor, but I'm  
3 explaining one of the reasons why I didn't file any written  
4 motions and that my experience here has been that the judges  
5 normally sat down, and this kind of a motion would be made at  
6 that time in chambers; that, normally, this sort of smooths the  
7 flow so that we don't have to have a trial with a lot of  
8 objections. I don't want, your Honor, in a trial with a lot  
9 of objections from either side, because I think it disturbs the  
10 flow of information to that jury and makes, you know, the  
11 entire trial of a case more difficult and makes it more  
12 difficult for justice for either side.

13 THE COURT: I agree with you one hundred per cent.'

14 MS. BUCKLEY: So the problem I have is that I'm sort of  
15 caught flat-footed, your Honor, because I assumed that we would  
16 be having such a meeting in chambers and that the ad limine  
17 motion would not even have to be argued. It would be, you know,  
18 a question of raising it at that time, and the court  
19 determining yes, certain materials should be brought in; no, the  
20 should not.

21 THE COURT: We can have a hearing in chambers just to  
22 discuss, as can be done in any case -- discussing any guidelines  
23 to be followed, just so both the attorneys and the court have  
24 some idea which way the case is going, so it doesn't happen  
25 during the trial to get off on tangents that have nothing to do  
26 with the case.

27 MS. BUCKLEY: That's what I'm asking for.

28 THE COURT: I would say if a hearing is to be held in

1 chambers with you, Mrs. Stein, the reporter, the clerk and  
2 myself --

3 Does your client waive her right to be there, and  
4 also does she waive any challenge to the fact that a hearing is  
5 being held not in a public forum whereby she has the right to  
6 **have any** spectators hear the motion?

7 You understand, Miss. Bartha, your attorney,  
8 Ms. Buckley --

9 And I assume Ms. Colaneri joins in the motion.  
10 Do you?

11 MS. COLANERI: Yes.

12 THE COURT: Miss: Bartha, do you waive your right to be  
13 present at this hearing where the attorneys and the court will  
14 discuss the way the trial will unwind, at least as they see it,  
15 and also do you waive any challenge to your right to a public  
16 trial and the fact a hearing is being held in chambers without  
17 the public present?

18 THE DEFENDANT: Yes.

19 THE COURT: You're doing this freely and voluntarily?

20 THE DEFENDANT: Yes.

21 THE COURT: And you've discussed this, I assume, with  
22 Ms. Buckley?

23 THE DEFENDANT: Yes, I have.

24 THE COURT: Give the court just a few moments to examine  
25 the file. And I would just add one other point. In view of the  
26 fact the second count is somewhat long, perhaps the People could  
27 indicate exactly what part of the second count they're going on.  
28 We will limit the matter just to the applicability.

1 We'll take the matter up in just a few moments.

2 (There was held a short recess.)

3 (The following proceedings were had

4 in the chambers of the Court:)

5 THE COURT: In the matter of <sup>1</sup>~~amHl:::aart:ha~~, the record  
6 will reflect there's a hearing in chambers, being present the  
7 Court, the clerk, the bailiff, the reporter, the attorneys,  
8 Ms. Colaneri and Ms. Buckley, and, for the People, Mrs. Stein.

9 MRS. STEIN: Your Honor, at this time the People would  
10 make a motion to dismiss Count I.

11 THE COURT: Any objection by the defense?

12 MS. BUCKLEY: No; your Honor.

13 THE COURT: People's motion to dismiss Count I is granted.

14 And just so as to keep things in some order, Count II  
15 will be renumbered Count I so the jurors won't wonder **what**  
16 happened, was there a Count I. So Count II is renumbered  
17 Count I.

18 Now, as to Count II, are the People going on all that  
19 is alleged or will there be any

20 MRS. STEIN: No. The People also make a motion to strike  
21 the pro forma form of the reading of now Count I, violation of  
22 L.A. Municipal Code Section 43.30, to strike the word "willfully"  
23 so that the Section would read as follows: Did unlawfully, in  
24 the City of Los Angeles, engage in the business of and advertise  
25 in the newspaper the telling of fortunes by -- excuse me. The  
26 telling of fortunes and restoration of --

27 THE COURT: Wait a minute. We come to the telling of  
28 fortunes." Then do we strike something?

1 MRS. STEIN: No. "The res,toration of --"and then --

2 THE COURT: "The restoration of--"

3 MRS. STEIN: I think "lost love" can be stricken.

4 THE COURT: "The restoration of --"

5 MRS. STEIN: "Friendship and affection of--" striking  
6 "the uniting and procurement of"-- or leaving the word --

7 THE COURT: "The restoration of friendship and affection,"  
8 now we strike the "uniting and procurement --••

9 MRS. STEIN: "Affection of husband by means of cards and  
10 potion." And the word "cards" is in the Section.

11 THE COURT: Cards and potions?

12 MRS. STEIN: Potion.

13 MS. BUCKLEYr Your Honor, I just really would have to  
14 object to this because, in the first place, what she has just  
15 what the City has just done is to totally change the entire  
16 character of the charges against us. In the first place, that  
17 Municipal Code, I think, is unconstitutional for various reasons  
18 one, because it is over-broad. If you read the section, it  
19 prohibits the finding of lost metal and ore or locating of ore  
20 by scientific means. It prevents the uniting of lovers,  
21 husbands, et cetera, by psychological means. It is one of the  
22 most ridiculous Sections I have ever seen in my life, and I  
23 don•t think that, by suddenly rewording this Count, you avoid  
24 the fact that the that that Section is -- the Municipal Code  
25 is in and of itself unconstitutional.

26 Secondly, I would object to the dropping of  
27 "willfully" because what I think the City is attempting to do is  
28 to destroy our right to come tn and talk about intent. And the

1 reason that they have thrown out 332, as I see it, is because  
2 the state statute provides very carefully for pretense of  
3 fortune telling, not fortune telling by itself; that there has  
4 to be an intention to commit some fraudulent act. Now, I think  
5 that, if what they do is to go ahead and take out "willfully,"  
6 it is an attempt to prevent our bringing in any kind of  
7 testimony about our intentions, and I think that intentions are  
8 crucial to this whole case. It has to do with fraud. Now,  
9 secondly, I think that to prohibit fortune telling --

10 THE COURT: Well, I don't want to cut you off, but let's  
11 try and first get down to some order. But I'm -- if the  
12 amendment is granted, the complaint would read: "engage in the  
13 business of and advertise in a newspaper the telling of  
14 fortunes, the restoration of friendship and affection of  
15 husbands by means of cards and potion."

16 It that correct, Mrs. Stein?

17 MRS. STEIN: There should be an "and" in there after the  
18 word "fortunes", I think, to make sense out of it.

19 THE COURT: Where? You'll have to read it to me before I  
20 can even rule on the defense motion.

21 MRS. STEIN: Okay. Well, can I say something first with  
22 respect to the constitutionality of the Section, since I've  
23 done some research on it?

24 MS. BUCKLEY: Why don't we finish talking about what you  
25 want to charge us first with, please.

26 THE COURT: **Yes.** I think that point is well taken.

27 MRS. STEIN: "Did unlawfully, in the City of Los Angeles,  
28 engage in the business of and advertise in a newspaper--"

1 Well, I guess -- in a newspaper the telling of fortunes, the  
 2 restoration of friendship and affection and -- "excuse me --  
 3 "of a husband --"

4 THE COURT: You'll have to speak up. I can't hear you.

5 MRS. STEIN: I'll start again. "Did unlawfully, in the  
 6 City of Los Angeles, engage in the business of and advertise in  
 7 **a newspaper** the telling of fortunes, restoration of --"

8 THE COURT: Are you saying, the restoration?

9 MRS. STEIN: "The restoration of lost love, friendship and  
 10 affection - 'or we could leave out "lost love." That --

11 THE COURT: It's only -- I've stricken this out. I'm not--

12 MRS. STEIN: Okay. "Restoration of friendship and  
 13 affection --" "restoration and affection of a husband and friends  
 14 by means of cards and potion."

15 THE COURT: So it would read: "In the City of Los Angeles,  
 16 engage in the business of and advertise in a newspaper the  
 17 telling of fortunes, the restoration of friendship and affection  
 18 of a husband and friends by means of cards and potions."

19 Why are you moving to strike the word "willfully"?  
 20 Isn't that some word that -- willfully, when applied to the  
 21 intent with which an act is done or omitted, implies simply a  
 22 purpose or willingness to conrrnit the act or make the omission  
 23 referred to? It does not require any intent to --

24 MRS. STEIN: Right. That's all right. I'll withdraw **that**,

25 THE COURT: Ms. Buckley, just as to the proposed --

26 MS. BUCKLEY: Well, your Honor, I am having a little  
 27 difficulty in understanding whether the City is -- what the City  
 28 is charging my client **with**. Obviously, they're charging her with

1 telling of fortunes. But it seems to me the City Attorney is  
2 straining a little to just charge the particular act that they  
3 **have** caught her in that is, talking to a police officer about a  
4 husband, but obviously you don't carry on a business to just deal  
5 with one customer unless, you know, maybe Howard Hughes perhaps.  
6 But normally, you're not going to run a business just to go out  
7 and tell this one police officer about her husband and  
8 restoring lost love to her. I just think it's a strained  
9 language. She did not run a business to talk about restoring  
10 the affection of a husband.

11 THE COURT: You're objecting they would say a husband as  
12 opposed to restoration and affection of husbands and friends?

13 MS. BUCKLEY: Either she is guilty of conducting a business  
14 which promises certain things which they can't prove -- and I  
15 doubt that they will prove it. But either she is charging us  
16 with running a business that is prohibited by the statute or  
17 excuse me; in this case the Municipal Code, and that holds  
18 herself out to be able to do certain things, and they can prove  
19 those things by, you know, certain witnesses. But you don't  
20 tailor -- you don't run a business for just that one act that  
21 you're going to be proving under the municipal ordinance. And I  
22 think that's what the intent, you know, of the

23 MRS. STEIN: She's charged with

24 THE COURT: Just a moment.

25 MS. BUCKLEY: And I think that's what she's attempting to  
26 do by her amendment. And I'm just trying to understand how the  
27 jury, hearing that, is going to respond. I think, if you're  
28 going to charge her with doing something and then you prove one

1 act, that's fine. But you have to charge her with running a  
2 certain business that promises certain kinds of things, and then  
3 you prove an act under it. And I don't think that you tailor --  
4 in other words, she was not running a business for the purpose  
5 of telling one police officer about -- that she could restore  
6 the affection of her husband by cards and a potion. Obviously,  
7 **as a** witch she uses lots of potions.

8 THE COURT: I would grant the amendment just so as to  
9 clarify the issue for the jury. The People can't prove all  
10 this. You know, if a business is such, and a person went to a  
11 business once, that may not be **a business**.. If a person does  
12 something once, does that mean they're engaging in a business?  
13 That may be questionable. If they do it several times, then  
14 maybe you have an inference there's a business. But I think at  
15 least to strike out some of the language that apparently the  
16 People aren't going to rely on -- I think it's easier for the  
17 jury. Because if they hear about psychic powers, talismans,  
18 charms

19 MS. BUCKLEY: We're going to be doing **all that**.

20 MRS. STEIN: That's irrelevant.

21 MS. BUCKLEY: It's not irrelevant, your Honor. This is the  
22 whole issue, and I think this is why we had to have this hearing  
23 in court.

24 My client is a high priestess in the sisterhood of  
25 Wicca. They are worshipers of the Goddess. The partL lar sect  
26 that she is involved in is the worshipers of the Goddess Diana.  
27 This is a very old and respected religion. It **is a** pagan  
28 religion. There is a growing upsurge of worship of the

1 Godesses,. as opposed to the Christian or Judaic religion in  
2 this country.

3 43.31 provides that, if these things are done in --  
4 as part of your religious practices, that it is not a violation  
5 of the Section. My client -- and what I intend to do in this  
6 court is to bring in, number one, an anthropologist who will  
7 testify as to the history of witchcraft and the worship of  
8 Goddesses as opposed to the Christian-Judiac. We will have a  
9 witness who is a current practicing witch. She has been what  
10 we call a closet witch and is coming out, a very respected  
11 woman, who will talk about her relationship to a national  
12 organization, Nerneton; that it is a national organization of  
13 pagan and earth religions; that Z is recognized nationally as a  
14 high priestess of a related religion; that part of her religion  
15 is the reading of the tarot cards

16 We intend to bring in a minister who permits his  
17 church to be used by her and her people for some of their  
18 rituals and ceremonies., We intend to bring in a woman from the  
19 feminist movement who is aware of Z's reputation in not only the  
20 feminist movement, which is not, you know, a witch --  
21 necessarily witch oriented, but also as to her lecturing at  
22 universities and being recognized as a witch and a woman who  
23 practices reading the tarot cards and is very skillful at this.

24 We will have testimony from Z as to how she where  
25 she got her training, how she -- her beliefs, and that tarot  
26 card reading is a part and parcel of their religious functions;  
27 that it is not a business but that it is counseling of those  
28 parishioners, to use a Christian term, but that it **is also** used

1 for other people coming seeking counseling.

2 Now, tarot card reading is not fortune telling.  
8 What it is, the cards are used to channel psychic energies.  
4 **Z** Budapest **says** she has the gift of divination which **is the**  
5 gift the Gcxi:less gave her that makes her a high priestess.  
6 Now, the gift of divination is recognized in the Christian  
7 religion in all the old prophets in it1 and in the Bible the mosl1-  
8 famous prophets are male. Now, we're used to hearing our  
9 religion, you know, from two thousand years ago, and over the  
10 time we can accept the idea of prophecy. What **Z** is saying is  
11 that she has the gift of divination and that the tarot cards are  
12 merely instruments by which this energy is focused and  
13 channeled and used.

14 We were also hoping I'm not sure whether we'll be  
15 able to bring in this witness. But we were hoping to bring in  
16 some of the university people who work with the Kirlian camera  
17 which takes pictures of the energies which faith healers and  
18 which other psychics have emanating from their hands and from  
19 their bodies. And we intend to bring in evidence to show that  
20 psychic energies such as **Z** possesses or as she believes'. she  
21 possesses and many other people believe she possesses are in  
22 fact being studied under either the name parapsychology or what-  
23 have-you at the universit:ies: that they're real forces.

24 THE COURT: Again, your defense is that this was done as  
25 part of a religion.

26 MS. BUCKLEY: That's part of her religion.

27 THE COURT: As I recall, under 43.31, that may well be  
28 a defense. Now, as to whether all those witnesses would apply

1 in the trial or not, that would be up to the court to determine

( 2 But, getting back to the original issue, I will allow  
3 the amendment so as to strike out that portion that is not  
4 really applicable. As amended, the Complaint will read: •oid  
5 willfully and unlawfully, in the City of Los Angeles, engage in  
6 the business of and advertise in a newspaper the telling of  
7 fortunes, the restoration of friendship and affection of  
8 husbands and friends by means of cards and potions. •

9 And I will grant the amendment as so worded.

Mrs. Stein?

11 MRS. STEIN: Now, may I be heard on that -- to eliminate  
12 all these witnesses, and so on? Gladstone vs. Galton, 145  
13 Federal 2d 742, 1944 case, the 9th Circuit, State of  
14 California, upheld this section as being constitutional, 43.30.  
15 A more recent case, Allinger vs. the City of Los Angeles,  
16 272 Cal. App. 2d, 391, 1969, also upheld this ordinance. And,  
17 in view of this religious argument that's being proffered, I  
18 have numerous authorities which say that fortune telling,  
19 period, is illegal: and even a minister can't tell fortunes.  
20 It's not a part of his ministerial and pastoral duties. The  
21 Allinger case did

22 THE COURT: I'm familiar with the Allinger case. That  
23 was a suit against, I believe, the City to challenge her right  
24 to -- as part of her services, I believe she asked people to  
25 make a love offering, and she would tell their fortune. So it  
26 was alleged in the case. And the court Upheld the statute against  
27 her challenge, although, I believe, in a criminal trial the  
28 case was either dismissed or she was found not guilty.

1 MRS. STEIN: She had this defense. In other words, even  
2 a minister cannot tell fortunes.

3 MS. COLANERI: Your Honor, if I may make a couple of  
4 comments as to the Allinger case. My understanding of that was  
5 that it was in direct violation of her religion to accept money  
6 for telling fortunes, as opposed to Ms. Budapest's religion in  
7 which this is not only allowed but perfectly insisted upon. In  
8 the Allinger case, she was violating the tenets of her own  
9 church.

10 THE COURT: It's been some time. I will obviously re-read  
11 it.

12 MS. BUCKLEY: And, your Honor, I have a second problem.  
13 And that is, I respectfully point out that my client -- nowhere  
14 in the evidence will you find my client say she is doing fortune  
15 telling. My client reads tarot cards and counsels people. And  
16 to just say for even a minister can't tell fortunes is to  
17 presume some fact not in evidence. I think it is a question for  
18 the jury as to, number one, whether what my client does is in  
19 fact fortune telling or counseling; secondly, it is a question  
20 of fact whether that reading of tarot cards is an integral part  
21 of her religion.

22 Now, the difficult part about this whole case lies in  
23 the fact that my client is not a Christian. My client is a pagan.  
24 She is a witch. And those terms are terms which are very  
25 prejudicial to people who don't understand what it's all about.  
26 And my client has a right to be tried by people who are able to,  
27 number one, openly and fairly learn of her religion and judge  
28 whether or not her reading of the tarot cards is an integral

1 function of her religion. Part of the evidence will show that  
2 the payment for such services, which, by the way, varies with the  
3 ability of the person to respond -- for instance, if your client  
4 is poor and has troubles, you don't collect from them or you  
5 accept a rose. or, for instance, among tarot card readers, it  
6 is sometimes the custom to exchange readings, because the whole  
7 idea is that the Goddess gets an offering. Now, in the Christian  
8 religion, that offering is done by --

9 MRS. STEIN: Excuse me --

10 THE COURT: Let Ms. Buckley finish.

11 MS. BUCKLEY: In the Christian religion, that offering is  
12 done by taking up a collection **at a** certain part of the service.  
13 In the pagan religions, and particularly in those religions that  
14 worship the Goddess as opposed to a God, there is in most of them  
15 no such collection, although some of them do it that way. But  
16 the idea is that, when you use the services of the Goddess, you  
17 make an offering to the Goddess and the only way you can do it  
18 is through her high priestess or through her priestess. I mean  
19 you can't very well give a \$10.00 check to the Goddess Diana.

20 THE COURT: That may

21 **MRS. STEIN: The Statute**

22 THE COURT: But a trier of fact might just say, you know,  
23 on those same facts, this woman is out telling fortunes and we  
24 find it to be a violation of law. That's the issue for the jury  
25 to determine. As I said, some of the witnesses you said may well  
26 qualify to testify. Others may be going off on some other  
27 tangents that may carry the case to far. But as to her use of  
28 cards and stuff, that may well be applicable. But I haven't

1 heard what the People's case is yet.

2 Mrs. Stein?

3 MRS. STEIN: I might add in that regard that 43•.JO reads  
4 •For or without pay".

5 MS. COLANERI: That's advertising. That just is  
6 exclusively advertising, when you get to "or engage in the  
7 business of"1 in essence, no person may advertise for or without  
8 pay. But engage in the business goes as to something else.

9 MS. BUCKLEY: I think there's a second question about  
that, your Honor, and, again, it's a constitutional question.  
11 First, as I said earlier, I think the whole municipal ordinance  
12 is over broad. And I -- if the jury sees fit not to come in  
13 with a not guilty verdict, I intend to take this up all the way  
14 to the United States Supreme Court on the question of the  
15 breadth of that ordinance. A reading of it leaves you to  
16 chuckle except for the fact that the people are being  
17 prosecuted under. But, if it were prosecuted fairly and  
18 impartially, you would be putting in jail geologists, every  
19 marriage counselor and anybody who offered, through Esalen,  
20 or anything else, to help people restore their relationships.  
21 But, secondly, there's a more important problem, and that has  
22 to do with freedom of speech which is a 1''first Amendment  
23 guarantee. This statute purports to prevent people telling  
24 fortunes with or without paye Now, one of the things that is  
25 happening in this country is a burgeoning interest in psychic  
26 phenomenon; and to say that somebody cannot advertise to tell  
27 fortunes or to find certain/ of things by means of occult or  
28 psychic powers at a time when they are being -- well, and you're

1 also forbidden to do it by science, which I think is funny,  
2 science, cards or talismans. But that really says that people  
3 cannot advertise to go ahead and discuss something, because to  
4 tell fortunes is in essence to talk about the future. And I  
5 think that that's unconstitutional. I think people have a right,  
6 particularly without pay, to discuss anything they may well  
7 please. And that is, again, you know, a thing :? intend, to...:-:,  
8 take up if the jury forces me to do it.

9 THE COURT: Well, of course, we don't know. It may not  
10 reach that point. But right now let's just try and get down  
11 some procedure.

12 Count I has been amended by interlineation. I will\_  
13 grant that, under the limitations as I have last read the  
14 complaint. And I would --

15 Mrs. Stein, if you have an extra copy of 43.30 and  
16 43.31, I would like a copy of those just for -- because the  
17 Court doesn't have the Municipal Code here.

18 MRS. STEIN: Now, regarding any constitutional -- the  
19 constitutionality of the statute, I believe that's a matter that  
20 your Honor would decide out of the presence of the jury.

21 THE COURT: As I understood Ms. Buckley, I didn't think  
22 she was quite raising that motion at this time.

23 MS. BUCKLEY: Not at this time, right.

24 THE COURT: She was waiting to see what happened to the  
25 case. If the jury were to return a verdict of guilty, as I  
26 understood, she would then raise the issue of the  
27 constitutionality.

28 MRS. STEIN: But that should not be raised during the

1 course of the trial.

2 THE COURT: I didn't understand the defense's  
3 representation that they were -- I don't think they're asking  
4 the jury to rule on the constiuutionality.

5 MS. BUCKLEY: Heaven's no. But I do have -- and I think  
6 this has to really be decided, your Honor. The real problem tha  
7 I have in this case has to do partly now with voir diring the  
8 jury, and, secondly, with the information which we wish to bring  
9 in about our religion. And one of the reasons why I felt we had  
10 to discuss this, and one of the reasons why I told you who rny  
11 witnesses were in a little bit of detail is because I think that  
12 there is an inherent prejudice in this society against persor,.s  
13 who are not only non-Christian I mean I think that if my  
14 client were a Buddhist or Moslem or one of the religions which  
15 still worships a male goG that they might be able to understand  
16 it. But I think that there is going to be an emotional  
17 reaction from a number of people with the idea that my client  
18 could not be worshipping Jehovah or a male god but in **fact is**  
19 worshipping an ancient goddess. And one of the interesting  
20 things is that; when you look at Webster's Dictionary, they  
21 have "pagan" down as an irreligious person1 and yet the pagans  
22 were really deeply religious. It is just that they had a  
23 religion which was not that of the ruling or prevailing  
24 religion. And it's a very highly emotionally charged issue,  
25 I think.

26 THE COURT: What exactly are you trying to say?

27 MS. BUCKLEY: So I'm saying, on my voir dire I think that  
28 I'm going to have to ask some questions about people's

1 attitudes, whether they think they can give my client a fair  
2 trial. And I'm going to want to inquire into their religibus  
3 beliefs and practices, not deeply into their beliefs. But I  
4 believe that, for instance, a practicing Catholic might be  
5 particularly unhappy about a heathen *ot* a pagan; and I think  
6 that I have to be permitted to do some type of voir diring to  
7 be able to determine whether they're going to be able to set  
8 aside what I think are very deep emotional biases and be able to  
9 hear about a religion and the worship of a woman as opposed to  
10 a man. And I think that hits **at a** couple of areas, religious  
11 areas, areas of our feelings about sex and --

12 MRS. STEIN: Your Honor, may I be heard.--

13 THE COURT: You may.

14 MRS. STEIN: on that point? I think this is a total  
15 misuse of the system of justice. A person is charged with  
16 telling fortunes on February 10, 1975, in essence; and that's  
17 the case. And religion has nothing to do with it because even  
18 **a** religious minister, priest, and so on under 43.31, under those  
19 cases, and I have some more cases, too, a long line of  
20 authorities -- it's the great weight of authority in the  
21 United States that even a minister, a practicing religious  
22 person under a recognized religion cannot tell fortunes. And  
23 religion in this case is irrelevant. And there is a long line  
24 of authorities to that effect besides the two California cases.  
25 I have an article. So that --

26 THE COURT: Is the defense contention that this was done  
27 as part of a religious service or just part of a religion,  
28 period?

1 MRS. STEIN: My I add one other thing?

2 THE COURT: Let Ms. Buckley answer the question, please.

3 MS. BUCKLEY: The entire reading of the tarot is her gift  
4 and part of her practice as a high priestess in the Sisterhood  
5 of the Wicca, and she has been practicing this since -- she has  
6 been practicing in the Sisterhood of the Wicca and has been  
7 recognized as a high priestess since 1971, although she has been  
8 practicing her gifts for 11 years. She formed a religious  
9 organization, and they have been practicing as a coven. It's a  
10 Susan B. Anthony coven Nwnber One since 1971. And at that time  
11 she was made a high priestess. Prior to this time she was using  
12 her gifts of divination and her description of what she does is  
13 counseling. And the cards are merely an instrument, the tarot  
14 cards, which, by the way, also have a history going back five  
15 thousand years. They are her means of counseling with people  
16 who have problems, and her use of the gifts which the goddess  
17 has given her.

18 MRS. STEIN: Under 43.31, the burden is on the defendant  
19 to prove that they are a recognized religious organization.

20 MS. BUCKLEY: That's what I wish to do.

21 MRS. STEIN: And that is the defense burden. And perhaps  
22 your Honor, in order to save time and all this, witnesses, and so  
23 on, and testimony regarding such, could make a determination out  
24 of the presence of the jury as to whether or not this is in  
25 fact a fully recognized religion.

26 MS. BUCKLEY: May I point out, as the City Attorney has  
27 said, whether this is in fact a fully recognized religion  
28 **and** I think it's a fact question for the jury, even in the way

1 she put it.

2 THE COURT: Well, as I said earlier, I mean some of your  
3 witnesses may well be permitted to testify<sup>1</sup> but as to whether  
4 all of them -- it would have to depend on some of the facts.  
5 But as to voir dire I would not permit you to inquire as to  
6 everyone's personal religion. I think you can inquire, "Do you  
7 go to church regularly, on a frequent basis?" or something  
8 like that<sup>1</sup> but I don't think the jurors have to answer that "I  
9 am a Protestant; I'm a Catholic; I'm a Jew, and I attend the  
10 temple" or "I go to mass on Sunday, or services on Sunday." I  
11 don't think they have to respond that far. But I believe you  
12 can inquire: "Do you attend church?" You can say, "How often?"  
13 I think you can be permitted into that. But I would limit it  
14 at that point, and I would not have the jurors subjected to any  
15 more.

16 MS. BUCKLEY: I'm much more interested, your Honor, in  
17 whether their religious beliefs will make it impossible for  
18 them to understand someone who worships a Goddess as opposed  
19 to their God.

20 MRS. STEIN: Your Honor, I really do not know what that  
21 has to do with whether or not the defendant told a fortune on  
22 February 10, 1975. That's -- this whole thing is going to turn  
23 into a circus.

24 MS. BUCKLEY: It will not Your Honor, one of the things  
25 I have tried to do -- and I think that the marshal can attest  
26 to what has been going on in the courtroom, in terms of both  
27 the spectators -- and I can tell you that, in preparation of  
28 this case, I have gone to get only the most highly respected  
kind of witnesses as to the religious aspect. Now, I

1     understand -- and I think that one of the things that is  
2     happening is that Mrs. Stein, in one sense, is displaying the  
3     kind of attitude which I expect many jurors to, and that is that  
4     they are going to have some difficulty understanding the reality  
5     of a religion which is not in their experience. And I think it  
6     is exceedingly important that I be permitted to bring in -- on  
7     the bona fides of her religion, that I be permitted to bring in  
8     anthropologists who can testify as to how long there has been  
9     the religions which worship the goddesses and the practice of  
10    witchcraft, because, although it's a prejudicial te:an, in our  
11    sense, it had a very honored meaning for a long time, and it is  
12    **beginning** to regain t.11at honored meaning. We have ministers;  
13    we have people who have been lecturers and have qualifications\*  
14    We do not intend to put on a line in succession of **witches** and,  
H,   you know, people who are going to put on spells and hexes and  
16    all of that kind of thing. We're talking about professors who  
17    are lecturing at major universities. We are talking ab\_out  
18    ministers of recognized churches. And we will be bringing in  
19    possibly two other witches besides my client --

20           MR3. STEIN: Will you excuse me for just one second?

21           MS. BUCKLEY: -- one being the woman who will testify as  
22    to the national organization and the scope of the religion and  
23    their organizing on a national level and to point out that **Z** is  
24    recognized.

25           I will also be putting Ms. Colaneri on for the  
26    limited purpose of indicating that, in fact, as of December of  
27    last year they attempted -- they began the process of  
28    incorporating the church. But I think that we -- under the

1 43.31 we are entitled to bring in witnesses of the bona fides  
2 of her religious beliefs. We are entitled to bring in  
3 information about how tarot card readings relates to that belief  
4 and in fact are a part of the functions and rituals.

5 THE COURT: Mrs. Stein?

6 MRS. STEIN: This defense is -- of constitutional religious  
7 freedom is raised frequently. And, whenever a fortune teller is  
8 subject to prosecution, this defense of religious freedom is  
9 always raised. On this point, however, the law is well settled  
10 that, although the government may not interfere with mere  
11 religious beliefs and opinions, it can prohibit and punish  
12 religious practices which are criminal offenses. And there is  
13 a long line of authority. Therefore, since fortune telling is  
14 a criminal offense, it can be prohibited; and a fortune teller  
15 cannot -- since fortune telling is a criminal offense, a  
16 religious leader cannot claim the defense of constitutional  
17 religious freedom. And there is a long line of authorities to  
18 support that.

19 I have them here if your Honor would like to see it.

20 THE COURT: Well, of course, the Court has not heard any of  
21 the testimony, has no idea what the background of the case is or  
22 what

23 MRS. STEIN: Right. In other words, if, for instance, as  
24 the Aztec religion permitted the cutting out of young maidens'  
25 hearts, and somebody did that in this country, they would not be  
26 permitted the defense of religious freedom. They'd be charged  
27 with 187 or whatever.

28 THE COURT: That's true. I believe the Supreme Court,

1 when they upheld years ago -- against the Mormons the right to  
2 have a number of wives, they just said, you know, freedom of  
3 religion is not --

4 IB. COLANERI: The issue in that case was that polygamy  
5 went to the very moral core of the United States morality. Now,  
6 the interesting thing is polygamy is an act. Fortune telling --  
7 the only act involved is opening and closing the jaw muscles and  
8 speaking. So the interesting phenomenon is, even though that,  
9 constitutionally, religious freedom cannot be abridged, religious  
10 practices may be if they're offensive to American morality  
11 But the phenomenon is this special practice is a speech and  
12 exclusively speech There is a California case, People versus  
13 Blackburn -- I think it's 212 Cal something -- which says in  
14 essence that where one is entering into the area of religion  
15 and in the exercise of spiritual powers or supernatural powers  
16 that unless there is the specific intent to defraud involved --  
17 that one is abridging religious freedom. It would seem also  
18 that this is probably the specific reason that the California  
19 Penal Code, 332, talks about pretensions to fortune telling.  
20 The mere act of fortune telling, according to the Penal Code,  
21 is not against the law. It's the pretensions to, your Honore

22 THE COURT: Well, apparently, reading just the cases cited  
23 **here** under 43. 30, the mere act of fortune telling **also** is not a,  
24 violation. It's only if it's done **by** some of the means  
25 enumerated. At least one of the cases, People versus Miracles  
26 Smith

27 MRS. STEIN: I have that case, your Honor. Here some case  
28 is on the cloak of religious immunity, has been looked on with

1 strict scrutiny. For fortune telling there's --

2 THE COURT: I think now we're just repeating ourselves.  
3 But I've said the defense may inquire into people's religious  
4 beliefs without going into it in great detail. And as to what  
5 witnesses may be permitted to testify at the trial, that will  
6 have to depend on what the evidence shows. I'm not saying all  
7 that long line of witnesses quoted by the defense will be  
8 permitted to testify. It will have to depend on the evidence.

9 MS. BUCKLEY: May I say, your Honor, that I hope they will  
10 be brief. In other words, I am talking about -- I have only  
11 brought in or plan to bring in one anthropologist to give the  
12 historical background so we know this is not just a kookie thing  
13 happening today; a woman who can testify as to the nation-wide  
14 organization of related organizations; a woman who can talk  
15 about the bona fides of how Z is seen in the community as a  
16 practitioner of the art of reading tarot cards. And we have  
17 never admitted, your Honor -- and we continue to say we are not  
18 reading fortunes. I wanted to make that quite clear.

19 THE COURT: The trier of fact may decide differently.  
20 You know, you put on a hundred witnesses, and the jury may still  
21 determine yes, that is fortune telling, or they may say no, it  
22 isn't. You know, even without any witnesses, they may hear the  
23 People's case, and perhaps they would find nothing to it and com  
24 in not guilty even without hearing the defense.

25 Mrs. Stein?

26 MRS. STEIN: Well, regarding the -- I don't know what any  
27 relevancy whatsoever would be to bringing in these people.  
28 It's like

1 THE COURT: Well, we haven't reached that point yet.  
 2 We haven't even heard the People's case yet. Let's wait til we  
 3 reach that point; and each witness can be considered before  
 4 they're called. And if the People have some objections the  
 5 Court will consider and rule on it at that times

6 MS. BUCKLEY: I have one other problem, your Honor.  
 7 A number of my witnesses are pagans and witches who do not  
 8 believe in taking an oath by the God alone. They are willing  
 9 to take an oath "so help me Goddess and God" or "God and  
 10 Goddess", even if it has to be in that way.

11 THE COURT: Well, there is an alternative oath for a  
 12 person to affirm to tell the truth, and I don't believe that  
 13 goes into a God or a Goddess.

14 MS. BUCKLEY: All right. The problem they felt about that  
 15 and I will try and explain to them that affirming -- I think  
 16 I'll have to do this in my final affirming does not mean  
 17 you're an atheist. In fact, maybe I can do that on voir dire.

18 THE COURT: That really would have no bearing one way or  
 19 another. Many witnesses come in and affirm to tell the truth.  
 20 And I doubt if one out of a hundred people hear what is said at  
 21 that point. I have seen it a hundred times. It's indicated to  
 22 the clerk previously, and the clerk reads, "Do you affirm to tell  
 23 the truth?" And the person says "yes." and I doubt it has any  
 24 effect one way or the other. The person is still saying "I'm  
 25 going to tell the truth." And that's the main issue

26 MS. BUCKLEY: All right.

27 THE COURT: How many witnesses do the People have planned?

28 MRS. STEIN: Three.

1 THE COURT: Well, **we'll** begin selecting a jury. I don't  
2 know how long --

3 MS. BUCKLEY: Your Honor, I want you to know I do not try  
4 to prolong the **cases**.

5 THE COURT: We may run into problems that -- in view of  
6 the fact it **was all** over the pages of the Times today, in **view** of  
7 the fact your client held a press conference yesterday. I think  
8 we're running into a problem, hearing about the **case**. I  
9 personally don't think she should have done that. Both sides, I  
10 think, suffer a detriment. And I don't know if she carried on  
11 that press conference with or without your knowledge, but I  
12 think it was wrong for her to have done that the day before her  
13 trial, and it's splashed on the front pages of all'.the  
14 newspapers.

15 But we'll take a brief recess and begin select on of  
16 **a** jury.

17 (There was held a short recess.)

18 THE COURT: '... The record will reflect we're , , again present  
19 in chambers with the Court, the bailiff, the clerk, the reporter  
20 and all three attorneys.

21 Mrs. Stein?

22 MRS. STEIN: I would like at this time to make a motion for  
23 mistrial on the grounds that the entire jury panel has been  
24 tainted. Outside, your Honor --

25 I respectfully r quest your Honor goes out there and  
26 looks.

27 THE COURT: Where are you speaking about?

28 MRS. STEIN: In the hall, and to look out front. There is

1 pickets with signs and T.V. cameras, a large crowd gathered.  
2 And the jury panel is hanging over the railing watching the  
3 entire proceedings.

4 THE COURT: And?

5 MRS. STEIN: And therefore I feel that they cannot be an  
6 unbiased jury, a fair and unbiased jury.

7 THE COURT: I have no knowledge, but I would infer from  
8 the publicity on the radio and the television that there are  
9 people present. But there are penal code sections against  
10 obstructing or interfering with a jury. And if such is  
11 necessary those sections, I'm sure, would be filed by the  
12 appropriate office. The jurors can be asked if they have been  
13 influenced by anything they have seen. I'm sure Ms. Buckley and  
14 Ms. Colaneri will advise any friends of the defendant not to  
15 interfere with the jurors' rights to enter this courtroom, not  
16 to try to influence their decision in any way. That was one of  
17 the reasons I ruled we would not have people standing in the  
18 courtroom. We would only have so many seats filled, and that is  
19 it.

20 If it comes to the Court's attention that jurors are  
21 not permitted to freely enter the courtroom or the building  
22 without being intimidated by the people, then appropriate actions  
23 will be taken.

24 I assume, if this is going on, then all the jurors in  
25 the building have seen it, and we would have to go and get a  
26 whole new panel somewhere else to wipe out any taint. The jurors  
27 may be inquired into that; and obviously we have to go on the  
28 fact it appeared in the newspaper today.

1 MRS. STEIN: It was on television last night also.

2 THE COURT: I discussed that earlier with Ms. Buckley.

3 I said I did not think it was appropriate for her client to

4 hold a press conference yesterday before her trial.

5 Obviously the defendant thought different, to hold such a

6 conference and somehow try to influence, one way or the other,

7 the potential jurors.

8 MRS. STEIN: I really do not feel we could have a fair and  
9 impartial jury.

10 THE COURT: What would you suggest the Court do at this  
11 point?

12 MRS. STEIN: Declare a mistrial and continue the case or  
13 a change of venue.

14 THE COURT: If the case were transferred downtown, I  
15 assume the same people attending the case now would appear in  
16 the courtroom.

17 Ms. Buckley or Ms. Colaneri?

18 MS. BUCKLEY: Your Honor, as far as I am concerned, there  
19 has been no attempts to interfere with any jurors. Ms. Colaneri,

20 pointed out to me that she had the feeling that the jurors were  
21 almost being sort of encouraged to stay there. I don't believe

22 that. I think they would have stayed anyway. But I think the  
23 courts are well aware of the fact that demonstrations do occur.

24 This demonstration is very peaceful and orderly. People, under  
25 the First Amendment, have the right to express their opinions.

26 The group, in fact, asked the marshal whether it would be alright  
27 to be on the mall. The first demonstration was planned for

28 Santa Monica. They firmly believe there are very deep and

1 important religious **issues** here that should be made public.  
2 And they did not march on the mall until they were, informed by  
3 the marshal's office that it would be all right to do so.  
4 There was no intention to in any way influence the jury other  
5 than to let them know how- they feel about her religious rights.  
6 Now **it's** going to be up to the jury to decide whether, in fact,  
7 she has those religious feelings and rights. And I don't  
8 think

9 THE COURT: Was anything going on in the court building  
10 itself?

11 MS. BUCKLEY: No, your Honor.

12 THE COURT: What of the crowd that is waiting to get in?  
13 What are they doing?

14 MS. BUCKLEY: They are sitting quietly. They aren't  
15 carrying any signs. There have been no signs brought into the  
16 courthouse. They are waiting their turn to be able to be in the  
17 courtroom. We thought that we would probably be in a bigger  
18 actually, I didn't realize how many people were going to come in  
19 I just didn't expect --

20 THE COURT: Actually, if you had a bigger courtroom, you'd  
21 have just as many people or something.

22 MS. BUCKLEY: Right. But they have all been instructed  
23 that there is to be no kind of, you know, boisterous  
24 interference with anybody. We have -- on several occasions  
25 we've asked the people who are in the jury not to visibly,  
26 you know, respond with any kind of expressions of disgust or  
27 even laughter or anything. We've told them not to clap or do  
28 any of those kinds of things. And we've really tried, your

1 Honor, within the limits of our rights within the First Amendment  
2 and the right to be **at a public trial**, to make it a decorous  
3 proceeding.

4 THE COURT: Mrs. Stein?

5 MRS. STEIN: Now, I think, if your Honor goes out there,  
6 you can actually visibly see -- and I personally saw --

7 THE COURT: Where are you speaking about?

8 MRS. STEIN: In the corridor, and see the jurors hanging  
9 over the rail watching this entire thing, prospective jurors.

10 MS. COLANERI: Your Honor, isn't that making a presumption  
11 that the jury's minds has **already** been made up, therefore, by  
12 this rather small group outside? It is not the most impressive  
13 demonstration on earth, but there's a rather small group out  
14 there

15 THE COURT: I'm inquiring at the moment, are there any  
16 signs in the courthouse itself?

17 MS. COLANERI: No.

18 THE COURT: Are they doing anything -- for lack of a better  
19 term, putting a curse on someone? And I don't mean it in the  
20 sense it's taken. But are they going around with voodoo dolls or  
21 something?

22 MS. COLANERI: No.

23 MRS. STEIN: They have something, some item which I --

24 THE COURT: Where, in the courthouse?

25 MRS. STEIN: It's outside that the jurors can see by  
26 leaning over the railing.

27 MS. COLANERI: That's not in the courthouse, your Honor.

28 MS. BUCKLEY: **It's a demonstration** First Amendment rights,

1 MRS. STEIN: They're looking directly at it, hanging, you  
2 know, over that second floor --

3 THE COURT: **What are** you saying is there?

4 MRS. STEIN: I don't **know what** it is. It's **a** thing, a  
5 long -- some kind of talisman. I don't know what it is. But  
6 it's some kind of

7 MS. BUCKLEY: Your Honor, I instructed them not to bring  
8 anything like that. If you would like, I will go out and I will  
9 check. And if there is anything -- now, I know one of the women  
10 was carrying willows which are sacred, part of their sacred  
11 herbs and I'm not really --

12 THE COURT: If you wish to go out and examine -- there are  
13 to be no demonstrations inside the courthouse building, in the  
14 hallways or anywhere. If it's done in the mall, as long as it's  
15 peaceful and is not interfering with the jurors if I find  
16 out any action or attempt is made to influence the jurors, then  
17 under that Benal Code section some action will be taken.

18 MS. BUCKLEY: Your Honor, I understand, and we've really --  
19 as I said, I have on several occasions given instructions.  
20 I made -- and we tried to make it very clear what they could do  
21 and what they could not do. And, when one of the women brought  
22 the willow into the courtroom, not realizing she was not  
23 permitted to, she very quickly took it out. She came in to  
24 Division 90, and we told her if she wanted to distribute it it  
25 should be distributed outside.

26 MRS. STEIN: In response, and in all due deference to  
27 Ms. Buckley, they were passing them out in Division 90. And one  
28 sitting in back of me had it sticking out of her hair.

1 THE COURT: Well, I assume the jurors weren't in  
2 Division 90 so --

3 MRS. STEIN: No. But they were looking at this thing  
4 **that's** going on outside, and I feel that they are not a fair  
5 and impartial jury to either side.

6 THE COURT: Are you suggesting that I sequester the jury?

7 MRS. STEIN: Well, I presume by that, you mean lock them  
8 up, or whatever.

9 THE COURT: That's what the word sequester -- are you  
10 suggesting that henceforth, once the jury is selected, we have  
11 them transported to and from a hotel every day and that they be  
12 locked up until the case is decided one way or the other?

13 MRS. STEIN: I feel at this time that these jurors cannot  
14 be fair and impartial to either side.

15 THE COURT: Well, the motion for mistrial is denied, in  
16 view of the fact we haven't really reached a point

17 You may inquire into that, and the Court will inquire  
18 into that. But I believe Ms. Buckley has stated that she has  
19 and will try to inform the followers, friends of the defendant  
20 exactly what they can do.

21 But there is to be nothing done in the courthouse.  
22 Whatever they do in the mall, if done peacefully, they have  
23 those rights under the First Amendment. But if there is anythin  
24 reported to me that the jurors are being intimidated in any  
25 way

26 MRS. STEIN: I'm not saying they've been intimidated. But  
27 they've seen this demonstration, and the press, and so on, and  
28 this talisman or whatever it is.

1 THE COURT: You may inquire into that and see if that's  
2 influenced them in any way.

3 MRS. STEIN: One other point I wanted to **raise**, too, is  
4 that the People will move, because of all that's going **on and**  
5 that will go on and because of this large group of supporters,  
6 for a closed trial.

7 THE COURT: What authority is there for that?

8 MRS. STEIN: Well, because we feel the jurors **will** --  
9 because of this crowd, may be intimidated.

THE COURT: What is the authority for a closed **trial**, in  
11 view of the constitutional provisions that say a person's  
12 entitled to an open and public trial? Do you know of any  
13 authority or can you give me any case, Mrs. Stein, that **allows**  
14 the Court to order a closed trial in a criminal action?

15 MRS. STEIN: I know they do it. There was one in Van Nuys  
16 that was closed. But I --

17 THE COURT: I'm not sure that that's binding authority,  
18 what another judge does in Van Nuys.

19 MRS. STEIN: No•. I know that but

20 THE COURT: In view -- you have made the motion. Do you  
21 have any authority to cite to the Court to justify the closing  
22 of the court to the public?

23 MRS. STEIN: May I just look at the Evidence Code for a  
24 second?

25 THE COURT: That's just an evidence handbook.

26 MRS. STEIN: The California Evidence?

27 THE COURT: That's not an Evidence Code. That's Witkin.

28 The Court will take the bench when the jurors come in.

1 The motion for a closed trial is denied.

2 (There was held a short recess.)

3 (The jury selection commenced.)

4 (A recess was taken, to reconvene

5 at 1:30 p.m., same day.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 LOS ANGELES, CALIFORNIA, THURSDAY, APRIL 10, 1975; 1:30 P.M.

2 --000--

8  
4 (The following proceedings were had  
5 in open court at 1:30 p.m. outside  
6 the presence of the prospective jurors.)

7 MS. BUCKLEY: Your Honor, I **wish** to apologize to the  
8 Court about making such a big issue about my in limine motion.

9 THE COURT: Before we proceed to that, rather than holding  
10 the hearing in chambers, I was going to hold the hearing in  
11 court. But there was to be nobody present for that hearing  
12 which -- originally, the presence of the defendant was waived  
13 for the hearing in chambers.

14 MS. BUCKLEY: Fine. Well, I'll be glad to see them leave

15 THE COURT: Who are the people in the audience?

16 MS. BUCKLEY: They're police officers who should be  
17 instructed anyway on this issue, if you will grant it.

18 THE COURT: Let's hear the hearing outside of anyone other  
19 than the attorneys. So, Ms. Bartha, you previously waived your  
20 presence at the hearing.

21 THE DEFENDANT: Should I --

22 THE COURT: Yes. And all witnesses are excluded at this  
23 time other than the presence of the attorneys.

24 Who is the lady in the audience?

25 A VOICE: I'm a law student working on the case.

26 THE COURT: This would only be for the attorneys.

27 And I can see some woman behind the podium.  
28

1 A VOICE: I am an attorney. I am working on the case.

2 MS. BUCKLEY: She is not formally associated but

3 THE COURT: Let me just take those who are actually listed  
4 as attorneys of record.

5 MS. BUCKLEY: Fine.

6 THE COURT: This is a continuation of the hearing that  
7 was

8 MS. BUCKLEY: This morning, yes, your Honor.

9 THE COURT: -- held in chambers previously regarding an  
10 ad limine motion, which --

11 MS. BUCKLEY: Yes, your Honor. I wish to apologize to the  
12 Court for this. The issue which I wish to raise is, I would  
13 like to ask this Court to exclude any evidence as to the issue  
14 of lesbianism. I believe that it would be extremely  
15 prejudicial in this matter if there were any reference made to  
16 the fact that my client was a lesbian or was in any way related  
17 to any lesbian activities. The religious group which she is a  
18 member of, the Sisterhood of Wicca, is not a lesbian  
19 organization as such, although there are lesbians who are also  
20 witches. My client is one of them. But I believe that it would  
21 be prejudicial and would muddy the waters on this matter.  
22 We're talking about fortune telling. And a person's sexual  
23 preference, I don't believe, has anything to do with whether or  
24 not they're conducting a business of fortune telling.

25 THE COURT: Mrs. Stein?

26 And I don't know any of the testimony either way.  
27 I just have a Complaint before me. I'm not sure if this has  
28 any bearing one way or the other in the case.

1                   What is the People's position?

2           MRS. STEIN: The People's position on the matter -- the  
3 only- way that the topic might come up is to what was found in  
4 the store, the business.

5           THE COURT: Such as?

6           MRS. STEIN: Magazine articles, and so on, that **were**  
7 observed.

8           THE COURT: Please keep your voice up.

9           MRS. STEIN: Excuse me. Magazine articles which were  
10 observed, books, and in that fashion. I don't know how and in  
11 what manner it would-come up otherwise.

12          THE COURT: From what I understand, the People's position  
13 is they really have no intention of going into that?

14          MRS. STEIN: No, I don't, other than if any of the  
15 evidence that was recovered or seen related to lesbian  
16 activities and -- also, your Honor, there might be -- if the  
17 defense puts on any character witnesses, there might **be** cross-  
18 examination on that point.

19          THE COURT: That may or may not happen. But I think  
20 Ms. Buckley's motion was aimed at the People's case and were the  
21 People going to go into -- I don't know if lesbianism is an  
22 element or belief of this group or not.

23          MS. BUCKLEY: It is not, your Honor.

24          THE COURT: Well, that's what I'm asking Mrs. Stein.

25                 Were you intending to go into lesbianism?

26          MRS. STEIN: I **wasn't**.

27          THE COURT: So you would not see that coming up unless it  
28 had to do with character evidence that might be raised by the

1 defense.

2 MRS. STEIN: Or evidence that was confiscated at the place

3 THE COURT: Well, you would probably know what was  
4 confiscated. I think maybe that's what the motion was aimed at.  
5 You're in a better position for the case than I am.

6 MRS. STEIN: Well, there are advertisements and --

7 MS. BUCKLEY: That I have no objection to but I would have  
8 an, objection to --

9 THE COURT: Please just direct any statements to me.

10 I think Ms. Buckley's -- at least as I understood the  
11 motion, is someone going to get up and **say**, this **is an**  
12 organization that's mainly homosexual, and women go there for  
13 their own sexual pleasures or something, and we would get off on  
14 a tangent of lesbianism? But I would gather from what Mrs. Stein  
15 **says** she really has no intention of going into that.

16 MRS. STEIN: That's correct, your Honor.

17 THE COURT: So I would just --

18 I've just seen you hold some booklet or something.  
19 Those may have some bearing as to whether it is a religion.  
20 And, if there is by chance some mention of lesbianism, that  
21 wouldn't be the main issue.

22 MRS. STEIN: **No.**

23 MS. BUCKLEY: It's my understanding, your Honor, that one  
24 of the magazines which she advertised in was the lesbian type;  
25 but other than that I don't believe -- there weren't any  
26 articles or anything, as far as I was able to gather. And we  
27 would have no objection to that particular magazine coming in  
28 with the --

1 THE COURT: Without a discussion as to the contents of the  
2 rest of the magazine.

3 MS. BUCKLEY: Right, your Honor.

4 THE COURT: Well, on that statement, on the representation  
5 of the City Attorney, the motion is granted.

6 I would advise the prosecutor to advise their  
7 witnesses not to make any testimony regarding **lesbianism**  
8 activities, whether any exist or not at this location.

9 MRS. STEIN: That's fine. Thank you, your Honor.

10 May I again renew the point, as long as we're on --

11 THE COURT: I'm sorry?

12 MRS. STEIN: As long as we're discussing the 402-405  
13 hearing, that evidence as to religion be excluded until such  
14 time -- since the burden is on the defendant to prove that this  
15 **is a** religion, a bona fide religion,-- and what's bothering me  
16 is that it's like arguing in reverse. It's a religion. **This is**  
17 part of the religion. Therefore it's okay.

18 THE COURT: What are you referring to?

19 MRS. STEIN: I'm referring to 43.31.

20 THE COURT: No, no. But I mean your argument as to, you  
21 say don't let the defense raise the issue of religion until  
22 when? You mean because Ms. Buckley has gone into it on voir dire?

23 MRS. STEIN: **Yes.**

24 THE COURT: Well, I think she has a right to at least  
25 question the jurors as to that point. We can't really select  
26 the jury after the People put on their case. I think she's gone  
27 into it in a very limited fashion. We have not dwelled on it  
28 **a** great deal. She examined all the jurors for cause in what

1 would appear to be less than 45 minutes, maybe even less than  
2 **that**, and has passed for cause. And it's now People. And she  
3 has merely asked, do the people have a religious belief; do they  
4 attend church or temple or services regularly<sup>1</sup> and would they  
5 listen to both sides with an open mind. I did limit any  
6 discussion as to, you know, feminism, something like that, after  
7 an objection was raised, by the People. If she asked that as --  
8 or any other jurors will be asked, "Did you hear the questions  
9 asked of everyone else?" "If they were asked of you, what would  
10 your answer be?" Therefore, I would not limit her, as I think  
11 she has limited herself in asking the questions and has kept it  
12 to the bare essentials that we discussed previously.

13 MRS. STEIN: Well, just anticipating by way of defense,  
14 will we be able to establish, as a matter of law, after your  
15 Honor has had a chance to read the points and authorities, and so  
16 on, that -- as to whether or not 'this is in fact a bona fide  
17 religion? Can that be determined?

18 THE COURT: I think, Mrs. Stein, you used one phrase that--  
19 I could see the defense light **llp** when yc,u used it: "Is it in fact  
20 a religion?" And I assume that may be for the jurors to  
21 determine, if it is a religion in law and/or in fact. And I  
22 assume that's how it's going to turn. If they determine it's not  
23 a religion and that in fact it's a business engaged in fortune  
24 telling, they may not accept the defense. Perhaps they find it  
25 is a religion but they'll say this has nothing to do with the  
26 religion.

27 MRS. STEIN: Well, the point I'm making, your Honor, is  
28 that, even assuming arguendo it is in fact a bona fide religion,

( 1 the cases unanimously hold that even a bona fide priest,  
2 minister, rabbi, what have you, cannot engage in fortune telling  
3 period.

4 THE COURT: Some of the cases I've read have seemed to so  
5 indicate. But I would expect jury instructions to be submitted  
6 by the prosecution covering their theory of the case. But if  
7 you have authority even if it is a bona fide religion, we'll say  
8 one of the three major religions, Protestant, Catholic or  
9 Jewish -- as yet, I have not heard any testimony. I don't know  
10 what the testimony is going to be, and so I can't pre-judge  
11 what the testimony will be.

12 MRS. STEIN: You know in the cases --

13 THE COURT: Well, I expect both sides to submit the  
14 instructions they wished prepared, as they have more of the  
15 authorities at their disposal. I can read them and prepare some  
16 of my own. But I do expect printed instructions to be  
17 submitted by both sides so we can discuss them.

18 MS. BUCKLEY: Your Honor, I'm hoping to have **those** for you  
19 tomorrow.

20 THE COURT: I appreciate that. And I appreciate it if  
21 the People would be as accommodating as Ms. Buckley and have the  
22 instructions tomorrow.

23 Any other motions at this point?

24 We'll bring in the jurors.

25 (The conclusion of the selection  
26 of the jury.)  
27  
28

1 (People's opening statement.)

2 THE COURT: People may call their first witness.

3 MRS. STEIN: The People call Officer Rosalie Kimberlin.

4

5 ROSALIE **KIMBERLIN**, *Rosalie*

6 called as a witness by the People, having been sworn,

7 testified as follows:

8 THE CLERK: Will you state your name, please.

9 THE WITNESS: Rosalie Kimberlin.

THE COURT: You may begin, Mrs. Stein.

11 MRS. STEIN: Thank you, your Honor. co-counsel is  
12 examining th "exhibit.

13 MS. BUCKLEY: My client has an objection to the layout of  
14 this exhibit because she says that's not the way the cards were  
15 laid out.

16 -THE COURT: Well, perhaps when we reach that point --  
17 whether the chart applies or not will depend on the testimony.

18 MS. BUCKLEY: Thank you.

19 THE COURT: You may begin, Mrs. Stein.

20

21 *Jerome* DIRECT EXAMINATION  
22 BY MRS. **STEIN**:

23 Q. Officer Kimberlin, what is your occupation?

24 A. Police officer for the City of Los Angeles, assigned  
25 to Venice Division.

26 Q. And how long have you been a police officer?

27 A. It will be 11 years in June.

28 Now, on February 6, 1975, did you have an occasion to

1 call a phone number, 399-3919?

2 A. Yes, I did.

3 O And what caused you to call that phone number?

4 A. It was during the investigation of a fortune telling  
5 complaint. The complaint alleged that there was fortune telling  
6 being conducted at 442 Lincoln Boulevard, and that that phone  
7 number was registered to that location.

8 O ('That was a citizen's complaint?

9 A. Yes, it was.,

10 What happened when you made that phone call?

11 A. Okay. A female voice answered and identified herself  
12 as Z Budapest. I asked her if she did(tarot card readings;, and,  
13 she said yes. And I asked her if I could make an appointment  
14 for a reading,\which she agreed to. And an appointment was made  
15 for February the 10th at 10:00 a.m.

16 O Now, had you heretofore seen advertisements in  
17 newspapers

18 A. **Yes**, I had.

19 O -- regarding the defendant?

20 A. Yes.

21 O And did those advertisements relate to tarot card  
22 readings?

23 A. Yes, they did.

24 O And did these advertisements in newspapers have on  
25 them the address of 442 Lincoln Boulevard?

26 A. Yes.

27 O And did they have the telephone number of 399-3919?

28 A. I don't recall whether the phone number was on there

1 or not.

2 Q. Would it refresh your recollection to see the  
3 advertisement?

4 A. Yes.

5 MRS. STEIN: May I approach the witness, your Honor?

6 THE COURT: You may.

7 MS. BUCKLEY: Your Honor, may I examine that before she  
8 approaches the witness?

9 THE COURT: I thought she had shown it to you.

10 Yes, please show it to Ms. Buckley first.

11 BY MRS. STEIN:

12 Q. Is this the ad that you saw before making the phone  
13 call?

14 A. Yes, I believe it was.

15 Q. And is this the same phone number?

16 A. Yes, it is.

17 Q. That you called?

18 A. Yes.

19 Q. 399-3919?

20 A. Yes.

21 Q. So you made an appointment, your phone call on the  
22 6th, for a tarot card reading on the 10th of February, 1975;  
23 is that correct?

24 A. Yes.

25 Q. And can you please tell the jury, did you go to the  
26 location at 442 Lincoln Boulevard on that day of February 10,  
27 1975?

28 A. Yes, I did.

1           Q.     And approximately what time did you go?

2           A.     It was approximately 10:10 a.m.

3           Q.     Could you please tell the jury what happened upon  
4 your arrival at the location?

5           A.     I knocked on the door, and there was no response.  
6 I knocked again. And I must have waited approximately five  
7 minutes, after which time female caucasians approached  
8 the location, came to the door where I was standing. And one of  
9 them asked if I had been waiting long. I **said** no.

10          Q.     Excuse me. Was there a German shepherd with them?

11          A.     Yes, there **was**.

12          THE COURT: Were these people outside or were they coming  
13 from inside?

14          THE WITNESS: No. They were on the street, on the  
15 sidewalk approaching the location.

16                 I asked then if one of them was Z. And the defendant  
17 stated she was Z. They then -- one of them opened the door and  
18 invited me in, and I entered the shop. Evidently, there had  
19 been some sort of an accident in a back room --

20 BY MRS. STEIN:

21          Q.     Wait. Excuse me. Can I interrupt you for one  
22 second, Officer Kimberlin?

23                 Was there any writing or indication, or what was this  
24 place called, the business name of the place?

25          A.     Wicca.

26          Q.     And was that on the front door of the place?

27          A.     I believe there was some sort of a banner or something  
28 hanging over the front of the door.

1 Q. Did it said Wiccal

2 A. Yes.

3 O. ~~What~~ did you see upon entering the room, after you were  
4 met by the female fem11,es an.4 the German shepherd? What  
5 observations -- can you tell the jury what you observed in this  
6 store?

7 A. Yes. There <sup>were</sup> numerous **vials**, I guess, glass vials with  
8 different colored liquid in them on **shelves**. There was some  
9 sort of a sign denoting what these were for, like potions for  
10 certain things, certain kinds of spells. There were books on  
11 witchcraft. There were candles. There were bones, looked like  
12 small ~~3, n: Lillat: bcines~~ and what appeared to be branches, small  
13 branches with dried leaves on them, and incense. There was a  
14 strong odor of incense in the shop. There **was a** sign on the  
15 wall -- I believe it was the east **wall** near the counter **area** --  
16 that said "tarot card"-- it was either "cards, read" or  
17 (readings, \$10.00.

18 Q. Excuse me. Let me stop you here.

19 MRS. STEIN: May this be marked as People's Exhibit 1,  
20 your Honor, this diagram of the interior of the business?

21 THE COURT: It may be so marked for identification as  
22 People's 1.

23 MRS. STEIN: Thank you. May I approach the **witness**?

24 THE COURT: You may.

25 BY MRS. STEIN:

26 Did you prepare this diagram, People's 1, **as a**  
27 diagram of what the inside of the store looked like?

28 A. Part of it. Part of it was done by Officer Shelley

1 in my presence.

2 0. And although it's not to scale, is this kind of an  
3 outline of what the place of business looked like?

4 A. Yes.

5 0. Now, referring to People's 1,-can you put an X in the  
6 approximate location where you saw the sign that said "tarot• --  
7 what was it, "tarot card readings, \$10.00"?

8 A Yes. I believe it was in this area, near the counter  
9 above --

10 0. Is there a cash register on the counter?

11 A. Yes, I believe there **was**.

12 0. And so your X is put on a wall behind the counter?

13 A Yes.

14 0. Is that correct? And it **said** "tarot card readings•  
15 or something?

16 A It was either "tarot cards read" or "readings, \$10.00

17 Can you describe for the jury -- well first of **all**,  
18 where did you see the potions and the books, and so on? Can you  
19 indicate that maybe with a Band a P?

20 A I believe they were on the north wall, somewhere in  
21 this area.

22 THE COURT: I would suggest, by tomorrow morning when we  
23 resume, that perhaps a large drawing of this be drawn up there  
24 so we can all see. I'm sure the jurors can't see the markings  
25 that are being made at this point on the diagram. They see  
26 markings being made. But I think a larger diagram would be  
27 easier for all parties involved.

28 MRS. STEIN) Fine. Thank you, your Honor.

1 **BY MRS. STEIN:**

2 Now, Officer &imberlin/ is the front portion of the  
3 **store** -- is that divided from **a rear** portion?

4 **A. Yes, it is, partially.**

5 Q. And **what is** it **divided by**?

6 **A.** Well, there's a wall, and then there's like a  
7 corridor or a hallway. And I don't believe there was a door  
8 leading into the back portion.

9 Q. And then is there a curtain?

**A.** I believe there **was a** curtain, but I'm not positive.

11 Q. And were you escorted by the defendant into the back  
12 room?

13 **A.** Yes, I **was**.

14 Q. Can you please

15 MRS. STEIN: Your Honor, may this exh. ibit be marked as  
16 People's 2 for identification, and may it be placed on the  
17 board?

18 THE COURT, It may be marked at this time People's 2.

19 **BY MRS. STEIN:**

20 Q. Now, after you were escorted into the back room,  
21 could you please tell the jury what next happened?

22 **A.** Okay. She asked me to sit down, and I did. There  
23 was a small table there and, I believe, two chairs. And she also  
24 sat down in front of me. And then she produced a small glass  
25 vial containing some sort of liquid, and she opened it up and  
26 rubbed some of this liquid on her hands. And then she passed  
27 this bottle to me and told me to do the same thing. This was to  
28 **ward** off the outside **evil vibrations**.

1           Q.     Excuse me. Can you describe for the jury where the  
2 defendant was sitting and what the wall behind the defendant's  
3 chair looked like?

4           A.     There was a tapestry hanging on the wall in back of  
5 her, and it had what looked like a snake's skin. I don't know  
6 if it was **real** or not. And she was sitting on the south side of  
7 the roome

8           THE COURT: Do you wish to **approach** the witness?

9           MRS. STEIN: Yes. May I, your Honor?

10          THE COURT: You may.

11          THE WITNESS: This is where she was sitting, and this is  
12 where I was sitting across from her

13          MRS. STEIN: May I approach the witness, your Honor?

14          THE COURT: You may.

15          **BY** MRS. STEIN:

16                 Now, let's see. You're indicating that she was  
17 sitting on the south side of People's 1 and you were sitting **on**  
18 the north side and at a table; is that **correct**?

19                 **Right.**

20          Q.     Now, after you were seated at the table and she was  
21 seated behind the tapestry, you said she asked you to rub some  
22 kind of **substance** into your hands?

23          A.     Yes.

24          Q.     Can you describe for the jury what that smelled like  
25 and what it felt like and what the **purpose** of it was?

26          A.     It's kind of hard to describe the smelle It was a  
27 strong **pungent odor.**, but I **really couldn't liken it** to anything  
28 that **I've** smelled before. It was just a liquid and it -- this

1 was supposed to ward off the outside evil vibrations.

2 And after you rubbed this stuff into your hands, what  
3 happened then?

4 A. She then produced a large deck of cards and began  
5 shuffling them. Then she gave me the cards and told me to  
6 shuffle them, which I did. And she then told me to cut the  
7 cards three times to the left, which I did. And she then took  
8 the cards and placed them in a horseshoe arrangement on the  
9 table, and then she began patting the cards with her hands.  
10 And then she told me to do the same thing. She said that I **was**  
11 to pick 12 cards; that I would be able to tell which cards to  
12 pick by some sort of cosmic power. The cards would feel warm to  
13 the touch.

14 Q. Did they?

15 A. No. So I patted the cards and then I drew 12 cards.  
16 And she then looked at the cards and told me that the cards  
17 would show things as they are. And the cards that I picked are  
18 the cards that are represented on People's.2.

19 Q. Did the defendant ever tell you that she was a witch?

20 A. I don't believe, she told me she was a witch. She  
21 made a remark about a witch earlier.

22 Q. And **in** what context was that?

23 A. Well, she was upset over something that had happened,  
24 and she made a statement about it.

25 Q. And what was that? What was she upset over?

26 A. What was she upset over? Well, a cat had defecated  
27 under her chair, and she had to clean it up.

28 Q. And what was her comment?

1           A     She said something like -- "nothing like getting a --  
2     OR "nothing like a pissed witch."

3           THE COURT: There will be silence from people in the  
4     audience. Any noise or comments from the audience, the marshal  
5     will remove people from the courtroom.

6           You may continue, Mrs. Stein.

7     BY MRS. STEIN:

8           0.     Now, what did the defendant tell you about the cards  
9     in relation to your life, the 12 cards that you had picked out?

10          THE COURT: I think     before we're apparently going to  
11     start dealing with the cards and the chart, I think we'll take  
12     the recess until tomorrow morning.

13          Ladies and gentlemen::, we'll be in recess until 9:00  
14     o'clock tomorrow morning.

15          I admonish you during this recess period you must not  
16     converse among yourselves nor with anyone on any subject  
17     connected with the case or the trial thereof. Also, you're not  
18     to form or express any opinion thereon until the entire cause  
19     is submitted to you.

20          I repeat a statement I made to you previously. You  
21     are not to read any newspaper accounts of this trial. You are  
22     not to listen to any television accounts of this trial. You are  
23     not to listen to any radio reports of this case.

24          This case is merely to be decided on the evidence  
25     heard in the courtroom and the instructions given to you by the  
26     Court. The jurors are excused at this time. The jurors and  
27     alternates please return at 9:00 o'clock tomorrow morning.

28          (Whereupon, at 4:20 p.m., an adjournment **was taken**  
             to reconvene Friday, April 11, 1975, at 9:00 a.m.)

1 LOS ANGELES, CALIFORNIA, FRIDAY, APRIL 11, 1975, 9:15 A.M.

2 ---0---

8 THE COURT: In the matter of Zsuzsanna Bartha, let the  
4 record reflect the 12 jurors, two alternates are present,  
5 defendant's present with counsel, the City Attorney is present.

6 You may continue, Mrs. Stein.

7 MRS. STEIN: Thank you, your Honor.

8 ROSALIE KIMBERLIN,  
9 the witness on the stand at the time of the adjournment,  
10 resumed the stand and testified further as follows:

11 **DIRECT EXAMINATION (Resumed)**

12 **BY MRS. STEIN:**

13 Officer Kimberlin, did Officer Shelley in your  
14 presence last night prepare a new diagram, a larger diagram of  
15 People's 1?

16 Yes, he did.

17 MRS. STEIN: May I approach the diagram?

18 THE COURT: You may.

19 MRS- STEIN: With the court's permission, may that be  
20 remarked People's 1?

21 THE COURT: It may be so marked.

22 **BY MRS. STEIN:**

23 Officer Kimberlin, will you approach the diagram and  
24 indicate as you did on the former People's 1 where the  
25 entrance is, where the sign "tarot readings, \$10.00" was, where  
26 the potions were located for sale, and where you were seated and  
27 where the defendant was seated while reading your tarot cards?

28 Did you want me to mark it with a --

1           Yes, please. And explain to the jury while you're  
2 marking what each of those marks indicate.

3           A     Okay. I believe the tarot card sign was in this area  
4 on the east wall near the counter area, and the --

5           THE COURT: Perhaps put a T instead of just X's because  
6 then we **can** recall what it is. Thank you.

7           THE WITNESS: This was the entrance to the store. And on  
8 the north wall is where the vials or potions were, with a P.  
9 And in this room -- this is a table, and on the -- the defendant  
10 was seated at the -- on the south side of the table, and I **was**  
11 seated on the north side.

12          THE COURT: You may continue, Mrs. Stein.

13          MRS. STEIN: Thank you.

14 BY MRS. STEIN:

15                 And is that portion of the store where the  
16 merchandise is sold, the potions, and so on, books and  
17 magazines -- is that separated physically from the back portion  
18 where the reading took place?

19          A     Well, partially by this wall. And I believe there  
20 might have been a curtain here to this hallway or whatever you  
21 call it.

22                 Thank you. Okay. You may resume the stand.

23                 Before commencing to read the tarot cards, was there  
24 anything on the table on which the defendant placed the tarot  
25 cards?

26          A     Yes. There was **a** mat.

27                 Were they placed on this?

28          A     Yes, they were.

1 MRS. STEIN: May this cloth be marked as People's 3 next  
2 in order?

3 THE COURT: It may be so marked.

4 BY MRS. STEIN:

5 Now, calling your attention to this deck of cards,  
6 partial deck of cards --

7 MRS. STEIN: May I approach the witness?

8 THE COURT: You may.

9 BY MRS. STEIN:

10 Do these look like the cards that were used, or are  
11 these the cards that were used in telling your fortune?

12 A. Yes.

13 MRS. STEIN: May these cards be marked as People's 4 next  
14 in order for identification?

15 MS. BUCKLEY: Your Honor, yesterday I made a request of  
16 the City Attorney to be allowed to see those cards and count  
17 them, and I would like at this time that opportunity, if I may.

18 MRS. STEIN: No problem.

19 THE COURT: You may examine them at this time.

20 MRS. STEIN: One more question before you begin.

21 BY MRS. STEIN:

22 Are the cards on People's 2, those which you have  
23 placed -- that also came from this deck, being People's 4?

24 A. Yes.

25 O. So that all the cards that were included in the deck  
26 are either in People's 4 or placed on People's 2?

27 A. Correct.

28 THE COURT: Would you give the cards to Ms. Buckley and

1 let her count them before we proceed.

2 MS. BUCKLEY: I would like to tell your Honor that there  
3 are 66 cards here, and 12 more makes 78, which is a full deck of  
4 the tarot cards.

5 THE COURT: Well, of course, we're not taking testimony at  
6 this time. But the record will reflect

7 Is that correct, Mrs. Stein, that there are 66 cards  
8 there?

9 MRS. STEIN':. I didn't count them. I'll take counsel's  
10 word for it.

11 THE COURT: People's 4 consists of 66 cards<sup>1</sup> and there are  
12 12 cards on the board in People's 2.

13 MS. BUCKLEY: 'l'hank you, your Honor.

14 THE COURT: 'l'hose 66 cards in the box may be marked  
15 People's 4 collectively for identification.

16 MRS. STEIN: Thank you, your Honor.

17 Before going into the cards or the reading of the  
18 cards --

19 May I approach the witness again?

20 THE COURT: You may.

21 BY MRS. STEIN:

22 O. Is this a copy of the ad, the same ad, that you **saw**?

23 A Yes, it is.

24 MRS. STEIN: May this be marked People's 5, the  
25 advertisement, for identification?

26 THE COURT: It may be marked as People's 5 for  
27 identification.

28

1 BY MRS. STEIN:

2 Q. Now, is this from a newspaper, newspaper advertising?

3 I. Yes.

4 Q. Do you know the name of the newspaper?

5 I believe it was Beachhead.

6 THE COURT: What was that?

7 THE WITNESS: The Beachhead.

8 BY MRS. STEIN:

9 Is that a newspaper?

10 A Yes.

11 In regular circulation to the public?

12 A Yes.

13 Now, getting back to the reading of the cards by the  
14 defendant to you, did the defendant give you a sample, a blank  
15 sample, of a layout of your -- of the reading which was done  
16 for you?

17 A. Yes, she did.

18 MRS. STEIN: May I approach the witness?

19 THE COURT: **You may.**

20 BY MRS. STEIN:

21 Q. Is this the blank sample that she gave -- the  
22 defendant gave to you **while** she was doing your reading, reading  
23 your fortune?

24 A. Yes, it is.

25 MRS. STEIN: May this be marked as People's next in order,  
26 Number 5?

27 MS. BUCKLEY: Your Honor, may I again request that I be  
28 allowed to examine the --

1 MRS. STEIN: 6. Excuse me.

2 THE COURT: I assumed that **each** item had been shown to  
3 you.

4 MRS. STEIN: Excuse me.

5 THE COURT: It may be marked as People's 6 for  
6 identification, apparently a blank sample given by the  
7 defendant to the Officer.

8 MRS. STEIN: May I approach **the witness** again?

9 THE COURT: You may.

10 BY MRS. STEIN:

11 O Did you make certain markings on that pursuant to the  
12 instructions of the defendant?

13 A. Yes, I did.

14 O And were they your -- is this your handwriting on  
15 here?

16 A. Yes, it is.

17 O And was this pursuant to what the defendant told you  
18 to do while reading your fortune?

19 A. Yes.

20 O And was this the results of what she told you that  
21 she had found out in this first portion of the reading of your  
22 fortune?

23 A. Yes.

24 O And, calling your attention to People's 2 for  
25 identification, is that an enlargement of People's 6?

26 A. Yes, it is.

27 O And did you make that up from this blank page that  
28 you filled in? Did you make up People's 2 from this blank **page,**

1 People's 6, that you filled in while the reading was going on?

2 A. Yes.

3 MRS. STEIN: May the witness be allowed to approach  
4 People's 2, your Honor?

5 THE COURT: She may.

6 MRS. STEIN: May I be allowed to approach one second?

7 THE COURT: You may.

8 **BY MRS. STEIN:**

9 Q, Officer Kimberlin, could you please explain to the  
10 jury with the use of your diagram, People's 2, what the  
11 defendant told you about your fortune?

12 A. Okaye Of course, these were the cards that I picked.  
13 And she began with this card.

14 THE COURT: Perhaps, just to go back to what we did  
15 yesterday, how did you get the cards and how were they placed?  
16 I realize we took a break since yesterday. But maybe to keep  
17 some continuity --

18 THE WITNESS: She shuffled them and I cut them. I  
19 shuffled and cut them. And she laid them out in a  
20 horseshoe-type arrangement on a table, and I was to pat them and  
21 pull 12 cards from this arrangement.

22 THE COURT: And how were they then arranged like they are  
23 there?

24 THE WITNESS: They weren't really arranged like this.  
25 She just had them on the table, and I really don't know -- they  
26 **were** just laying on the table.

27 THE COURT: You may continue, Mrs. Stein.

28 THE WITNESS: Okay. She began with the Fool. And **she**

1 **said** she was the main thing in my life. This card meant that it  
2 **shapes** one's life, stands for audacious plans and dreams.

a THE COURT:, would you keep your voice up, please?

4 THE WITNESS: And there was a Mysterious Knight or the  
5 Knight of Pentacles, and this stood for a reliable young **dark-**  
6 haired, dark-eyed young man in the past who would turn up again,  
7 and this person would stand by me, and he was the kind of person  
8 I could count on.

9 There was the 6 of Pentacles which she didn't tell me  
10 what it stood for. The 3 of Wands, 2 of Wands, and **a 4** of Cups--  
11 and she didn't really tell me what those represented. There was  
12 the 10 of Swords, **and** this showed a lack of emotional happiness,  
13 **a lack** of pleasure in my life. And it showed a need for a love  
14 spell.

15 There was a 7 of Pentacles which showed an actual  
16 growth by a small delay that would be lifted soon with this  
17 card. The 3 of Cups, which was added to the diagram by me --  
18 it was an extra card.

19 There's a Knight of Wands, and this meant what I  
20 wanted **and** probably meant a **change** of residence. And the Page of  
21 Pentacles -- and this was a youth in my life which could have  
22 been either male or female. And she asked me if I knew who this  
23 could be, and I said, "Well, it's probably my daughter." And  
24 she said that this card showed her to be an intelligent girl  
25 that meant a lot to me.

26 There was a 6 of Cups, which showed a steady growth.

27 And that was basically what was said about these  
28 cards.

1 BY MRS. STEIN:

2 Q. Now, were the cards again shuffled?

3 A. Yes, they were./

4 Q. And by whom were they shuffled?

5 A. By the defendant.

6 Q. And following the shuffling -- following defendant's  
7 shuffling of the cards, could you please tell the jury **what the**  
8 defendant did with them?

9 A. Okay. First she asked me a question -- or she told  
10 me that I could ask a question; and that I would be able to ask  
11 three questions and that she would look for the answers in the  
12 cards. And then she laid the cards out in the horseshoe  
13 arrangement again and asked me to pat the cards and draw eight  
14 cards, which I did.

15 Q. How many?

16 A. Eight.

17 Q. And she told you to ask three questions, is that  
18 correct?

19 A. Yes. I was to ask three questions but one **at a** time.  
20 And I

21  
22 And after she told you to ask three questions, what  
23 happened then?

24 A. Okay. I asked her if I should make a move, probably  
25 out of state. And she asked me my state, and I said Florida.  
26 And I asked the question before I removed the cards from the  
27 deck. Then I removed the eight cards. And she explained the  
28 cards as they were -- after they were drawn.

29 Q. Now, was there one card -- in response to your

1 question should you make a move, was there one card in  
2 particular that she commented on?

3 A. Yes, the death card.

4 Q. What did she say about that?

5 A. She said that that showed a sudden change in way of  
6 life.

7 Q. And what else did she say about the other eight cards  
8 that you removed?

9 A. Okay. She said there is one card that showed  
10 indecision in my -- on my card. There was a card that showed  
11 slander, a card that showed some sort of a contract that could  
12 be either a financial partnership with someone or even through  
13 a marriage. And there was a Queen card.

14 O Did she ask you any questions regarding your marital  
15 status?

16 A. Yes, after she -- she made a comment after -- about  
17 the Queen card, I mean after she looked at that one. She said--  
18 she asked me if I was widowed or divorced, and I said I was  
19 **married but I didn't** <sup>how</sup> know/long that was going to last.

20 Q. And what did the defendant then say that the card  
21 showed?

22 'What the cards showed?

23 Q. Yes.

24 A. She said that they showed a move; that there probably  
25 would be a divorce, that that's probably what the contract card  
26 meant, and that my husband would slander me. And again she said  
27 the Queen card showed me to be single, so there would be a  
28 divorce.

1 Q. After this first question and discussion, and so on,  
2 about the cards, what did the defendant then do?

3 A. She shuffled the cards again and asked me for my  
4 second question.

5 Q. And what did you do?

6 A. I asked her if --

7 Q. Well, did you shuffle the cards?

8 No. She shuffled the cards.

9 Q. You shuffled the cards?

No. The defendant.

11 Q. The defendant shuffled the cards?

12 A. Yes.

13 Q. And did she ask you then to draw certain cards?

14 This was after I asked the question.

15 Q. After she shuffled the cards, you asked your second  
16 question?

17 Yes. I asked her if my daughter would be able to  
18 attend vet school, veterinary school, if I left the state, or  
19 should I wait.

20 And after you asked the question if your daughter  
21 would be able to attend vet school, what happened next?

22 A. Then she again laid the cards out in the horseshoe  
23 arrangement on the table and asked me to pick three cards,  
24 after patting the cards.

25 Q. The cards that she had laid out?

26 A. Yes.

27 Q. And did you do so?

28 A. Yes, I did.

1           O     You picked three cards?

2                 **Yes**, I did.

3           O     And what did the defendant tell you that the cards  
4 showed that you picked?

5                 Well, first of all, she looked at the cards and then  
6 she asked me to draw an additional card, which I did.

7                 And after you drew a fourth card, what did the  
8 defendant say regarding your daughter going to vet school?

9                 She said that I should make the move; that it  
10 showed that there would be a change of plans for **my** daughter;  
11 that right now it didn't look like she was going to be able to  
12 attend vet school, but later something could be worked out\$  
13 But right now she wouldn't be able to go.

14                 So after she told you that your daughter would not  
15 be able to go to vet school, what happened next?

16           1'..     She shuffled the cards again and asked for **my** third  
17 question.

18           O     And what was your third question?

19           Ao     I asked her if **my** mother would leave the state with  
20 me.

21           Q,     And what happened after you asked whether or not  
22 your mother would be able to leave the state with you?

23                 She again laid the cards out in the horseshoe  
24 arrangement, asked me to pat the cards and draw three cards.

25           Q.     And after you drew these three cards, what did the  
26 defendant do?

27           A.     She **looked** at them again, and then **she** asked me to  
28 draw another card, which I did.

1           0     And after you drew the third card, what did the  
2 defendant do or say with respect to the cards?

3           A.     She said that the cards showed a conflict between  
4 my mother and my daughter and that my mother would not leave  
5 the state with me, but there was always the possibility she  
6 might visit me once in a while.

7                     And all this time were you referring to the State of  
8 Florida?

9           A.     Yes.

10                    Now, after the defendant told you that there was a  
11 conflict between your mother and your daughter and that your  
12 mother would not leave the state and go to Florida with you,  
13 what did the defendant then tell you?

14           A.     She then told me that she changed her mind about  
15 the love spell. She decided, since there was going to be a  
16 divorce, that maybe I needed something else. She told me that  
17 she was going to give me some sort of potion that would bend  
18 people my way; that I would put this on and wave it around  
19 wave it in front of my husband, and this would make things go,  
20 more smoothly,

21                    And you were to wave this potion around your  
22 husband?

23           A.     Yes.

24                    And things would go more smoothly then?

25           A.     Correct.

26                    And was this potion equally applicable to the other  
27 people around you? In other words, when she said this potion  
28 would bend people your way, was it equally applicable to other

1 people with whom you came in contact?

2 A I assume so, since she said it would bend people.  
3 That's pretty general.

4 O Bend people your way?

5 A Yes.

6 Q That was her exact words?

7 A Yes.

8 Q And, in addition to that, it was to help your  
9 marriage go smoothly, in that it would bend your husband your  
10 wayi is that correct?

11 A Yes.

12 MRS, STEIN: May I approach the witness?

13 THE COURT: **You** may.

14 MRS. STEIN: **Thank** you.

15 **BY** MRS. STEIN:

16 Q Officer Kimberlin, I show you a small red vial. Is  
17 this the vial that the defendant gave you with the words that--  
18 to wave it around and it would bend people your way and also  
19 help smooth things over with your husband?

20 A Yes, it is.

21 MRS. STEIN: May this be marked as People's 7 as next in  
22 order?

23 THE COURT: It may be marked as People's 7 for  
24 identification.

25 **BY** MRS. STEIN:

26 Q Did she tell you what was in it?

27 A No, she didn't.

28 Q Did it work?

1           A     I didn't use it.

2           MRS. STEIN: Your Honor, may this be passed around to the  
3 jury?

4           THE COURT: I think they can consider that in the jury  
5 room, at that point.

6 BY MRS. STEIN:

7           Q     Now, after the defendant handed you People's 7, this  
8 vial, telling you that it would bend people your way and smooth  
9 things over with your husband, what happened then?

10          A     Okay. Actually, something happened then before she  
11 handed me that. She had -- she told me what she was going to  
12 give me, and she got up from the table, and she was going to  
13 have to get it in another part of the shop so she -- I asked  
14 her how much the reading was, and she said it was \$10.00.  
15 So then she went into the back portion of the shop.

16                 Can you indicate on People's 1 where that was?

17          THE COURT: You may approach the diagram.

18          THE WITNESS: Okay. She went back in this direction  
19 somewhere. I don't know exactly where, but there's another,  
20 like, room, back heres

21                 Shall I put anothr P for potion?

22          THE COUR'J.: You may.

23 BY MRS. STEIN:

24          Q     And did she come back out with People's 7?

25          A     Yes, she did.

26          Q     And is that when, after she came out, you asked her  
27 how much the reading was?

28          A     No. It was before she went back to get the potion.

1 Q. And how much did she say the reading was?

2 A. \$10.00.

3 Q. And did you pay her the \$10.00?

4 A. I put two \$5.00 bills on the table.

5 Q. And after you put the and I take it she gave you  
6 this?

7 A. Yes, she did.

8 You took this with you and you left the \$10.00 on  
9 the table.

10 What happened after you took People's 7 and left  
11 the \$10.00 on the table?

12 A. Then I left the location and met Officers Shelley and  
13 Falkenberg and advised them that a violation had been obtained.  
14 Then I returned to the station to prepare the report.

15 MRS. STEIN: No further questions.

16 THE COURT: Which attorney is going to conduct the  
17 cross-examination?

18 MS. BUCKLEY: I **will**.

19 THE COURT: Thank you.

20 Ms. Buckley?

21

22 CROSS-EXAMINATION

23 BY MS. BUCKLEY:

24 Q. Officer Kimberlin, I just have a few questions.

25 I must say I would like to compliment you on your  
26 testimony. I think that you, were very honest and very fair  
27 toward the situation.

28 THE COURT: Ms. Buckley, let's not comment on anyone's

(  
1 testimony one way or the other. Let's proceed to cross-  
2 examination.

3 BY MS. BUCKLEY:

4 You said that there **was a** complaint made?

5 A. Yes.

6 And that was what sent you to the shop. How was  
7 that complaint made, if you know?

8 A. I was advised that it **was a** telephone complaint,  
9 anonymous.

10 Were you advised who made that telephone call?

11 A. It was -- I was told it **was an** anonymous complaint  
12 So on the basis -- to the best of your knowledge,  
13 on the basis of **an** anonymous phone call, you were then sent to  
14 this shop to talk to Z Budapest?

15 A. Yes, I was.

16 Now, the story that you told Z Budapest **was a** cover  
17 story; is that correct?

18 A. Yes.

19 In other words, it was not the truth?

20 A. No.

21 Are you married?

22 A. Yes.

23 Do you have a daughter?

24 A. Yes.

25 MRS. STEIN: Objection; irrelevant, your Honor.

26 THE COURT: Objection's overruled. The answer may stand.

27 **BY MS. BUCKLEY:**

28 You do not believe in tarot card reading yourself;

1 is that true?

2 MRS. STEIN: Objection; irrelevant&

3 THE COURT: The witness may answer.

4 THE WITNESS: No.

5 BY MS. BUCKLEY:

6 Q Now, just one question about the reading.

7 I'm sure that you remember it well. When the Queen  
8 card was shown to you, was that the Queen of Swords, if you  
9 remember?

10 k I don't remember cause I really didn't look at the  
11 cards. I was just going by what she told me, and -- yeah, she  
12 did show it to me but I really can't remember which queen it  
13 was,

14 MS. BUCKLEY: May I approach the witness, your Honor?

THE COtm'r: You may.

16 BY M:S. BUCKLI:Y:

17 {. Showing this card -- does showing this card to you  
18 in any way refresh your memory? Does that appear to be the  
19 same card?

20 A. I can't really be sure. It could be but I'm not  
21 positive.

22 Q And now I show you this card@ Will you identify  
23 that?

24 A Yes, the death cardg

25 Q And that's the card that appeared when she said there  
26 would be a change of circumstances?

27 A. Yes.

28 MS. BUCKLEY: Could this be mark d Defendant's A, your

1 Honor,, the death card?

2 THE COURT: It **may be so marked**.

3 MS. BUCKLEY: And the Queen of Swords card?

4 THE COURT: You want that marked as Defendant's B?

5 MS. BUCKLEY: I have just one other question.

6 BY MRS• BUCKLEY:

7 In reading your fortune and telling you the answers  
8 to your questions, did she speak in positive terms, or did she  
9 say things like it would probably be thus and so?

10 MRS. STEIN: Objectionr calls for speculation.

11 THE COURT: Objection is overruled.

12 The witness may answer what was said to her.

13 THE WITNESS: Well, she did both. On the mention about  
14 the divorce, she said at first there probably would be a  
15 divorce. Later on she said -- when she was referring to the  
16 Queen card, she said that this meant, you know -- showed the  
17 person to be single,. so there -- she definitely said there  
18 would be a divorce.

19 BY MS. BUCKLEY:

20 All right. Thank you.

21 MS. BUCKLEY: I have no further questions of this  
22 witness, your Honor.

23 THE COURT: Anything **further, Mrs. Stein?**

24 MRS. STEIN: Nothing further, your Honor.

25 THE COURT: You're excused at this time.

26 People may call their next witness.

27 MRS. STEIN: People call Officer Laurence Shelley.

28

1 LARRY B. SHELLEY,  
2 called as a witness by the People, having been sworn,  
3 testified as follows:

4 THE CLERK: Will you state your name, please.

5 THE WITNESS: Larry B. Shelley, S-h-e-l-l-e-y.

6  
7 DIRECT EXAMINATION

8 BY MRS. **STEIN**:

9 O. Officer Shelley, do you recognize the defendan.u  
10 seated at the counsel table?

11 A. Yes, I do.

12 O. Is she the woman in the middle?

13 A. Yes, she is.

14 O. And what was your initial contact with the defendant,

15 A. The first time I met her?

16 O. How did you first come to meet the defendant?

17 A. Originally I received a phone call that fortune  
18 telling was being conducted at 442 Lincoln Boulevard and that I  
19 could also obtain advertisements to the fortune telling from  
20 local newspapers in the Venice area.

21 O. Incidentally, how long have you been a police  
22 officer?

23 A. Five years.

24 O. And what is your current assignment?

25 A. I work vice, Venice vice.

26 O. And is that the reason for your appearance, your  
27 physical appearance?

28 A. Yes, it is.

1 THE COURT: There are to be no comments from people in  
2 the audience. As the Court stated yesterday, if there is any  
3 disturbance, outbursts or comments, the Court will have to  
4 clear the courtroom. I want that remembered by everyone in the  
5 audience.

6 Let us proceed, Mrs. Stein.

7 **BY MRS. STEIN:**

8 Q. Now, did you see newspaper articles or newspaper  
9 advertisements regarding the defendant's place of business?

10 A Yes. I went to a local liquor store, picked up  
11 local newspapers, went through the newspapers. And in The  
12 Beachhead Newspaper there was an advertisement.

13 a Incidentally, is the defendant's location at  
14 442 Lincoln Boulevard in the City of Los Angeles?

Hi Yes, it is.

16 Q. Now, other than seeing an ad in the newspaper,  
17 Beachhead Newspaper, were there any other advertisements that  
18 you saw regarding the defendant?

19 P.d I don't recollect any others.

20 Calling your attention to People's 5

21 MRS. STEIN: May I approach the witness?

22 THE COURT: You may.

23 **BY MRS. STEIN :**

24 Is this the advertisement that you saw?

25 A. Yes, it is.

26 Q. Now, calling your attention to your initial contact  
27 with the defendant, when did you go to the defendant's place  
28 of business at 442 Lincoln Boulevard?

1           A.     This was here on December 19, 1974. After reading  
2     the ad I went to the location with a fellow officer. I entered  
3     the location, noted that there were many signs of candles for  
4     sale that would bring love and happiness, et cetera. I seen  
5     many potions, witch powder, bats blood, et cetera.

6           I observed on the east wall a poster that stated  
7     "tarot card readings, \$10.00 a half hour." I then walked over  
8     to the counter which is about the southeast wall of the  
9     location where the defendant and one other person **were**  
10    standing. I talked to the defendant, stated that I didn't know  
11    what a tarot card reading was and asked her to explain it to  
12    me. She said that it was a spiritual reading in which she  
13    could guarantee three months predictions of the future to me.  
14    I asked her --

15          Q.     Excuse me. Let me interrupt you one second.

16                Is there a cash register located -- was there a  
17    cash register located on the counter?

18          A.     As I recall, there was.

19          Q.     Please continue..

20          A.     I asked her if I could have a reading. She stated  
21    that she normally didn't give readings to men; however, that  
22    she had received good vibrations from me and that she would  
23    give me a reading; however, that she was busy that afternoon  
24    and that I would have to set up an appointment, which I did.

25          Q.     Did you **keep** that appointment?

26          A.     No, I didn't.

27          Q.     Now, what was your next contact with the defendant?

28          A.     My next contact was on the 10th of February,

1 this year, 1975, in the early morning hours. Myself,  
2 Officer Falkenberg and Investigator Kimberlin went to the  
3 location of the defendant's business.

4 Q. Was that after you had a conversation with  
5 Officer KirnLerlin regarding the fact that the defendant told  
6 her fortune?

7 A. Yes. Investigator Kirrberlin went inside the  
8 location, was in for approximately 45 minutes to an hour.  
9 She exited the location and gave us a detailed summary of what  
happened inside the location.

11 Q. Have there been other ads that you have seen?

12 A. Yes. Th2t ad has been in the Beachhead every month  
13 **from Deceri',ber until current.**

14 MRS. STEIN: May I approach the witness?

15 THE COURT: You may.

16 BY MRS. STEIN:

17 Could you please read for the jury what the ad says?

18 A. Yes. The ad says The Feminist Wicca. Detailed  
19 tarot card rea.dings, occult supplies, magical jewels, books,  
20 herbs. 442 Lincoln Boulevard, Venice. And the phone number  
21 is 399-3919.

22 Now, after Officer Kimberlin told you about her  
23 experience there and that there was a violation, what did you  
24 then do?

25 P.- I then entered the location, went to the center room  
26 of the location where the defendant was seated at a table,  
27 seated on the south side of the table, with another person  
28 seated on the north side of the table.

1           Q.     Excuse me. Let me back up to the first contact.  
2 I forgot something.

3                     In the first contact that you had with the defendant  
4 on December 19, 1974 where she agreed to tell your fortune,  
5 although you were a male and she said she usually does females,  
6 what if anything did she supply you **with**?

7           A.     I asked her if she had any brochures or business  
8 cards, at which time she gave me a yellow business card and a  
9 large blue brochure that is similar to the advertisement.

10          Q.     Do you have a file in this case?

11          A.     Yes, I do.

12          Q.     Can you retrieve

13          MRS. STEIN:   May I approach the witness?

14          THE COURT:   You may.

15          BY MRS. STEIN:

16                     Can you retrieve from your file what the defendant  
17 gave you on your first visit to the Wicca business establishment  
18 on the 19th of December, 1974?

19                     Yes; . I'm now entering my file. I have stapled  
20 here the blue brochure and the business card that I received  
21 12-19-74 from the defendant,

22          Q.     And did you mark your appointment on the back of the  
23 business card?

24          A.     Yes, I did.

25          MRS. STEIN:   May this be marked as People's 8 next in  
26 order?

27          THE COURT:   Perhaps you should start marking them, since  
28 we've had so many markings.

1                   Just put ' an 8 on the back of it, or **People's 8**, so  
2 we know w':lich it is.

3           MRS. STEIN:    People's 8.

4           THE COURT:    It may be marked for identification.

5           MRS. STEIN:    For the record, it is an advertisement  
6 brochure together with the defendant's card that she gave to  
7 Officer Shelley.

8           BY MRS, STEIN:

9           Q.     And she said that this is her card, her business  
card?

11          A.     Yes.    There's a business card holder on the counter  
12 in the location.

13          Q.     Anc did sr:e get **this** card from that business card  
14 holder at the location?

15          A,     I believe I retrieved the business card from the  
16 holder myself, and she gave me the flyer, the brochure.

17                   And you had asked her for some kind of advertising  
18 brochure; is that correct?

19          A.     Yes, I di.d.

20          Q.     Now, getting back to the 10th of February, 19 75, and  
21 following your conversation with Investigator Kimberlin  
22 regarding the violation that had taken place, that she had her  
23 fortune told, now can you tell the jury what you did on entering  
24 the location?

25          A.     Okay. After entering the location and seeing the  
26 defendant and the **other person** seated at the table, I informed  
27 the defendant that she was under arrest for Section 43.30  
28 L.A.M.C., fortune telling.

1 Q. Excuse me. Was there another person in there then?

2 A. Yes; , there was a third person.

3 Q. Was she having her fortune told?

4 Yes. There were three females in the location.

5 One person was having her fortune told by the defendant, and  
6 there was another person sweeping the floor.

7 Q. Could you please continue what you did?

8 A. At which time the person that was having her fortune  
9 told left the location. I asked the defendant if she wished to  
10 turn her shoe over/<sup>to</sup> the person sweeping the floor or if she  
11 wished to close it. I called for a camera and took pictures in  
12 the location.

13 Did you retrieve any evidence that is here today?

14 A. Yes,. From the table I retrieved a deck of tarot  
15 cards a scarf that was placed beneath the tarot cards on  
16 the table, and one business card with a -- that had a potion  
17 for a price marked on it.

18 Q I approach you with People's 3, this cloth, and  
19 People's LJ, the cards. Are these the items that you personally  
20 retrieved from the defendant's place of business?

21 Yes, they are.

22 Now, what was the other item that you stated you  
23 retrieved?

24 It was another small business card which -- on the  
25 back is writing of a price of -- it was herb or potion. I  
26 don't recall what it

27 MRS. STEIN: May I approach the witness?

28 THE COURT: Show it to Ms. Buckley first, please.

7

1 BY MRS. STEIN

2 Q. I show you here a little card, a business card  
3 saying The Feminist Wicca, with the 422 Lincoln Boulevard  
4 business location, with a telephone number, the defendant's,  
5 12:00 to 6:30 stating "Tarot card reading, spells, candles,  
6 books, incense, occult supplies and other magical things." And  
7 on the back it says "magical feather earrings, twoseventy five,  
8 lov0" a.nd then some -- what appears to be sonebody's nrune  
9 spelled C-h-i-e- -- with an accent -- n-a.

10 Is this the card that youalso retdeved, besides  
11 the tc>.rot cards and the cloth?

12 A. Yes , it is.

13 MRS. STEIN: May this be marked as People's 9, your Honor?

14 THE COURT: Please put a mark on it indicating People's 9  
15 for identification.

16 MRS. STBIN: Thank you.

17 BY MRS. STEIJJ:

18 Q. Now, did you also retrieve this red vial?

19 No, I did not.

20 Q. From whom did you get this red vial?

21 A. That red vial came from Investigator Kimberlin.

22 Q Did she give it to you?

23 A Yes, she did.

24 And did you book it into evidence?

25 A. Yes, I did.

26 Q. Now, other than the cards, the tarot. cards, this  
27 cloth, the card with the writing on the back, magical feathers  
28 and -- did you retrieve anything else?

1           A.    Yes.  I retrieved a brochure on an upcoming event  
2   in the Santa Monica area.

3           MRS. STEIN   May I approach the witness?

4           THE COURT:  You may.

5   BY MRS. STEIN:

6           Q.    I show you a copy of a purple brochure entitled  
7   Witchy Dance, a dance for women **by** witches, et cetera, a  
8   particular holiday celebration and fundraiser, which was to **take**  
9   place on February 22nd, 1975 at 8:00 p.m. to 2:00 a.m.

10                   Is this poster or brochure, handout or whatever you  
11   **want** to call it, this purple thing entitled Witchy Dance, one  
12   you retrieved from the defendant's shop?

13                   Yes, it i .

14           MRS. STEIN:  May this be marked People's 10, your Honor?

15           THE COURT:  It may be so marked for identification.

16   BY HRS. STE::;

17           Q.    **Odwr than the tarot cards**, cloth, the original  
18   brochure and card and this Witchy Dance brochure, did you  
19   retrieve any other evidence from the defendant's shop?

20                   No, I didn't.

21           Q.    Did you have occasion to take pictures of the inside  
22   of the defendant's shop'?

23                   Yes,

24           Q.    Could you please describe for the jury what pictures  
25   you took?  This was on February 10, 1974.

26                   THE COURT:  Before you begin, has Ms. Buckley seen any of  
27   these pictures?

28           MRS. STEIN:  Excuse me.

1 May I approach the witness?

2 THE COURT: You may.

3 BY MRS. STEIN:

4 Q. Could you please describe for the jury --

5 First of all, how many pictures did you take  
6 originally?

7 Originally I took 12 pictures.

8 Could you please describe for the jury

9 MRS. STEIN: May these be marked People's 11 and then  
10 A, B, C, D collectively?

11 THE COURT: They may be so marked.

12 BY MRS. STEIN:

13 Q. Could you please describe for the jury --

14 .MS. BUCKLEY: Your Honor, in order to facilitate my  
15 keeping a record of this, may I stand and see which pictures  
16 are being marked which?

17 THE COURT: You may.

18 BY MRS. STEIN:

19 Q. Could you please describe for the jury of what  
20 People's 11-A consists?

21 THE COURT: Perhaps see that they are marked that way at  
22 this point so we keep them straight.

23 THE WITNESS: 11-A is a picture of some plants and  
24 candles on a table that was in the center portion of the  
25 building that was next to the table where the fortune -- the  
26 tarot card readings were occurring. There is also a cellophane  
27 bag in the picture. I don't recall what was in the cellophane  
28 bag.

1 BY MRS. STEIN:

2 Q Which are the candles in here?

3 A The candles show on the lower right-hand corner.

4 Q -Those little small blocks?

5 A It's approximately six to eight inches tall.

6 Q This?

7 A About two-and-a-half inches in diameter.

8 Q I see. Those little round things on the table are  
9 candles, then, on People's 11-A?

10 A Yes. It looks like a glass -- it's a candle.

11 Now, referring to People's 11-B, could you please  
12 describe for the jury what that picture shows?

13 A 11-B is a photo of a poster in the front portion of  
14 the building.

Hi Q Which is the store portion?

16 A Yez, in the store portion of the building, the front  
17 portion.

18 Q Where was that located on the diagram?

19 A It would be Section A of the diagram. The P, the  
20 first Pon the right -- left --

21 THE COURT: Towards where it says **442?**

22 THE WITNESS: Yess

23 This here flyer advertises candles, magical candles  
24 for sale, and tells what each color candle will do.

25 BY MRS. STEIN:

26 Q Did you have occasion to make a blowup or enlargement:  
27 of People's 11-B so that it could be read in court?

28 A Yes, I did.

1 Q. And is this the enlargement that you made of 11-B?

2 A. Yes, it is.

3 MRS. STEIN: May this be marked 11-B-b?

4 THE COURT: Well, let's make it 11-C just so we keep  
5 some sequence.

6 BY MRS. STEIN:

7 Q. And 11-C is an enlargement of what is said on 11-B?

8 A. Yes, it is.

9 Q. Could you please read to the jury what that says?

10 A. Yes. In enlarged letters on the top it says IMAGE  
11 CANDLE MAGIC.

12 Then it has Green, the sign of a female or the sign  
13 of a male: For Money, Anoint With Moneyoil-, using -- some  
14 type of Moon. Burn a little each morning and night.

15 Then it has Red, the sign of a female or then the  
16 sign of a male: Burn It For Love, Anoint With Musk or  
17 Attraction or Lover's Oil.

18 Then it has Purple Skull: To Influence The Mind Of  
19 Others. Anoint With Controlf' Oil.

20 And it has Black Skull: To Stop An Attack On You: t  
21 Mind.

22 It has Black Cat: To Stop Slander And Gossip.

23 Then Red Snake: To Burn Away Obstacles Between  
24 Lovers.

25 It has Black Snake reversible: To Send Back Evil  
26 Vibes.

27 Then it has Black Snake: Against Enemies. Anoint  
28 With Black/Arts Oil. Burn During waxing Moon.

1 THE COURT: Waning moon, wouldn't it be?

2 THE WITNESS: Waning moon.

3 Then it has Gray Images: To Cancel Out Bad Luck.

4 Anoint With Uncrossing Oil. For Purification And Health.

5 BY MRS. STEIN:

6 Q. Now, 11-D, what does that depict, to the jury?

7 A. Excuse me. 11-D is the table that was next to the  
8 card reading table with the candles on it, and the -- a **sign**  
9 behind it that is an advertisement for The Feminist Wicca.

10 O Was this the table at which the reading took place?

11 A. No. This was a stand behind the table to the  
12 it would be to the southeast of the card reading table.

13 Q. 'I'his other table?

14 A.

15 Q. And what does this table have on it?

16 A. It has two **candles** and -- on either **side** of a **glas!**,  
17 candle in the middle with writings on it.

18 Q. And what was this sign, La Bruja Feminista,  
19 The F'emminist Wicca, was that on the southeast or the south wall  
20 of the middle section of People's 1?

21 A. Yes, it was. Excuse me. It was on the east wall.

22 Q. Southeast wall?

23 A. It was on the east wall, **south** of the table.

24 Q. Could you please describe for the jury what 11-E  
25 depicts?

26 A. 11-E is jars of herbs and grasses, et cetera, and  
27 there's posters staple<l to the counters which the jars are on  
28 which tells what each one of those herbs represents and the

1 price. To the right of the shelves with the jars are some  
2 bones.

3 Q. What kind of bones?

4 A. I don't recall those particular bones.

5 Q. And where in 11-E are the bones?

6 A. They're on the

7 Q. Could you just circle

8 Okay.

9 'l'hese are potions, did you say?

10 A. Yes, herbs and potions.

11 Q. Did you make a blowup of this one?

12 A. No, I didn't.

13 Q. Now, directing your attention to 11-F, would you  
14 tell the jury what that is?

15 A. Yes. This is a poster that was in the store section  
16 of the -- the front section of the location. It's two posters  
17 describing oil essence, and it's also shelving with more  
18 potions and herbs.

19 Q. Did you make a blowup of a portion, the chart,  
20 People's 11-F?

21 A. Yes, I did.

22 Q. Could you please tell the jury what that says?

23 THE COURT: That **will** be marked 11-G?

24 MRS. STEIN: 11-G.

25 THE WITNESS: It says Oils, Essences

26 Used As Incense Of The Body. Manipulates the Aura.

27 Bast: Sacred To The Sun Goddess. Used As Powerful  
28 Goodluck Vibe.

1                   Then Musk: Excitas Sexuality. For Love -- you  
2                   can't read the word.

3                   The next one

4                   MS. BUCKLEY: It may be spells. I'll inquire, if I may.

5                   THE COURT: Let us continue.

6                   THE WITNESS: Okay. The next one is Rosemary:  
7                   Protection, wear it to battles.

8                   /THE DEFENDANT: Of Life.

9                   THE COURT: Please, Ms. Budapest, don't make any  
                  comments.

11                  THE WITNESS: The next one is Bewitching: Amplifies  
12                  Will Power. Use It Only With Clear Purpose.

13                  The next one is Priestess: Ritual Oil, Anfoint  
14                  Candles With It, Furthers Spirituality.

15                  The next one's Uncrossing: Wear It If Bad Luck  
16                  Struck.

17                  Then is Cleopatra: Heavy Love Vibration With  
18                  Control.

19                  The next one's Forget Her/Him: If An Affair Is Dest  
20                  Be Forgotten.

21                  The next one's Lover's Oil: Freshens Up Bad Affairs

22                  MS. BUCKLEY: Love affairs.

23                  THE WITNESS: Excuse me. That's Freshens Up Love Affairs

24                  The next one is Money Drawing: Anoint your purse -  
25                  and then there's a word that can't be read.

26                  The next one's Bat's Blood: Breaks Hexes.

27                  The next one's Bergemont B-e-r-g-e-m-o-n-t:  
28                  Protection and Money Drawing.

1                   The next one is Hi Joan Oil: For Sacred Candles.  
2                   Rose Oil: Sacred To Dianna.  
3                   Violet Oil: Sacred To The Fairy Queen.  
4                   Black Art: Used In Self Defense To Lap. Sacred To  
5                   Lilith.

6                   The next one's Cinnernon: Attracts Lovers, Good  
7                   Luck -- I can't read the word.

8                   And the last one is Come-Inside: To Be Visited  
9                   Often By Great People.

10               **BY** MRS. STEIN:

11               Q.     Now, could you please describe for the jury 11-H?

12               A.     11-H is the exterior of the building showing occult  
13               signs, and a tapestry with the words The Feminist Wicca.

14               Q.     In other words, 11-H depicts the exterior of the  
15               defendant's business establishment?

16               A.     Yes, it does.

17               Q.     And that is located at 442 Lincoln Boulevard; is  
18               that correct?

19               A.     Yes.

20               Q.     11-I?

21               A.     11-I is shelving in the front portion of the building  
22               which is the candles that were described in the picture 11-C.

23               Q.     And they're located in the front portion also?

24               A.     Yes, they are.

25               Q.     And next to then, is the chart describing them that  
26               you have blown up in 11-C is that correct?

27               A.     Yes, it is.

28               Q.     11-J.

1           A.    11-J is a picture of the south wall in the center  
2 section of the building where the tarot cards are read. It's  
3 a tapestry with a snake skin on it.

4           Q.    So that this is the tapestry that was in the center  
5 section where that table is and where the circle is drawn?  
6 **It's** behind that on the south wall, that **snake** skin?

7           A.    Yes, it is.

8           Q.    And 11-K?

9           A.    11-I( is a picture of the table where the cards are  
10 read, the tapestry, and the stand with the **two** candles in it --  
11 this is the center portion of the building again.

12                   There appears to be some kind of other thing on  
13 **there.**

14                   Do you know what that is?

Hi                Yes.   On the east wall there's a poster that has the  
16 words Feminist Wicca. There are some other words, and a  
17 picture of a **chariot** being drawn by a **peacock.**

18           Q.    11-L, is **that** the same picture, the candles, that  
19 you earlier described?

20           A.    No. 11-L is more candles and potions on **shelving** in  
21 the front portion of the building, and there's also in the  
22 center of the picture a frame with some skeleton. I believe  
23 this was a skull.

24           0.    Could you please circle for the jury the skull or  
25 skeleton?

26                   11-M is the front portion of the store, is it not,  
27 the counter where business takes place? Is that not correct?

28           A.    Yes. 11-M is the front portion of the store, and it

1 shows the southeast wall area which -- there is a counter,  
2 candles and potions.

3 And is this the counter on which the cash register  
4 is located?

5 A Yes, the counter has the cash register.

6 Q And telephones?

7 A And business cards, telephones, et cetera, on it.

8 O 11-N is a picture of what?

9 A 11-N is a picture which has in the center shelves  
10 containing herbs and potions. There's a pair of cut-off jeans  
11 on the right side, a pair of long jeans below the cut-off jeans  
12 on the right side. There's some bones in the upper. righthand  
13 corner,. Below the herbs, there's a chart which explains what  
14 the herbs are.

Hi Q And did you make a blowup of 11-N?

16 A Yes, I did.

17 Q Is this depicted in 11-0?

18 Yes, it is.

19 Q Now, this last picture, what is that a blowup of?

20 A The last --

21 'THE COURT: 'This would be 11-P?

22 MRS. STEIN: 11-P.

23 THE WITNESS: 11-P is a blowup of the chart just below  
24 the herbs in the center of 11-0,

25 BY MRS. STEIN:

26 Q And what is this on top?

27 k Excuse me. I don't -- excuse me. There's a  
28 correction. There was no blowup of the portion on 11-0e

1 11-P is a blowup of the lower chart on 11-F which is the  
2 continuation of Oils, the description of Oils.

3 Q. And could you just read to the jury what it says on  
4 11-P regarding Oils Cont.

5 Yes. It says Oils Cont.

6 Witches Oil 120\* Used to anp'oint written commands.  
7 Also to wear.

8 Patchuli: Sacred To Pan.

9 Ava Rosa: To Bind Your Enemies.

10 Double-Crossing: For **Revenge**.

11 Protection: Daily Wear It Against Danger On All  
12 Levels.

13 Q. Nmv, after you placed the **defendant** under arrest,  
14 Officer Shelley, did she make any voluntary statements to you?

15 Yes, she did.

16 Could you please tell the jury what she **said to** you?

17 A. Her statement was, "I'rn glad you're arresting me.  
18 You're going to make me famous and rich."

19 MRS. STELL: No further questions.

20 THE COURT: You may cross-examine, Mss Buckley.

21  
22 CROSS-EXAMINATION

23 **BY** MS. BUCKLEY:

24 Officer Shelley, you said you **received** a phone call.  
25 Did the person who called identify **themselves**?

26 No, they didn't.

27 Q. Was it a man or a woman, if you remember?

28 A. Yes. It was it appeared to be a female voice.

1 Q Now, you said there was another person at the table  
2 and a person sweeping the floor when the arrest was made.

3 Did you get either of their names?

4 A Yes, I did. I obtained the name of the person that  
5 was sweeping the floor.

6 Q And did you ask them to be a witness?

7 MRS. STEIN: Objection; irrelevant.

8 THE COURT: Objection sustained.

9 BY MS. BUCKLEY:

10 Q What is the name of said person?

11 MRS. STEIN: Objection; irrelevant.

12 THE COURT: Objection's overruled.

13 The witness may answer.

14 THE WITNESS: I'll have to look it up.

15 BY MS. BUCKLEY:

16 Q I would appreciate it.

17 ii, Her name was Hancken, H-a-n-c-k-e-n, first name  
18 Helen.

19 Thank you,

20 BY MS. BUCKLEY: May I approach the witness, your Honor?

21 THE COURT: You may.

22 BY MS. BUCKLEY:

23 Q With regard to People's number 10, there was a  
24 description of that as to the time that it was taking place.

25 Does that indicate where this Witchy Dance was to  
26 be held?

27 A Yes, it does.

28 Q And does it indicate?

1           A.     This Witchy Dance is in the Santa Monica area.  
2     It's at the Church in Ocean Park, Second and Hill Streets.

3           Q.     Now, we had a description of the pictures you took  
4     and that are now -- have been marked for identification.  
5     But I didn't notice any picture of the sign for the tarot card  
6     reading.

7                     Did you attempt to take a picture of that sign for  
8     tarot card reading?

9           A.     Yes, I did.

10          Q.     And did it turn out?

11          A.     I believe that we ran out of film.

12          Q.     All right. Now, you said you went in and, after  
13     being arrested, she made a voluntary statement.

14                     Would you describe the arrest of the defendant?

15          MRS. STEIN: Objection; vague and ambiguous, the form of  
16     the question.

17          THE COURT: Objection sustained to the form of the  
18     question.

19          MS. BUCKLEY: Well, I would like to know exactly what the  
20     officer did in arresting the defendant on February 10th.

21          BY Bill BUCKLEY;

22                     You have described going in and retrieving evidence.  
23     I would like to know the steps you took in arresting the  
24     defendant.

25          MRS. STEIN: Objection; irrelevant, your Honor.

26          THE COURT: The officer may explain what happened

27                     Officer, once you entered the premises and  
28     approached the defendant, could you then explain what

1 THE WITNESS: I entered the location, went to the center  
2 portion of the location; using my badge, ID'd myself and told  
3 the defendant that she was under arrest, at which time she --  
4 I then asked the person to leave who was having her cards  
5 her fortune being told. I asked the defendant to go into the  
6 front portion of the location and to have a seat.

7 BY MS. BUCKLEY:

8 Q. Did you attempt to handcuff the defendant?

9 No. The defendant was walking around. I told her  
10 that if she couldn't remain seated -- that I would have to  
11 place cuffs upon her person.

12 So did you at any time attempt to place cuffs on her?

13 A.

14 Q. Isn't it true that, in fact, you went to place cuffs  
15 on her and she objected?

16 MRS. STEIN: Objection; irrelevant, your Honor.

17 THE COURT: The witness may answer.

18 Objection's overruled.

19 THE WITNESS: No. I never had handcuffs with me to put  
20 on her.

21 BY MS. BUCKLEY:

22 Q. Was there another officer present with you in making  
23 that arrest?

24 Yes.

25 Q. All right. Thank you.

26 Now, before -- when the defendant was placed under  
27 arrest, did you read her constitutional rights to remain silent

28 MRS. STEIN: Objection irrelevant and beyond the scope

1 of the --

2 THE COURT: Objection sustained.

3 M.S. BUCKLEY: Your Honor, may I approach the bench for a  
4 minute, please?

5 THE COURT: You may.

6 (The following proceedings were had  
7 at the bench:)

8 MS. BUCKLEY: Your Honor, in this matter, the Officer has  
9 just testified that my client made a voluntary statement after  
10 her arrest. And my question goes to whether or not she **was**  
11 advised; because, if she was not advised, there's a question  
12 as to whether that statement should come in.

13 THE COURT: I **didn't** hear any objection at the time the  
14 statement came in.

15 MS. BUCKLEY: No, But, your Honor, am I not entitled,  
16 since he said it was voluntary, to lay the ground work for  
17 whether -- to make a motion to have it stricken? In other  
18 words, I don't know; at this point whether it was voluntary  
19 because she had already been read her rights, whether there was  
20 in fact a reason to object to it. I can always make a motion  
21 to strike once I find out whether or not it was truly voluntary..

22 THE COURT: Mrs. Stein?

23 MRS. STEIN: It's my understanding of the law that a  
24 voluntary statement or spontaneous statement -- the question of  
25 any Miranda rights is irrelevant.

26 THE COURT: Well, Ms. Buckley says she wants to find out  
27 was it a voluntary statement or something. She may go into it.

28 MRS. STEIN: May she limit it to the voluntary or

1 spontaneous nature, rather than getting into constitutional  
 2 rights which might confuse the jury due to the -- they may  
 3 think it's some other rights, in other words, you know, the  
 4 freedom of speech and

5 THE COURT: Well, no, I don't think they're going to  
 6 think that.

7 MS. BUCKLEY: I just want the one question. I'll be  
 8 glad to limit myself to that.

9 (The following proceedings were  
 10 had in open court:)

11 BY MS. BUCKLEY:

12 Q Officer Shelley, after you arrested the defendant,  
 13 did you give her -- read her her constitutional rights to  
 14 remain silent?

15 A No. The defendant said that she wanted to make an  
 16 immediate phone call and talk to her lawyer before she said  
 17 anything.

18 Q But you said that she made this voluntary statement,  
 19 "I'm glad you are arresting me". Now, at what time did this  
 20 statement take place, if she went over to make her immediate  
 21 phone call?

22 A As I recall, she never made the phone call. The  
 23 other person at the location made the phone call. And it was  
 24 during this -- as I recall, it was during this here period of  
 25 time. And when the other person did contact her lawyer I was  
 26 called to the phone, and I talked to the lawyer.

27 Q And then when, in relation to that, did she make that  
 28 voluntary statement?

1 A It was prior to me talking to the lawyer@

2 Q As I understand it, she first -- you had arrested  
3 her, and she first said, "I want to make a phone call to my  
4 lawyer", and then she said to you, "I am glad you are arresting  
5 me. You'll make me famous".

6 THE COURT: Object to the form of the question. It's  
7 compound.

8 THE COURT: The witness may answer if that's how it  
9 occurred, or else he may clarify what the situation was

10 THE WITNESS: Again, as I recall she asked to make the  
11 phone call. She then instructed or asked her friend to dial  
12 the phone for her and to make the phone call for her. And it  
13 was during this time while she was seated behind the counter  
14 that she made the statement.

15 MS. BUCILLY: I have no further questions at this time,  
16 your Honor.

17 THE COURT: Thank you.

18 Any redirect?

19 THE COURT: Just one question, your Honor.

20

21 REDIRECT EXAMINATION

22 BY MRS. STEIN

23 U Officer Shelley, was this statement to you, "I'm  
24 glad you're arresting me. You are going to make me rich and  
25 famous" -- was this in response to any question that you asked  
26 the defendant?

27 A No, it wasn't.

28 MRS. STEIN: No further questions.

1 THE COURT: Any recross?

2 MS. BUCKLEY: No recross, your Honor.

3 THE COURT: You're excused at this time.

4 Ladies and gentlemen, at this point we'll take the  
5 morning recess until about ten minutes after 11:00.

6 I admonish you during the recess period you must not  
7 converse among yourselves nor with anyone on any subject  
8 connected with the case or the trial thereof. Also, you are  
9 not to form or express any opinion thereon until the entire  
10 cause is finally submitted to you.

11 (There was held a short recess.)

12 THE COURT: In the matter of Zsuzsanna Bartha, the record  
13 will reflect 12 jurors, two alternates present. Defendant is  
14 present with counsel. The City Attorney is present.

15 People may call their next witness.

16 MRS. STEIN: Thank you.

17 People call Officer Carl Falkenberg.

18  
19 CARL FALKENBORG,  
20 called as a witness by the People, having been sworn,  
21 testified as follows:

22 THE CLERK: Will you state your name, please.

23 THE WITNESS: Carl Falkenberg, F-a-l-k-e-n-b-o-r-g,  
24 c-a-r-l-y-l-e.

25  
26 DIRECT EXAMINATION

27 BY MRS. STEIN:

28 Officer Falkenberg, what was your occupation and

1 assignment on February 10, 1975?

2 A. Police officer, City of Los Angeles, assigned to  
3 Venice Vice.

4 Q. On that day did you participate with Officer Shelley  
5 in the arrest of the defendant seated at the counsel table?

6 A. I did.

7 Q. And do you recognize the defendant as the female  
8 MS. BUCKLEY: Your Honor, may I ask the City Attorney  
9 to let the witness identify the defendant?

10 THE COURT: The objection is well taken.

11 Do you see the defendant in the courtroom, Officer?

12 THE WITNESS: I do.

13 THE COURT: Would you identify her for the record, please?

14 THE WITNESS: She's seated right there in the middle.

15 THE COURT: Would you describe what she has on?

16 THE WITNESS: White blouse with a red bag around her neck,

17 MRS. STEIN: The record will so reflect.

18 BY MRS. STEIN:

19 Q. Now, during your participation in the arrest of the  
20 defendant with Officer Shelley, did you at any time attempt to  
21 put any handcuffs on the defendant?

22 A. No, we did not -- or I didn't.

23 Q. And did you have any handcuffs with you?

24 A. No, I didn't.

25 MRS. STEIN: No further questions.

26 THE COURT: You may cross-examine, Ms. Buckley.

27 MS. BUCKLEY: May I have a moment, your Honor?

28 THE COURT: You may.

## CROSS EXAMINATION

BY MS. BUCKLEY:

Q. Officer, on the day in question what were you wearing?

A. I don't know. I can't recall. Civilian clothes, not a uniform.

Were there any officers in uniform to assist in making this arrest?

MRS. STEIN: Objection; beyond the scope of the direct.

THE COURT: The objection's overruled

The witness may answer

THE WITNESS: No, not to assist in the arrest. There was a uniformed officer there. We asked him to bring film. A traffic officer showed up.

BY MS. BUCKLEY:

Q. So would these officers, as part of their uniform, have had handcuffs?

A. The uniformed officer would.

Q. Do you normally carry handcuffs when you're on undercover duty and expect to make an arrest?

A. No, I don't.

Q. Had you that day expected to make an arrest?

A. That day?

Q. Yes.

MRS. STEIN: Objection; calls for speculation.

THE COURT: The witness may answer.

THE WITNESS: Yeah.

1 BY MS. BUCKLEY:

2 Q. You had gone there to make an arrest.

3 MS. BUCKLEY: I have no further questions.

4 THE COURT: Anything further, Mrs. Stein?

5  
6 REDIRECT EXAMINATION

7 BY MRS. STEIN:

8 Q. Did you have any opinion about making an arrest of  
9 the defendant before your conversation with Investigator  
10 Kimberlin?

11 A. No.

12 MRS. STEIN: Nothing further.

13 THE COURT: May this witness be excused?

14 Do you have anything further, Ms. Buckley?

15 MS. BUCKLEY: Yes, your Honor, I have one question.

16  
17 RECROSS EXAMINATION

18 BY MS. BUCKLEY:

19 Q. If you had no intention of making an arrest, what  
20 were you doing at the location?

21 MRS. STEIN: Objection; argumentative\*

22 THE COURT: The witness may answer.

23 THE WITNESS: Conducting an investigation.

24 BY MS. BUCKLEY:

25 Thank you.

26 THE COURT: May this witness be excused?

27 MRS. STEIN: Certainly.

28 THE COURT: You're excused at this time.

1 People may call their next witness.

2 MRS. STEIN: Thank you.

3 People call Sergeant Jose Alcantara.

4

5 JOSE ALCANTARA,  
6 called as a witness by the People, having been sworn,  
7 testified as follows:

8 THE CLERK: Will you state your name, please.

9 THE WITNESS: Jose A. Alcantara, A-l-c-a-n-t-a-r-a

11 DIRECT EXAMINATION

12 BY MRS. STEIN:

13 Sergeant Alcantara, what is your occupation and  
14 assignment?

Hi A. I'm a police officer for the City of Los Angeles.  
16 I'm assigned to Bunco-Forgery Division, the Bunco Section.

17 Q. And does the bunco section deal with the problem  
18 of fortune telling?

19 A. Yes. I am responsible for fortune telling for the  
20 City of Los Angeles.

21 Q. How long have you been a police officer?

22 A. I've been a police officer for 13 and 1/2 years.  
23 I've worked bunco for 6 years; and I've had the responsibility  
24 of maintaining reports and giving advice on fortune telling for  
25 5 years.

26 Q. Could you please describe for the jury your  
27 background, training and experience, insofar as dealing with  
28 fortune tellers.

1           A     I obtain all the copies of all reports dealing with  
2     fortune telling; that is, crime reports and arrest reports.  
3     I advise on most all investigations dealing with fortune tellin  
4     I train, at the police academy -- or I teach, at the police  
5     academy -- I teach police officers how to investigate this type  
6     of crime. I also testified in court, in Municipal court, as an  
7     expert in fortune telling. I have been a guest speaker before  
8     the Criminal Complaints Committee of the Los Angeles County  
9     Grand Jury who were interested in fortune telling I have been  
10    trained by my predecessor. I also deal with and talk to other  
11    cities within the State of California and other cities in  
12    other states throughout the nation. I maintain photographs of  
13    all fortune tellers arrested.

14                     Approximately how many fortune tellers have you been  
15    involved in investigating over the last five and a half years?

16           A     Approximately two to three hundred.

17           Q     Have you attended any classes at any universities  
18    regarding fortune telling?

19           A.     I attended a class at U.C.L.A. dealing with gypsies  
20    that included something about fortune telling.

21           g,     Do you teach any classes to the police

22           A.     Yes

23           Q     -- regarding fortune telling?

24           A.     Yes, at the police academy.

25                     Have you written any articles which are being  
26    published on the subject of fortune telling?

27           A     Yes. I've written an article for the Police Chief  
28    Magazine entitled Past, Present And Future, which is to be

1 published within the next month or two.

2 Q. Now, Sergeant Alcantara, could you please tell the  
3 jury, define for the jury what fortune telling is?

4 k Fortune telling would be the prediction of a future\  
5 **event that will take place in a person's life, as opposed to the**  
6 prediction of the 'future conduct of that person which would not  
7 be fortune telling) Fortune telling deals strictly with an  
8 event that will take place in a person's life.

9 Q. And, based on your training and experience, is this  
10 prediction of future events based on any ascertainable facts or  
11 according to any reason you know of?

12 The -- there are many tools used in ascertaining  
13 this information, astrology and palmistry and cards and crystal  
14 balls and sand readings that are used to -- or as vehicles for  
15 fortune telling.

16 Q. Now, based on your training, experience, are these  
17 vehicles **that are used based on** the predicting, based on any  
18 ascertainable facts or anything in reason that you know of?

19 **No, there's not.**

20 Q. Now, can you please describe for the jury what tarot  
21 cards are?

22 A. Briefly, it's a deck of 78 cards divided into a major  
23 Arcana and a minor Arcana. The major Arcana has 22 cards in it.  
24 The minor Arcana has 56 cards in it; and it's the forerunner of  
25 our modern-day playing cards.

26 The major Arcana is composed of mainly picture cards;  
27 and the minor Arcana has from the ace to ten and then four face  
28 **cards.**

1 Q. And, based on your training, experience, are tarot  
2 cards used to predict future events?

3 A. Yes, they are, .

4 Q. Now, calling your attention to this red vial  
5 containing a substance, based on your training and experience  
6 what significance does this have insofar as fortune telling is  
7 concerned?

8 A. Things of that nature are used to represent anything  
9 by the reader to the subject. The different potions I'm not  
10 familiar with, but they are represented to be some potion for  
11 some particular purpose

12 Q. Are they used to promise something which people can't  
13 do?

14 A. Yes. They are usually used to -- under false  
15 pretenses. They are -- the reader tells the subject of the  
16 reading that this particular substance is capable of performing  
17 something that is not possible.

18 Now, regarding the way that fortune tellers operate,  
19 **Sergeant Alcantara, can you tell us** what t..'"leir mode of operation

20  
21 Fortune tellers will advertise in many ways. They'll  
22 advertise on bus benches, busses, telephone book, newspapers,  
23 by leaflets. And they will tell fortunes to most anybody that  
24 comes along.

25 The more serious cases, not the ones that usually  
26 come to the attention of the police department, are people who  
27 **have** a problem, either physical or mental, and, as a last resort,  
28 go to a fortune teller to try and solve their problem.

1 The fortune teller will promise to cure all physical and/or  
2 mental ailments that a person might have, and, in the process,  
3 drain that person of his life savings and further injure their  
4 health.

5 Q Now, is there a problem which you have faced in your  
6 experience as an expert in this area in having victims report  
7 problems that they've had?

8 MS. BUCKLEY: Your Honor, I don't see how the question of  
9 the problem that the police have has anything to do with the  
10 expertise of this officer in what fortune tellers do.

11 THE COURT: I'm not exactly sure what you're getting at,  
12 Mrse Stein, by the form of the question.

13 BY MRS. STEIN:

14 Is there a problem, based on your experience in  
15 investigating these matters, with having victims reporting the  
16 fact that they've been victimized by fortune tellers?

17 A Yes. Normally, a person who goes to a fortune teller  
18 does not complain to the police department, unless that person  
19 has been injured physically or monetarily to an extreme. Then  
20 they will, as a last resort, come to the police department and  
21 report the incident.

22 And why is that?

23 MS. BUCKLEY: Your Honor, as an expert, I don't know how  
24 he can explain what is in victims' minds.

25 THE COURT: Well, the objection's overruled. I believe  
26 the witness may answer.

27 You may answer.

28 THE WITNESS: Because of embarrassment, usually, because

1 of the situation that they've placed themselves into, and the  
2 embarrassment of making other people aware of the situation.

3 **BY MRS. STEIN:**

4 Q. That they have fallen prey to this; is this correct?

5 k That's correct.

6 Now, you defined fortune telling as the prediction  
7 of future events, Sergeant Alcantara.

8 I would like to ask you certain hypothetical facts.

9 THE COURT: I just wanted clarify one point.

10 You said prediction of future events is fortune  
11 telling but predictions of future conduct is not. Perhaps you  
12 can give an example and explain to the jury exactly what the  
13 difference is.

14 THE WITNESS: The future event would be: You will receive  
15 a letter in email tomorrow.

16 Future conduct of a person's life would be such things  
17 as you read every day in the horoscopes; that day you should not  
18 make any contracts, watch your step, be thrifty, things that  
19 pertain to how a person should conduct his life, be it present  
20 or future.

21 **BY MRS. STEIN:**

22 As contrasted with something that will actually  
23 happen to that person ---

24 A That's correct.

25 Q. An event that will take place in that person's life  
26 in the future?

27 A That's correct.

28 And, in line with his Honor's question, based on your

1 experience, is the problem with fortune telling, as contrasted--  
2 in predicting future events, is the problem further exaggerated  
3 because of a face-to-face contact with the fortune teller and  
4 the victim, as opposed to what you just said in reading your  
5 horoscope in the newspaper?

6 A Well, it's definitely a personal -- it's a personal  
7 thing. When a reader is talking to a subject, he is talking  
8 to that one person as an individual and telling that one person  
9 what will happen in his life, be it past, present or future.  
10 It's a personal thing, and he's indicating to that person that  
11 that thing will happen to him. It's not a general thing that  
12 we're talking about, then, that you might read.

13 Q Now, Sergeant, I'd like to present to you certain  
14 statements and ask you what these statements mean to you.

Number one, a dark-eyed man in your past would turn  
16 up again.

17 That means **that** -- it's an **event** that **will take place,**  
18 **in her life; that a man will come into her life,** somebody **that**  
19 **she** already knows is coming back.

20 Q And is that a prediction of --

21 A It's an event that will happen in the future,

22 Q Next, that she would be divorced because a **Queen** Card  
23 showed her to be single.

24 A The statement that she **would** get a divorce is a  
25 prediction of the future.

26 Future event; is that correct?

27 A That's **correct.**

28 Q As contrasted with conduct.

1 A. Right.

2 Q. Number three, that she would move out of state to  
3 Florida,

4 A. That's a **prediction** of a future event that **will** take  
5 place in her life.

6 Q. That her daughter would not be able to attend  
7 veterinary school.

8 A. That's also a future event.

9 Q. That her mother would not leave the state with her  
10 and go to Florida with her.

11 A. That's also a future event.

12 Q. Regarding the vial, People's number 7, that if she  
13 rubbed it under noses of people or on people -- that they would  
14 bend her way and that it would smooth things over with her  
15 husband.

16 What does that mean to you?

17 Jt To me it means that the defendant promised to  
18 accomplish something with this vial that was not possible.  
19 In other words, it was a false pretense.

20 Now, taking all these items and these predictions of  
21 future events in this woman's life, the fact that a dark-eyed  
22 man in the past would turn up again, that she would be divorced;  
23 that she'd move out of state to Florida, that her daughter  
24 would not go to vet school, that her mother would not leave the  
25 state with her, and that she had given her this vial to bend  
26 people her way, do you have an opinion, Sergeant Alcantaro, as to  
27 whether or not this defendant was fortune telling?

28 Yes. In my opinion she was fortune telling.

1 Q Now, you've heard the evidence about --

2 Well, first of all I'd like you to examine these  
3 photographs, being People's 11-A through P.

4 MRS. STEIN: May I approach the witness, your Honor?

5 THE COURT: Yes.

6 Those are the photographs that Ms. Buckley saw  
7 p re V'iously?

8 MRS. STEIN: Yes.

9 MS. BUCKLEY: Yes.

10 Your Honor, is it my understanding that he's  
11 testifying as an expert in a particular area and that his  
12 expertise should be used on hypothetical questions?

13 THE COURT: Well, I assume that's what the People are  
14 putting the witness on what the expert believes these  
15 hypotheticals were. I believe Mrs. Stein said these were to be  
16 hypothetical questions she was asking the witness.

17 MS. BUCKLEY: Fine, your Honor. I just wanted to clarify  
18 **that.**

19 THE COURT: As I understood, if this one to six, we'll  
20 say, hypotheticals were presented to the witness -- the witness  
21 heard them -- in his opinion, did or did not fortune telling  
22 **take place.**

23 MS. BUCKLEY: Fine.

24 THE COURT: You may proceed, Mrs. Stein.

25 BY MRS. STEIN:

26 Q Have you examined the photographs?

27 A. Yes, ma'am.

28 Q And could you also look at People's 1, the diagram,

1 and the advertisement and the brochures and the evidence that  
2 we have on the table, People's 1 through 10?

3 A. Yes.

4 Q. Do you have an opinion, Sergeant Alcantara, as to  
5 whether or not the defendant was in the business of fortune  
6 telling?

7 & The circumstances, yes, indicated that the defendant  
8 was in the business of telling fortunes. It's a typical  
9 situation or store set up for that purpose.

10 MS. BUCKLEY: Your Honor, I would object. If it's a  
11 hypothetical question, would a person like in the position of  
12 the defendant --

13 MRS. STEIN Your Honor, I object to Counsel's -- I didn't  
14 say anything before but she's testifying.

15 THE COURT: I believe her objection is well taken as to  
16 what an expert would testify, I believe, as to hypothetical  
17 questions, not as to actual facts. I believe the question  
18 would be: Officer, if you examine People's 1 through 11, and if  
19 a person engaged in iterns 1 through 6, the hypothetical question;;  
20 would it be your opinion that, if a person did that, that person  
21 was in the business of fortune telling?

22 MRS. STEIN: I'll refrarne the question.

23 THE COURT: Well, I believe Ms. Buckley's objection was  
24 well taken. I believe your question was: Did the defendant do  
25 X, Y and Z, or 1 through 6 or --

26 MRS. STEIN: Okay.

27 BY MRS. STEIN:

28 Q, Assuming that a person had a store such as is

1 depicted in People's 1, set up like that, and assuming the  
2 defendant -- excuse me.

3 Assuming that someone, a person, was reading the  
4 tarot cards, and assuming they were using an item such as this  
5 cloth, People's 3, and assuming that this person was passing  
6 out cards, business cards, Feminist Wicca, and so on, assuming  
7 they advertised in a newspaper to give detailed tarot readings,  
8 occult supplies, and so on, and assuming that they passed out  
9 posters, such as you can see on the table, and also assuming  
10 that the business in question -- or assuming that the place in  
11 question looks like the photographs as depicted in People's 11-A  
12 through P, do you have an opinion as to whether or not this  
13 person would be engaged in the business and advertisement.  
14 advertisement and business of fortune telling?

15 A. Yes. Under those circumstances I would assume that  
16 fortune telling was being conducted at that location.

17 Q. And on what do you base that opinion?

18 A. On my expertise and the use of the tarot cards and  
19 my knowledge of the different things that are usually present at  
20 a fortune telling location,

21 Q. Now, Sergeant Alcantara, can you highlight in  
22 specifics, from your training and experience, some of the more  
23 particular dangers that stand out in your mind, for the jury,  
24 in an operation of his kind?

25 A. The dangers?

26 Yes, from your cases that you may have had or some-  
27 thing like that, to give the jury an illustration of what can  
28 happen.

1           A.     Usually a victim of a fortune teller is a person, as  
2 I said before, who has -- as a last resort is looking for help  
3 for a particular problem. And, in my experience, I've found tha:  
4 people will go to have cancer cured by a fortune teller.  
5 The fortune teller will, of course, promise to cure cancer<sup>1</sup> and  
6 the subject of the fortune teller will -- the condition will  
7 worsen until finally she is taken to a doctor again

8                 Fortune tellers will claim to cure baldness, bring  
9 back your lost lover, to multiply money. And in the process  
10 people will be taken in by them and eventually hurt. These are  
11 all experiences that I've had\$ They are all actual reports that  
12 I've read and seen and, in some cases, that I **have** investigated.

13           O!  
14                 Now, how does the fortune teller go about, other  
15 than the initial visit which may be \$10.00 or \$2.00 or  
16 whatever     how does the fortune teller go about parting the  
17 victim with his money or from his money?

18           &     Usually the fortune teller will promise to accomplish  
19 whatever the subject wants, will gain the person's confidence[  
20 and then, through interrogation or conversations and the fortune  
21 **teller's ability to read** characters, the person will be bilked  
22 out of whatever the fortune teller wants

23           Q.     And can you give us some examples as to how that  
24 happens?

25           MS. BUCKLEY: Your Honor, I believe thiB is repetitious.  
26 We have had more than several examples from him on the same  
27 thing already.

28           THE COURT: The objection is overruled. But I think if we  
go any further Ms. Buckley may be correct.

1                   You may answer the question.

2           THE WITNESS: You want **an** example?

3 BY MRS. STEIN;

4           Q.     Right, of how the fortune teller will go about  
5 specifically taking the money of a person; aside from the  
6 initial first visit; what they look for, for instance.

7           A.     Well, a fortune teller, like I say, through  
8 discussion will learn about a victim, learn the problems **the**  
9 victim might havee Of course, the subject of a fortune teller  
10 does have a problem when he goes there or she goes theree  
11 And the fortune teller will eventually learn what this problem  
12 is and promise to cure the problem or offer some relief for the  
13 subject of **the** reading

14                   And then does the price go up or whatever?

15           MS. BUCKLEY: Your Honor, I would like to make an  
16 objection, because it is my understanding that this witness,  
17 testified that fortune telling was the prediction of future  
18 events; and he is now beginning to give us examples of how  
19 people are bilked and promised to have their problems solved.  
20 But that does not fall within his definition of prediction of  
21 future events as the definition of fortune telling.

22           THE COURT: Well, I believe you can go into that on  
23 cross-examination.

24                   The witness may answer

25           THE WITNESS: Would you please repeat the question?

26           MRS. STEIN: Could you read it **back?**

27           THE COURT: Do you want to restate it? I think it's  
28 somewhat complex to follow

1 BY MRS. STEIN:

2 Upon gaining the person's confidence, the victim,  
3 how does the fortune teller -- some examples of how the fortune  
4 teller goes about parting the victim from his money. What are  
5 some of the

6 A One example might be that the fortune teller **will** tell  
7 the subject of the reading that somebody has placed a curse on  
8 him and it cost that person a lot of money to place this curse,  
9 and that it would take an equal amount or a larger amount of  
10 money to remove the curses. The subject is then talked into  
11 obtaining **this money in order to** remove the **curse or the**  
12 subject's problem will not be alleviated or taken care of

13 Q Now, these examples that you've given us, Sergeant  
14 Alcantara, cancer cures, baldness, bringing back lost lovers,  
15 or whatever, and curses, removing curses, are these examples,  
16 **based on actual cases that you've come across in your training**  
17 **and experience?**

18 A Yes, they're examples of actual thefts by false  
19 pretense that I've investigated or had occasion to assist in  
20 investigating.

21 Q And they were involving fortune telling; is that  
22 **correct?**

23 A. **YES, THAT'S CORRECT.**

24 MRS. STEIN: No further questions.

25 THE COURT You may cross examine, Ms. Buckley.

26 MS. BUCKLEY: Well, your Honor, my cross examination of  
27 this witness is going to be rather lengthy, and I note that it's  
28 seven minutes to 12:00, and I was wondering whether you wanted

1 me to begin or whether we would just do it as one -- in one  
2 piece.

3 THE COURT: Well, on the statement it will be somewhat  
4 lengthy --

5 Ladies and gentlemen, at this point we'll take the  
6 recess until 1:30@

7 I admonish you during this period you must not  
8 converse among yourselves nor with anyone on any subject  
9 connected with the case or the trial thereof. Also, you're  
10 not to form or express any opinion thereon until the matter is  
11 finally submitted to you

12 (There was held the noon recess.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 LOS ANGELES, CALIFORNIA, FRIDAY, APRIL 11, 1975, 1:30 P.M

2 --000--

3  
4 (The following proceedings were  
5 held in chambers:)

6 THE COURT: The record will reflect we're in chambers  
7 Present is the Clerk, the Marshal, both defense counsels, the  
8 City Attorney.

9 Yes, Ms. Buckley?

10 MS. BUCKLEY: Yes, your Honor. I have a request, and that  
11 is that, if the Court would permit, I would like to postpone  
12 cross-examination of the expert witness for the following  
13 reason: Two of my main witnesses, one an anthropologist from  
14 the University of California at Los Angeles, and the other a  
15 mathematician from Stanford, are both going to be unavailable:  
16 after today. MY witness, Allison Harlow from Stanford, must  
17 return tonight to San Francisco.. The anthropologist has taken  
18 two days off from U.C.L.A., and she just can't take a third  
19 day So I would request, if the Court would permit, for me to  
20 take them out of line and then do the cross-examination of the:  
21 expert witness who's on the stand now at the conclusion of their  
22 testimony

23 THE COURT: From your statement earlier, you figured the  
24 case would be almost to the jury by now. I gather you aren't  
25 planning detailed examination of any of the defense witnesses?

26 MS. BUCKLEY: No, your Honor.

27 THE COURT: Mrs. Stein?

28 MRS. STEIN: Well, Sergeant Alcantara has to be in

1 Oakland on Monday, as I understand it. He has a case up there.  
2 The Marshal just told me, and he told me, too.

3 THE COURT: Well, what are you saying? I assume you might  
4 want to call him if some rebuttal is offered, since he is your  
5 expert witness. I would assume he'd be with you throughout the  
6 trial. I don't know. But I just sort of assumed that would be  
7 your practice.

8 MRS. STEIN: Well, I think this is -- I would object to  
9 this happening before the People rest, the evidence is in, and  
10 so on. I don't know what will be elicited on cross-examination  
11 of Sergeant Alcantara, and --

12 THE COURT: I don't follow your statement. Perhaps he  
13 may even be able to respond to some testimony given by these  
14 two defense witnesses or something rather than having to bring  
15 him back. I mean I don't know -- I wasn't planning to go real  
16 late today because I think the jurors have heard a lot.  
17 Only so much can sink in. And they've had quite a bit of  
18 testimony today. But it's merely discretionary as to whether  
19 I let these two witnesses testify out of order. And as to  
20 whether the People's witness isn't going to be here on Monday,  
21 I just assumed that he'd be an expert witness who would be  
22 present throughout the trial.

23 MRS. STEIN: Well, that was what he had told me, and I  
24 guess

25 THE COURT: Don't ask the Marshal. You're the  
26 representative of the People.

27 MRS. STEIN: I beg your pardon?

28 THE COURT: You're the representative of the People.

1 I'm just trying to find out the People's position.

2 MRS. STEIN: Yes. And he would like to be available  
3 to testify in Oakland on Monday. And he can be brought in, if  
4 you want, and tell your Honor --

5 THE COURT: Excuse me just a minute.

6 Yes?

7 MRS. STEIN: Can I say something before I forget it and  
8 we get involved in this thing?

9 There is a girl outside now. I don't know to whom  
10 she is related, but she snapped pictures of myself and the  
11 officers inside the court in the corridor. And she was trying  
12 to snap the jurors.

13 THE COURT: Well, I would have the camera taken away, if  
14 they're photographing the jurors. They certainly aren't to be  
15 intimidated.

16 Do you know anything about that, Ms. Buckley?

17 MS. BUCKLEY: I don't know a thing about it.

18 THE COURT: Is she out there now? I'll have her brought  
19 in now before the jury comes in.

20 But, as to this matter, very possibly, if we start  
21 with the two defense witnesses, maybe we can get all this  
22 testimony in today

23 I don't know how long your examination is going to  
24 be.

25 MS. BUCKLEY: I plan to have a very short examination,  
26 your Honor. And, if cross-examination isn't too long, I think  
27 we could easily get both of them and maybe get back to cross-  
28 examination.

1 THE COURT: Well, that's what I was thinking. I just --  
2 I don't think it's really an unusual request to ask that I take  
3 the witnesses out of order. I assumed the defense was going to  
4 put on a witness anyway. So I'll just explain to the jury we  
5 are taking a witness out of order and let them put on their  
6 witnesses, and then we will go back to the cross-examination.

7 So if you wish to tell the Sergeant what the  
8 procedure will be

9 I will advise the jury we're taking the witnesses  
10 out of order, and we'll then begin.

11 So, Mrs. Stein, if you will go out -- if you see the  
12 woman who is the photographer, someone with a camera, if you'll  
13 go with Mr. Holloway and indicate who she is and bring her into  
14 the courtroom before we have the jurors in -- we'll resume as  
15 soon as -- if they find the woman. Otherwise we'll start in  
16 with the testimony.

17 (There was held a short recess.)

18  
19 (The following proceedings were  
20 had in open court:}

21  
22 THE COURT: In the matter of Zsuz'Sanna Bartha, the  
23 record will reflect the jurors and alternates are not present  
24 Defendant's present with Counsel, the City Attorney is present.

25 We had a discussion in chambers. I am advised that  
26 some woman was taking photographs possibly of the jurors or  
27 some of the participants in this case.

28 Mrs. Stein, is that person in the courtroom at this

1 time?

2 MRS. STEIN: Yes.

3 THE COURT: Is she the woman standing next to the Marshal'i

4 MRS. STEIN: Yes, your Honor.

5 THE COURT: May I have your name, please?

6 MISS PINNEY: Sandra Pinney.

7 THE COURT: Who are you? What is your connection with  
8 this case?

9 MISS PINNEY: I guess I really don't have a connection  
10 with this case.

11 THE COURT: Were you taking photographs of the jurors?

12 MISS PINNEY: No, I was not.

13 THE COURT: Did you take photographs of any participants  
14 in this case?

15 MISS PINNEY: Yes, one.

16 THE COURT: Who is that?

17 MISS PINNEY: The woman in the brown sweater,,

18 THE COURT: Mrs. Stein, the City Attorney?

19 MISS PINNEY: Yes,

20 THE COURT: You have only taken one photograph in this  
21 building?

22 MISS PINNEY: No. I took some other photographs but it  
23 was just general shots of the people that I know.

24 THE COURT: Did it include any of the jurors in this case,

25 MISS PINNEY: No.

26 THE COURT: I will order your camera seized if I see that  
27 you are using it anywhere around this building throughout the  
28 continuance of this case, because you are not going to

1 intimidate the jurors by taking their pictures.

2 Do you understand that?

3 MISS PINNEY: Yes. I --

4 THE COURT: And I am advising the attorneys for the  
5 defense, if any intimidation of the jurors is taking place the  
6 Court will take action. There is a Penal Code section against  
7 intimidating jurors. And I state that for the people in the  
8 audience. The Court has at points had to make comments about  
9 people making noise. And if anything is being done, the Court  
10 has the authority to order a closed trial to see that these  
11 jurors are not intimidated. The Court does not wish to have to  
12 lock up the jurors for the weekend or have them sequestered to  
13 a hotel every night. But if such matter continues I **will** have  
14 to do it.

15 And! advise you, ma'am, that, if you take any more  
16 pictures, if it's reported to me, you will be in contempt of  
17 court, which will mean five days in jail and a \$500.00 fine.

18 Do you understand that?

19 MISS PINNEY: Yes, I do.

20 THE COURT: You have been advised of that at this point.

21 Mrs. Stein:

22 MRSe STEIN: Your Honor, at the time the photograph was  
23 taken, I was with Sergeant Alcantara and Officer Kimberlin.  
24 And I believe Officer Falkenberg's picture was also taken.

25 THE COURT: Was it one picture or was it

26 MRS. STEIN: We were together. But his was taken  
27 separately.

28 THE COURT: Did you take an individual picture of the

1 gentleman seated in the back row who had previously testified,  
2 Officer Falkenberg?

3 MISS PINNEY: No, I didn't photograph him. **I've** seen  
4 him. I did walk by there but --

5 THE COURT: Did you take a picture of where he may have  
6 been standing in a group?

7 MISS PINNEY: No, I haven't.

8 THE COURT: Officer Falkenberg, do you have a y statement  
9 regarding this?

10 OFFICER FALKENBORG: I was standing in the waiting room --  
11 or the phone booth out there. I heard **a** snap, turned around.  
12 There was a camera pointed at me, and this young lady was  
13 pointing it.

14 THE COUR'l': **Ms.** Buckley, do you have anything to say?

Hi 15 MS. BUCKLEY: Your Honor, I had known nothing of this.  
16 I don't know for what purposes she is taking the pictures,  
17 although I think I understood she might have been connected  
18 with some newspaper or magazine. But I don't know her, and she  
19 has not been taking the pictures at my request or that of any  
20 of the counsel for defense or, I'm sure, defendant.

21 THE COURrr: Miss Bartha, is this woman taking **picturer**;  
22 at your direction?

23 THE DEFENDANT: No, no, she is not.

24 THE COURT: I advise you, if any more pictures are taken,  
25 I will have the camera seized and the film destroyed: because  
26 you do not intimidate jurors.

27 Do you understand that?

28 MISS PINNEY: Yes.

1 THE COURT: And I just don't want -- if anyone reports to  
2 me that any photograph was taken -- then you spend five days  
3 in jail and a \$500.00 fine for contempt of court -- that you  
4 weren't warned in advance.

5 Understand that?

6 MISS PINNEY: Yes, I do«

7 THE COURT: And there are to be no cameras in this  
8 courtroom.

9 Any camera, any recording device brought in this  
10 courtroom it will be surrendered to the Marshal, because  
11 the Judicial Council rules provide there will be no electronic  
12 recording of any proceeding except that done by the official  
13 reporter at the direction of any judge\$

14 Please bring in the jury.

15 (The jurors returned to the courtroom.)

16 THE COURT: In the matter of Z Zsuzsanna Barth, the  
17 record will reflect 12 jurors, two alternates are present.  
18 Defendant is present with counsel. And the City Attorney is  
19 present.

20 Ladies and gentlemen, at this point we will be taking  
21 two witnesses out of order, rather than continuing or be:::i.nnin9  
22 the cross-examination of Sergeant Alcantara. We will begin  
23 with two witnesses for the defense who would be unable to appea:r  
24 on another date than today. So, just to tell you, we will  
25 return to the cross-examination. But to accomodate the pa ties  
26 to the case, the witnesses will be taken out of order.

27 Does defense wish to make an opening statement at  
28 this time?

1 MS. BUCKLEY: Your Honor, to expedite the trial I will  
2 waive my opening statement.

3 THE COURT: You may call your first witness.

4 MS. BUCKLEY: My first witness will be Barbara Chesser  
5 And, your Honor, as many of our witnesses -- our  
6 witnesses will affirm.

7 THE COURT: All right. The Court is so advised.

8 Come forward, please, Miss Chesser.

9

10

11 BARBARA CHESSER,  
12 called as a witness by the defendant out of order, having  
13 affirmedq testified as follows:

14 THE CLERK: Will you state your name, please.

15 THE WITNESS: **Barbara Chesser, C-h-e-s-s-e-r.**

16 THE COURT: Who is going to examine, you or Ms. Colaneri?

17 MS. BUCKLEY: Ms. Colaneri will, your Honor.

18

19 DIRECT **EXAMINATION**

20 BY MS. COLANERI:

21 Ms. Chesser, would you please describe for us your  
22 academic background?

23 I am an anthropologist,

24 Q. And you have your Bachelor Degree from where, please?

25 A. Berkeley.

26 Q. In anthropology?

27 A. Right.

28 Q. Do you have a Master's Degree?

A. Yes, I do.

1 Q. And that is that university, please?

2 A. University of Chicago.

3 Q. Is that also in anthropology?

4 A. Yes, it is.

5 Q. Are you now a student at u.c.l.a.?

6 A. I am a doctoral candidate. I will get my degree in  
7 June.

8 Q. And that, again, is in anthropology?

9 A. Right.

10 Q. Have you written any articles in an anthropological  
11 field?

12 A. Yes, I have.

13 Q. Could you briefly state these articles and where they  
14 are to be published or have been published'!

15 H. All right. I have written an article on the  
16 Wapishana, They are a tribe in what was formerly British Guiana  
17 And this will appear in Antropologica. This is a journal that  
18 is published in both Venezuela and the United States.

19 Q. Are there any other articles that you have published  
20 or --

21 Yes. I have an article that is going to appear in  
22 a book on Shamanism which is being edited by Dr. Johannes Wilber...  
23 who is director of the Latin American Center at u.c.l.a.,  
24 And the article is on female practitioners of Ethno-Medicine;  
25 Shamans, witches and other kinds of healers.

26 Q. Do you currently teach anthropology or any associated  
27 subject?

28 A. Yes, I do.

1 Q. And where is **that**, please?

2 A. u.c.L.A.

3 Q. What is the subject that you teach?

4 A. This quarter I **am** teaching physical anthropology.

5 Q. Have you at all times in the past?

6 A. Last quarter I also taught physical anthropology,  
7 and I taught a course in women's studies.

8 As an anthropologist, could you very, very briefly  
9 tell us what it is you do study?

Well, my particular area is comparative religion'.  
11 I have a background, though, both as a physical and a cultural  
12 anthropologist. So I am interested in the physiological  
13 aspects of religion including **trance** states, and so **on**, and other  
14 things that are related; for example, divination which include  
15 you know, ESP abilities and things of this sorte

16 Q. As an anthropologist, you have stated that you **havE**  
17 done some studies in witchcraft. And as an anthropologist you  
18 stated --

19 My particular field of research is **spirit encounter**,  
20 and that is included in witchcraft, yeal-i.

21 As an anthropologist, is witchcraft a religion?

22 MRSs STEIN: Objection, your Honor; no foundation.

23 And may we approach the bench?

24 (The following proceedings were had  
25 at the bench.)

26 MRS STEIN: In the first place, there is no foundation  
27 established that witchcraft is, in truth and in fact, a  
28 religion. Secondly, any testimony relating to witchcraft, and

1 so on, would be totally irrelevant to the issues in this case  
2 which are whether or not on February 2nd, 1975 the defendant  
3 was fortune telling or even if, in truth and in fact, the  
4 defendant was a witch. Even if, in truth and in fact, that was  
5 a religion, she still would not be allowed to violate  
6 Section 43.30 under the guise of calling it a religion. So any  
7 testimony relating to the religious sanctification of such types  
8 of practices as fortune telling would be irrelevant since it is  
9 a violation of the law. And the cases unanimously hold that  
10 religion cannot be used as a shield for violating the law.

11 THE COURT: As I read the cases during the noon hour  
12 trying to draw up some jury instructions, if a person tells  
13 fortunes in the performance of his pastoral or religious duties,  
14 that is an exception to the code.

Hi 15 MRS. STEIN: No, that is not an exception, your Honor,  
16 under the cases.

17 THE COURT: If he doesn't do it as a business, but if he  
18 tells fortunes as part of his religious function, I believe  
19 that's an exception.

20 MRS. STEIN:, First of all, it hasn't been established  
21 that this is a religion. Secondly, even if it is, they -- the  
22 cases that I supplied your Honor with -- even if a minister, ?,  
23 regular bona fide minister, tells fortunes, that is a violation.

24 THE COURT: If the testimony in this case shows that the  
25 defendant was engaged in some religious duties at elat point,  
26 that may well be a defense. But I think that's for the jury to  
27 determine.

28 MRS. STEIN: Well, to tell fortunes is a crime, under

1 43.30. And even a minister can't tell fortunes, period.  
2 Nobody can predict the future.

3 MS. COLANERI: Your Honor, in the Apgar case which I  
4 notice you have there -- I don't know the citation offhand.  
5 But in that case, for example, the constitutionality of 43.30  
6 went on the line. And what the Court said was that, because of  
7 the exemption provided by 43.31, the constitutionality 43.30  
8 would not be challenged. In essence, 43.31 is the only thing  
9 that keeps 43.30 from possibly violating the constitutional  
10 prohibition against the abridgment of freedom of religion.

11 THE COURT: Mrs. Stein?

12 MRS. STEIN: Here, your Honor, is the statement as to the  
13 defense, that it can't --

14 THE COURT: That's not really controlling authority.

15 For the record, she's handing me a page or something  
16 printed.

17 Now, if someone can give me the Apgar case --

18 Do you have that citation?

19 MRS. STEIN: I **never** heard of it.

20 THE COURT: Apparently somebody wrote it here and

21 MS. BUCKLEY: That's my

22 THE COURT: My reading of the law is that, if a person  
23 is engaged in religious activities, perhaps it is an exemption  
24 But it must be a bona fide church or religion.

25 MRS. STEIN: That's assuming facts not in evidence.

26 THE COURT: That's what the defense is doing.

27 MRS. STEIN: It says here the law is well settled that,  
28 although the government may not interfere with mere religious

1 beliefs and opinions, it can prohibit and punish religious  
2 practices which are criminal offenses. And then there's all  
3 these citations.

4 MS. BUCKLEY: May I ask you a question, Mrs. Stein?

5 What is the meaning of

6 THE COURT: What does 43.31 mean, then?

7 MRS. STEIN: The meaning of **43.31** exempts ministers and  
8 recognized religions in the performance of their duties as  
9 such. But if a minister, under the cases, and those ones that  
10 I gave you, were to tell fortunes, predict future events, he  
11 himself would be violating the law. And this is raised in  
12 every single fortune teller case.

13 THE COURT: I think you can raise that in your jury  
14 instructions. But I believe they can go into it if they want  
15 to show that this was practiced as **part** of the religion. If it  
16 turns out the person, as a minister of some type, is still  
17 engaged in a business, then the person may well be in violati or..

18 MRS. STEIN: Well, it hasn't been established by any  
19 testimony whatsoever that there is any valid religior••

20 THE COURT: I think **that is** what **they're** trying **to** do.  
21 **That's** what **they're** going **to** do now; r. If **they** don't present it,  
22 **you can** argue **that to the** jury. But we're **goi.ng** into it now

23 (The following proceedings were had  
24 in open court:)

25 THE COURT: You may continue.

26 MS. COLANERI: Thank you, your Honor.

27 BY MS. COLANERI:

28 Q. As an anthropologist, Ms. Chesser, is it your

1 opinion and the opinion of other anthropologists that witchcraft  
2 is a religion?

3 A Yes. It's an outgrowth of Shamanism.

4 Q Could you define Shamanism for us, please?

5 A Well, it's very difficult to **do** quickly and briefly.  
6 Shamanism is basically the most archaic of religion. It's a  
7 world-wide phenomena, and basically it involves a person who  
8 has some kind of contract with the supernatural which gives this  
9 person certain kinds of abilities -- and they tend to be the  
10 same all over the world -- with which he or she uses to help his  
11 or her fellow man.

12 Q How old would you say witchcraft or Shamanism is?

13 *It* Well, the **best** evidence **we have is** probably --  
14 there's a painting in a cave in France that's 30 or 40,000  
15 years old which shows a Shaman in a trance.

16 Q **Would that be roughly the upper Paleolithic period?**

17 A **Right.**

18 Q Do witches believe in a God, Goddesses, supernatural  
19 powers?

20 MRS. STEIN: Object to that question, your Honor, no  
21 foundation.,

22 THE COURT: The objection's overruled.

23 The witness may answer.

24 THE WITNESS: I mean, by definition, because they get  
25 their power through a contract with the supernatural, some  
26 supernatural deity.

27 **BY MS. COLANERI:**

28 Q What is the purpose of this contract with a

1 supernatural diety?

2 A. To help their fellow man.

3 Q. In essence, would it be correct to say that by this  
4 contract they gain powers to help?

5 A. Right. Do you want -- well

6 Q. If you would like to give an example.

7 A. Okay. As I said, there's a pretty standardized  
8 group. Now, since -- in hunting and gathering societies, very  
9 primitive societies, usually this involves game, animals, and  
10 so on, or -- but normally it involves control of the weather,  
11 ability to heal the sick, to heal both psychic and physical  
12 illnesses, to find lost articles, different kinds of  
13 clairvoyance and divination, finding -- as I said, finding lost  
14 articles, telling people future events, and so on, or events  
15 that are occurring at distant points,

16 Q. Is divination or prophesy a part of this religious  
17 belief?

18 Yes, it is.

19 Is it an essential part of: that religious belief?

20 Very much so.

21 Q. How would one go about becoming a witch!

22 MRS. STEIN: Objection; irrelevant.

23 THE COURT: The objection's overruled.

24 The witness may answer.

25 BY MS • COLANERI :

26 Q. In essence what would be the steps towards becoming  
27 a witch?

28 A. Well, in anthropological terms, it's an achieved

1       rather than an ascribed status. You       it's something **that**  
2       it's the result of divine revelation **or** an encounter with a  
3       spirit or whatever. It's not something that in itself is  
4       inherited. This is the contrast between Shamanism and  
5       formalized religion where one becomes a priest or a minister  
6       because one feels the urge, not because of any direct command  
7       from some divinity.

8               Q.     **And** in witchcraft or Shamanism there would **be** a  
9       kind of direct command?

10              A.     Yeah, the       it would be based on personal, you  
11       know, revelation.

12              Q.     After this **personal** revelation, **then** what would the  
13       procedure be?

14              A.     Again, it -- you know, the ritual differs in  
15       different areas of the world. In some places you can join a  
16       Shamanistic society, a witches coven, whatever<sup>1</sup> but it depends,  
17       **you** know, upon the -- you know, what's ever been established  
18       in that particular society.

19                    I see.

20                    In European society, for example, what would the  
21       next step towards becoming a witch be?

22              MRS. STEIN: Objection; irrelevant.

23              MS. COL ERI:     Your Honor?

24              THE COURT:    Yes.

25              MS. COLAHERI: I **think** one of the major issues in the  
26       case is whether or not someone is an accredited representative  
27       of a religion. Therefore, how one goes about becoming  
28       accredited in this specific religion --

1 THE COURT: Well, I think we're talking about what's  
2 happening at the present now.

3 MS. COLANERI: I think the fact of the matter is that  
4 this defendant, if she is indeed an accredited representative,  
5 would have accomplished this feat in Europe since that is her  
6 background.

7 THE COURT: Objection's overruled.

8 The witness may answer.

9 THE WITNESS: Normally the person joined a group or a  
10 coven of witches. It was also ability, such as second sight;  
11 and things of this sort were also familial. And it was pretty  
12 much a cult of women. And, for example, women would be trained  
13 by their mothers or other relatives or whatever.

14 BY MS. COLANERI:

15 Q. After this training period or apprenticeship, then  
16 what would the next step be?

17 Well, really, it's membership in a coven, although  
18 in some areas witches worked independently.

19 THE COURT: What is a coven, just for clarification?

20 THE WITNESS: A group of witches of a specific number,  
21 and so on.

22 BY MS. COLANERI:

23 () Can we go back, please, to the divination, when a  
24 witch or a Shaman practices this divination or prophecy?

25 Is it a direct outgrowth of their spiritual beliefs  
26 or contract with the supernatural world?

27 A Right. What the person actually does differs from,  
28 society to society, culture to culture: but basically, yeah,

1 this is why this person can do it and everyone else can't.

2 Q. Ms. Chesser, as an anthropologist, would it be  
3 correct to say that you have also studied various ethnic groups:

4 k Yes, I have.

5 Have you studied gypsies?

6 a Yes. I haven't done field work among them, but I'm  
7 familiar with the literature and have some personal  
8 acquaintanceship, yeah.

9 You have heard the testimony of Sergeant Alcantara -

10 A This is true.

11 Q. -- relative to fraudulent -- people who bilk the  
12 public.

13 Did that description sound like a description of a  
14 gypsy fortune teller or a witch fortune teller?

15 MRS. STEIN: Objection; no foundation, your Honor.  
16 It's also irrelevant.

17 THE COURT: What is the no foundation?

18 MRS. STEIN: Well, she just said she is not an expert in  
19 gypsies; and it's irrelevant. This is not a gypsy case. It's  
20 a fortune telling case.

21 THE COURT: I believe the witness can clarify the answer  
22 Objection's overruled.

23 THE WITNESS: Yes, you know, gypsy, fortune telling, which  
24 the Sergeant described as a bunco racket, and it's a traditiona  
25 bunco racket of gypsies. And I believe he was speaking solely  
26 of gypsies and not from anything he said that he had any  
27 knowledge of witchcraft as practiced by any other group.

28 MRS. STEIN: Move to strike the answer as speculation on

1 the part of the witness.

2 THE COURT: The objection is sustained, and the motion to  
3 strike is granted. The witness is assuming something that is  
4 not before the Court.

5 The jury is admonished to disregard the last answer  
6 of the witness.

7 BY MS. COLA.NERI:

8 Q. Ms. Chesser, would you describe for us the  
9 distinction between a gypsy fortune teller and witch who uses  
10 divination.

11 MRS STEIN: Objection, your Honor, no foundation, assumed  
12 facts not in evidence, there is a difference.

13 P . COLA.NERI: Your Honor, I believe --

14 THE COURT: Is there a difference between gypsy fortune  
Hi tellers and other fortune tellers?

16 THE WITNESS: Yes, very strongly.

17 THE COURT: Perhaps you can explain as to the other  
18 fortune tellers, as gypsies really are not the direct issue of  
19 **this case**

20 THE WITNESS: Well, unless I can distinguish between the  
21 **two, I -- shall I just talk about fortune tellers --**

22 THE COURT: Yes, as **applicable to this case.**

23 THE WITNESS: Okay. Well, I **am** talking **about**, then,  
24 people who are acting in a tradition as witches. And various  
25 forms of clairvoyance and second sight are --

26 THE COURT: Answer the attorney's question. She asked  
27 **you** the question.  
28

1 BY MS. COLANERI:

2 Q. What is the intent of these people, as you  
3 understand it?

4 MRS. STEIN: Objection: calls for speculation.

5 MS. COLANERI: Your Honor, this is her specific area of  
6 expertise..

7 THE COURT: Objection is overruled.

8 She may answer.

9 THE WITNESS: To help people solve their problems through  
10 her specific knowledge and skills which are above those of  
11 ordinary people.

12 MRS. STEIN: Move to strike the latter as being  
13 conclusion of the witness.

14 THE COURT The answer will stand.

15 BY MS. COLANERI:

16 Could you qualify for us some of the historical  
17 background of witches? At any time were they respected  
18 members of the community for example?

19 A. Yes.

20 Up until what period of time?

21 MRS. STEIN: Objection; irrelevant.

22 MS. COLANERI: Your Honor, one of the major problems and  
23 issues in this case, I think, is the rather negative connotation  
24 to the word "witch". The biggest issue in the defense's case;  
25 is whether or not this woman was doing this act in the specific  
26 function of her religion. Now, the point --

27 MRS. STEIN: Object to counsel's testifying in front of  
28 the jury.

1 THE COURT: Yes. Just get to the point, M.s. Colaneri.

2 MS. COLANERI: The issue is, is she a member of a  
3 bona fide religion? Now, whether or not this religion is  
4 bona fide has got to be established, since it has been  
5 considered --

6 THE COURT: I realize that's the defense, but what does  
7 this question have to do with that part of the defense?

8 MS. COLANERI: Because at this period of time the  
9 connotation is definitely a negative one.

10 THE COURT: I would sustain the objection. I don't  
11 think it applies, really, to the defense as such.

12 BY MS. COLANETII:

13 Q Ms. Chesser, why do witches practice in covens?

14 Because the energy or the -- the people usually  
15 the term used sometimes is battery, the energie of 15 people,  
16 say, or at least, you know -- more than one person is worth  
17 more than one person.

18 Q Has **witchcraft in** the United States up until **this**,  
19 period of time **been** an **organized** religion?

20 MRS. STEIN: Objection! calls for conclusion,

21 THE COURT: The witness may answer and give her opinion,

22 THE WITNESS: Yes.

23 BY MS. COLANERI;

24 Q It is an organized religion?

25 It has been at time and places, yes.

26 At the present time in the United States?

27 Yes.

28 Q And how would it be organized?

1           A.     In covens and associations of witches, and so o .

2           Q.     I see.

3           A.     Much of this belongs -- its ambivalent reputation  
4 might be covert rather than overt, say, more formalized  
5 recognized religions

6           Q     Now, when a Shaman or witch performs one of his or  
7 her acts of divination, do services for money or a chattel of  
8 some sort change hands?

9           A.     Yes, that's a pretty much universal feature.

10                  Why would that be?

11                  Well, a Shaman or witch is a professional and  
12 obviously is entitled to compensation for his or her livelihood

13                  Is this a universal --

14                  Well, in some soc.:ie:.ies, the Shaman doesn't charge  
15 a direct fee, or the witch   The person is given a donation or  
16 a gift. but there's a pretty common understanding about hm:  
17 much that should be, you know, under what circumstances.

18           MS. COLANERI: I ha.ve no further questions.

19           THL COURT: You may cross examine, Mrs. Stein.

20

21                               CROSS EXAMINATION

22           BY MR.S. STEil:

23           Q.     Hrs. Chesser, do you know the defendant :ill thir:

24           case |

25                  Yes, I do,

26           Q.     And how long have you known her?

27                  Probably three and a half, four years.

28           Q.     And is she a close personal friend of yours?

1                   No.

2           Q.     In what capacity do you know her?

3                   Through the women's movement.

4           Q.     And are you a witch?

5           A.     Please define your terms.

6                   Well, you were -- defined it --

7           THE COURT: Please don't fight with the attorney. Just  
8 answer the question.

9           THE WITNESS: Well, unless -- I cannot answer that in any  
10 way, your Honor, unless she defines what she means by witch.

11          THE COURT: Perhaps you can explain the word "witch" and  
12 then see if you fit into that category.

13          THE WITNESS: There are various, you know, meanings of  
14 the word. Now, if she -- you know, the popular image of  
15 somebody who conducts spells, sticks pins in images, and this  
16 kind of thing. Okay. There are also people who have certain  
17 kinds of ability, such as second sight, that are classified as  
18 witches,

19          THE COURT: Well, do you consider yourself a witch of any  
20 category?

21          THE WITNESS: I certainly do not cast spells, and so on.

22          THE COURT: Well, then please answer the Court's  
23 question. Do you consider yourself a witch of any type?  
24 Do you fit into any of those categories? If so, which one?

25          THE WITNESS: I have a certain amount of clairvoyant  
26 ability, yes.

27          BY MRS. STEIN:

28                   So you do consider yourself a witch?

1           A.     Depends on your definition of witch.

2           THE COURT: We're going on your definition, Ms. Chesser.  
3 Do you consider yourself to fit into any category that would  
4 come under the definition of the word "witch"?

5           THE WITNESS: Under certain -- see, you have to be  
6 specific.

7           THE COURT: Please answer the Court's question. You  
8 said there are numerous definitions. And, under the numerous  
9 definitions, whether five or five hundred, do you consider that  
10 you fit --

11          THE WITNESS: All right.

12          THE COURT: Just one moment. Do you consider that you  
13 fit into a category called a witch?

14          THE WITNESS: If you are referring to the possession of  
15 clairvoyant abilities; yes; otherwise, no,

16 **BY MRS. STEIL:**

17          Q.     So you have this personal divine revelation --

18          A.     I did not say that ..

19                 Oh, Do you..?

20                 A spirit has appeared before me and commanded me to  
21 be a witch, no,

22          Q     But you do consider yourself to be some form or  
23 another of witch,?

24                 I said I had some degree of second sight or  
25 clairvoyance.

26          Q     And is that one of the categories of --

27          A     It's one of the abilities that is usually  
28 attributed to witches, yes.

1 Q. And you know that for a personal fact is that  
2 correct?

3 A. Yes.

4 Q. And can you tell us how you ascertained that you had  
5 this certain amount of clairvoyance?

6 A. Because of various experiences that have occurred to  
7 me in my life. If that's on -- I can bring in witnesses, if  
8 that's an issue here, which I don't believe

9 THE COURT: Please just answer the questions as asked.  
10 BY MRS. STEIN:

11 Q. Are you a member of the Susan B. Anthony Coven  
12 Number One?

13 A. No.

14 Q. Are you concerned or associated with the defendant  
15 in this case in any of her Feminist Wicca movements and  
16 teachings?

17 A. No.

18 Well, in your three and a half years' acquaintance  
19 with the defendant, how did you first become acquainted with  
20 her?

21 A. She had attended one of my classes.

22 Q. And frequently do you see her?

23 A. It depends.  
24 Q.

25 last year? How frequently have you seen her, let's say, in the

26 A. Well, I moved -- before I was living in a different  
27 area of Los Angeles. When I moved to Santa Monica we got in  
28 touch. And then we hadn't seen much of each other before this

1 trial crone up. Then she asked me to testify on her behalf.

2 Q. Now, Mrs. Chesser, you are getting your Ph.D. in  
3 anthropology; is that not correct?

4 A. Yes.

5 Q. You have your bachelor's degree and you have your  
6 master's degree; is that **correct**?

7 A. That•s correct.

8 Q. And you know that there are laws in this State  
9 governing the licensing, for instance, of persons who can  
10 practice psychology, are there not?

11 A. Yes.

12 Q. And there are laws concerning the persons who can  
13 practice psychiatry, are there not?

14 A. Yes.

15 Q. And there is a state board of behavioral sciences  
16 and examiners which licenses people to conduct marriage and  
17 family counseling, is there not?

18 A. Yes.

19 Q. And are you aware that all these laws and rules  
20 exist before people can concern themselves with the care and  
21 the treatment of other people. Is that not correct?

22 A. True.

23 Q. And you are getting your PhD in anthropology so  
24 that you can teach or do whatever it is that you want because  
25 that is within the law; is that not correct?

26 A. Well, I'm getting it, yes.

27 Q. Now, do you know of any law or any recognized law  
28 which licenses witches?

1           A.    I believe that people are entitled to practice  
2 their religion.

3           Q.    That is correct. But you are familiar also with  
4 the laws that, when people deal with other people other than  
5 what their own personal beliefs are -- there are laws which  
6 require certain courses of study, just like you're doing, and  
7 certain licenses before a person can engage in the practice of  
8 psychology, psychiatry --

9           MS. COLANERI: Objection, your Honor.

10          THE COURT: Please let her finish the question.

11 BY MRS. STEIN:

12          Q.    -- psychology, psychiatry, marriage and family  
13 counseling, even being a lawyer?

14          MS. COLANERI: Objection, your Honor, on the grounds that  
15 she is asking the witness to give an expert opinion on the law  
16 which, I think, is beyond her expertise.

17          THE COURT: The objection's overruled.

18                Can you answer the question, Mrs. Chesser?

19          THE WITNESS: I believe that the issue here is religion.  
20 And the laws, as I -- I am aware that, by paying a certain fee,  
21 anyone can become a minister of the Church of Universal Life.  
22 The idea, I believe, in anything associated with religion is  
23 some kind of divine sanction rather than state sanction@

24 BY MRS. STEIN:

25          Q.    And that is a personal thing, is it not? Religion  
26 is a personal thing, is it not?

27          A.    It is also -- it also involves some kind of  
28 acceptance by a community of peers.

1           Q.     Well, can you distinguish between the meaning of  
2 religion and theology?

3           A.     Theology is like the formal study of systems of a  
4 religion.

5           Q.     So, then, isn't it a fact that 'religion is a personal  
6 belief that a person will hold themselves? Theology is an  
7 organized system of religion?

8           A.     No, it's not a organized system of religion. **It's --**

9           Q.     Religion belief?

10          A.     No. It's an organized system of religious beliefs.  
11 It's **a** bunch of documents.

12          Q.     Doctrines?

13          A.     Well, doctrines, documents, whatever.

14          Q.     So there is a distinction between religion and  
Hi theology? And would you not agree with me on that point?

16          A.     Yes.

17          Q.     Now, do you know the methods of having a theology  
18 organized and licensed within the State of California to  
19 operate **a** church?

20          MS. BUCKLEY: Your Honor, it is my understanding that  
21 there is no law that requires the licensing of churches in the  
22 State of California or in the United States.

23          THE COURT: **Mrs.** Stein?

24          MRS. STEIN: Well, I'll rephrase the question.

25          THE COURT: Objection is sustained.

26          MRS. STEIN: I'll rephrase the question.

27          BY MRS. STEIN:

28          Q.     Are you aware of certain organized theologies?

1 A. What do you mean by that?

2 Q. That exist in this country.

3 A. All theologies are organized, by definition.

4 Q. Right. And are you aware of certain ones?

5 MS. BUCKLEY: Objection, your Honor.--

6 THE WITNESS: Yes.

7 MS. BUCKLEY: -- vague.

8 THE COURT: Apparently the witness understood the  
9 question, but perhaps it could be somewhat more specific.

10 BY MRS. STEIN:

11 Q. Now, these theologies are recognized theologies,  
12 are they not, by --

13 A. I don't

14 MS. BUCKLEY: Your Honor, the term "these theologies"  
15 I don't believe that there has been any evidence as to which  
16 theology the City Attorney is talking about. If she would  
17 like to ask whether the Catholics, the Protestants, the  
18 Christian Scientists, the Jews, the Mohammedans are organized --

19 THE COURT: The objection appears well taken.

20 BY MRS. STEIN:

21 Q. Are you aware of the major theologies in this  
22 country?

23 A. You mean schools of religious beliefs?

24 Q. Yes, as you've defined theology.

25 A. Yes.

26 Q. And what are they?

27 A. What do you want, a list of the dominant religions  
28 in the United States?

1 THE COURT: Please just answer the questions.

2 THE WITNESS: I'm asking if that's what

3 THE COURT: Please don't fight with the City Attorney.

4 THE WITNESS: Okay. I'm sorry. I do not understand  
5 what she wants. If she will clarify, I will try and answer.

6 BY MRS. STEIN:

7 Q. You list what you consider the major religions or  
8 theological groups in the United States.

9 A. Christians, Judaism. That's probably it.

10 Q. How about Buddhism?

11 A. It is not a dominant religion, in your sense. It's  
12 not a majority religion. It certainly exists. If you want a  
13 list of my knowledge of religions in the United States, I could  
14 probably list a hundred, but that's

Hi Now, you are a candidate for your Ph.D. in  
16 anthropology. Please define the word "anthropology" for us.

17 A. Anthropology is the study of man.

18 Q. Is it the historical study of man?

19 A. It can be.

20 Q. Can you give us a more detailed definition of what  
21 anthropology means?

22 A. Well, there are various branches. Would you like me  
23 to describe them?

24 Q. Please.

25 A. Okay. The basic divisions are between cultural and  
26 social anthropology and physical anthropology. Physical  
27 anthropology is the anatomical study of man and his evolution  
28 from the other primates. It involves comparative anatomy, and

1 so on, primate behavior. It also involves, you know, the study  
2 of the fossil record, archeological sites, and so on.

3 Cultural anthropology covers such factors as  
4 archceology, psychic -- linguistics and -- basically, though,  
5 people think in terms of ethnology which is the study of  
6 different cultures.

7 So that your field of speciality is physical  
8 anthropology, is it not?

9 A No, it is not.

10 Q That is the class you teach, didn't you tell us?

11 A. Oh, well, see, I am somewhat unique in that I have  
12 a dual background in both physical and cultural anthropology.  
13 My doctorate will be, you know, involving both.

14 Q And in both, the basis, in essence, of your field is  
15 in the comparison and contrast of the historical background and  
16 development of man; isn't that correct?

17 & Not historical. As man now exists, contemporary  
18 society all over the world including United States. It's not  
19 historical. It's current. l\nthropologists do field work with  
20 living people, if you're talking about cultural anthropologists.

21 Q Didn't you just tell us that you go into the  
22 anatomical development of man as he has come to be? Wouldn't  
23 that be an historical development?

24 A Well, no. You can study the racial differences  
25 between people of today. You can also look at the bones of  
26 people who lived in the past. You can look at primates and  
27 at -- you can study all of these things, but basically we're  
28 interested in how man is as he is now and also how he became

1     that way. But basically we're not an historical science.  
2     That's history. If you're talking about culture

3             The comparison and contrast of the various cultures  
4     of man are done either by means of history or studying other  
5     types of cultures that are historically -- or unique or  
6     different than the present one, isn't that correct, like you  
7     might study a tribe that is in Australia that's not like us?

8             A.     Oh, no. Of course, I can study anybody I wanted.  
9     I could study attorneys in the City of Los Angeles; and  
10    anthropologists have. Any group is legitimate, for human  
11    behavior, you know.

12            Q.     Now, are you familiar with the scientific method?

13            A.     Of what?

14            Q.     The scientific method of analyzing data?

15            A.     In the social sciences, yes, and in the physical  
16    you know, in the biological sciences as it pertains to  
17    physical anthropology.

18            Q.     Are you familiar with the collection of empirical  
19    data and forming a theory based thereon?

20            A.     Yes.

21            Q.     And can you describe that to the jury?

22            A.     Are you speaking in a case -- I mean like how would  
23    I do ethnographic field work or how would I do -- I mean, you  
24    have to specify the kind of problem you have in mind.

25            MRS. STEIN: Move to strike as non-responsive.

26            MS. BUCKLEY: Your Honor, then I would like to object to  
27    the

28            THE COURT: Do you understand the question, Ms. **Chesser**?

1           THE WITNESS: Yes, I do, but I cannot answer it unless  
2 she's more specific. If she wants me to tell how, you know,  
3 the evolution of a bone -- or does she want me talk about  
4 ethnographic field work.

5           THE COURT: The question may be- somewhat vague.

6           Perhaps it could be reworded, Mrs. Stein, if you  
7 wish to go into this area.

8 BY MRS. STEIN:

9           Now, let's take, for instance, the fact that the sun  
10 is in the center of our universe and there are planets that  
11 rotate around the sun. Now, are you familiar with the work,  
12 for instance, of Kepler?

13          A. I have heard of it, yes. I haven't

14          Q. Are you familiar with Galileo?

15          A. Yes.

16          Q. Now, Galileo made certain observations --

17          A. And was accused of witchcraft and convicted.

18          Q. -- which led him to believe that the planets rotated  
19 around the sun in a circular manner.

20                 Is that not correct?

21          A. Well, basically, yeah.

22          CJ And that was a scientifically accepted theory.

23 Is that not --

24          A. No, it wasn't. He was attacked as a witch.

25          MRS. STEIN: Move to strike the latter as being non-  
26 responsive.

27          THE COURT: The objection is sustained.

28                 Please do not volunteer. Just answer the questions

1 as asked of you.

2 THE WITNESS: No, it was not accepted.

3 BY MRS. STEIN:

4 Q. Are YOU familiar with the work\_of Kepler?

5 & By reputation. I have not read it.

12 6 Now, I'd like you to assume that Kepler made certain  
7 observations in which he found that the planets did not rotate  
8 around the sun in a circular fashion, based on his observations  
9 of how the planets were positioned, and so on; that they  
10 rotated around the sun in the form of an ellipse.

11 Do you understand that?

12 MS. BUCKLEY: Your Honor, I am having difficulty  
13 understanding the relevance of Kepler and Galileo --  
14 excuse me, not Galileo.

15 I am having difficulty in understanding what this  
16 has to do with our trial, your Honor.

17 THE COURT: I assume Mrs. Stein's getting to a point.  
18 And the objection is overruled.

19 You may continue, Mrs. Stein.

20 MRS. STEIN: Thank you, your Honor.

21 BY MRS. STEIN:

22 Q. Now, when Kepler made his observations, they did  
23 not fit in with Galileo's theory that the planets moved around  
24 the sun in a circular manner. He ascertained that the planets  
25 moved around in the shape of an ellipse, in an oval.  
26 Therefore, Galileo's theory no longer fit in with the empirical  
27 data that had been collected by Kepler.

28 Do you understand that?

1           A.     I hear what you're saying.

2           Q.     Yeah. And do you understand what I mean by it?

3           A.     I think I see the point you're trying to make.

4           Q.     Right. And Kepler developed a new scientific  
5 theory based on empirical observations that he had made, that  
6 the planets rotated around the sun in an ellipse rather than  
7 in a circle.

8                     Do you understand that as being an example of the  
9 scientific method?

10          A.     Well, both of them utilized the scientific method to  
11 the best of their avail with the instruments they had at the  
12 time.

13          ().     That is true. Galileo's theory being used by Newton  
14 and subsequently -- Isaac Newton and subsequently by Kepler  
15 was the theory until new empirical data was found, to wit, a  
16 different position of the planets by observation. Therefore, -

17          A.     I believe it was the planets' motion, not the  
18 placement of the planets that was changed.

19          Q.     Whatever. The empirical observations of the  
20 planets was rotating in an ellipse now, not a circle, so  
21 therefore the circle theory which had been formerly based on  
22 scientific data and a theory was developed Galileo made  
23 X, Y, Z observations and developed a theory. Then, when new  
24 empirical observations were made by Kepler, a new theory was  
25 developed to explain the empirical observations that he made  
26 which, to this day, are valid.

27                 MS. COLANERI: Your Honor, I'll have to object at this  
28 time. I have been hoping that some kind of relevancy would be

1     forthcoming. Although this is a fascinating discussion, I  
2     absolutely cannot see any relevancy nor can I see any  
3     forthcoming.

4             THE COURT: I think we're getting there.

5     BY MRS. STEIN:

6             Q     Now, do you understand this as the scientific  
7     method?

8             k     Yeah. Kepler had better equipment, mechanical  
9     equipment.

10            Q     Right. And **he** was able to make -- he made certain  
11     empirical observations that no longer fit into the old theory;  
12     and a new theory was developed to explain his observation.

13            A     He refined -- yeah.

14            Q     That is basically what the scientific method is all  
15     about. Now, if somebody should make some different  
16     observations that are not explained by Kepler's elliptical path  
17     of the planets, that would be -- those observations would **be**  
18     recorded and a new theory developed. That's basically the  
19     scientific method, is it not?

20            k     Yeah, but you're talking about astronomy which is  
21     based on mechanical equipment and the perfection of it.

22            Q     Right. And, basically, that's the scientific  
23     method, isn't it?

24            A     No.

25            Q     And in truth and -- it isn't?

26            A     It has no relevance to the scientific method in a  
27     lot of other areas; for example, the social sciences.

28            Q     Well, nothing really is empirically proved **even**

1 insofar as physiology until it can be explained by chemistry  
2 and physics; isn't that the correct statement?

3 A Well, I'm talking about human behavior. I said --

4 Q. That would include human behavior.

5 A. Well, body chemistry -- well, an analysis of the  
6 chemicals in the human body does not necessarily tell you too  
7 much about human behavior, if that's

8 Q. But it might someday?

9 A. It's conceivable.

10 Q. That's right. And so that, when we get right down  
11 to it, that what you are studying is really historical and --

12 A. I beg your pardon, but it is not historical. It is  
13 contemporary people and contemporary human behavior.

14 Q. Now, you discussed a contract with a supernatural  
15 deity. Is this contract oral, writ en or how is this contract  
16 made?

17 A. It *is* a personal experience of the person.

18 Q. And have you ever experienced such a contract?

19 A. I believe **I've** already told you I haven't.

20 Q. Oh. So then you don't know what this contract is?

21 A. I have read a number of accounts. I've also **dealt**  
22 with people who have had thern. Our religious conversion is the  
23 most common example of that. A lot of them have experienced  
24 this and everyone, I'm sure, is aware of is.

25 Q. But what is this contract with a supernatural deity?

26 A. It is an experience with God, whatever you classify  
27 that God or however you perceive it.

28 Q. **IS** there any contract?

1 A Yes.

2 Q And what is that contract?

3 A Well, it depends on whatever the person's **experience**  
4 is. It may be that the person is saved. This is the  
5 fundamental Christian experience. Many people believe **when** the)  
6 pray to God that their prayers are answered. This is a form  
7 of contract.

8 Q But you have never had such a contractual experience  
9 with a supernatural deity?

A. With God?  
11 With a supernatural deity, to use your words.

12 A When I prayed as child I felt that God was **there**.

13 Q And did you then have any contract with a  
14 supernatural deity?

15 A I wouldn't have prayed if I hadn't felt God was  
16 there.

17 Q And did you feel this was a contract?

18 A I think I'm using <sup>this</sup> contract in the way that **social**  
19 scientists use it which is an expectation or an agreement  
20 between two parties. It is not a legal contract, if you are  
21 looking for a signed piece of paper by the hand of God, **no**.

22 Q So that at one time you believed in God?

23 A I experienced God as a child, or what I felt was God,

24 Q And then you lost this, I take it, at some point?

25 A Yes, I did.

26 Q And when was this?

27 A When I was about 13.

28 Q And what were the circumstances surrounding the loss

1 of your contract with God?

2 A. Because I have been brought up in a Fundamentalist-  
3 Christian kind of background, and I could not deal with the  
4 problem of evil; why, if God exists, there could be such **evil**  
5 in the world.

6 Are you now -- now you have no contract, is that true,  
7 with a supernatural deity? You no longer believe in God?

8 I have not personally experienced God.

9 And so do you feel that you are better able to deal  
10 with people in the world, even though you have no contract now  
11 dealing with any supernatural deity?

12 MS. COLANERI: Objection, your Honor. I think that we  
13 have gone far beyond the scope of Ms. Chesser's expertise as an  
14 anthropologist and --

15 THE COURT: Objection is overruled.

16 The witness may answer.

17 THE WITNESS: Would you rephrase the question or restate  
18 it, please?

19 (The question was read **by** the reporter.)

20 THE WITNESS: I don't believe there's any way that I  
21 personally can stop mass evil. I cannot stop wars, poverty, no.  
22 I feel that, you know, perhaps as we all do, that within my  
23 personal rights I can, you know, alleviate certain -- at least  
24 be helpful.

25 BY MRS. STEIN:

26 Q. Now, these people that you talk of that have a  
27 personal divine revelation, in your words, an encounter **with a**  
28 spirit, this is a personal thing within that person --

1           &     There are physiological symptoms.

2           THE COURT: Please let her finish the question.

3 BY MRS. STEIN:

4           Q.     -- is it not?

5           A.     It's a personal experience, yes.

6           Q.     And you have never had that experience?

7           A     But I have seen it.

8           .MRS. STEIN: Move to strike the latter

9           THE COURT: Objection is sustained.

10                 Please answer the question.

11                 Do you wish her to answer the question?

12                 Please answer the question. Don't volunteer any  
13 statements.

14                 \,iould you read back the question, please?

15                 (The question was read by the reporter.)

16           THE WITNESS: It occurs both externally and interna!::z',  
17 yes.

18 BY MRS. STEIN:

19           Q     And it is only insofar as that particular person is  
20 concerned, is it not?

21           A.     It is visible to those around the person, very often  
22 In fact, if it weren't visible I would doubt that it were a  
23 real encounter.

24           Q.     Now, what do you mean by a real encounter?

25           &     This is -- it's usually related to trance states  
26 which are, of course, visible, physiologically measurable.

27           If you have ever been to a Pentecostal meeting, you know --

28           even if you're an untrained observer, you can spot who has the

1 spirit and who doesn't.

2 Q. Now, are you trained in spotting who has the spirit  
3 and who doesn't?

4 A. This particular area is my particular area of  
5 expertise. It's my area -- well, it's the area in which I'm  
6 doing my dissertation, yes. I don't know that there's any  
7 degrees in recognizing spirit encounters, but, yes.

8 Q. And you yourself have clairvoyance; is that correct?

9 A. I said I have a degree of second sight, yes.

10 Q. And that is above what you would consider the average  
11 normal reasonable person to have; is that correct?

12 A. No, it is not.

13 Q. Well, what is clairvoyance, then?

14 A. Well, I believe that many reasonable people **have** it,  
15 one; and also many people, if they paid attention to their  
16 dreams, for example -- I think that's a fairly well-established  
17 fact that prophetic dreams, and so on, are very common.

18 Q. You are not a psychologist, are you?

19 A. I am not a -- I do not have a degree in psychology,  
20 no.

21 Q. You are not a psychiatrist, are you?

22 A. No.

23 Q. You are not a licensed marriage-family counselor,  
24 are you?

25 A. No.

26 Q. You are not a sociologist, are you?

27 A. No.

28 Q. Other than perhaps taking classes in college for

1 requirements, have you taken any specialized training in the  
2 fields of sociology, psychology, psychiatry or marriage and  
3 family counseling?

4 Of course, yes. I also worked as a professional  
5 counselor for five years before I came back to school, if that's  
6 of any relevance.

7 Did you have to be licensed as a marriage and family  
8 counselor?

9 A. No. I worked for the State. It did not require  
10 a license. It required a master's degree.

11 Now, since -- you said you saw people that had  
12 you personally saw people that had this personal divine  
13 revelation

14 A. Yes.

15 Q. That is correct?

16 A. Yes.

17 Q. That was as to that person, is that correct, only?  
18 I mean it was only that particular person? It was an  
19 individual?

20 A. No. Many people in the congregation including the  
21 minister, for example, in a Pentecostal church, get the spirit,  
22 or, you know, in other religions, voodoo, for example. Trance  
23 states are obviously visible to anyone.

24 Q. Now, what is obviously visible?

25 A. Okay. There are differences in motor behavior or  
26 well, maybe I should speak from my personal experience which is  
27 with Pentecostals, for example. A person who has the spirit  
28 evidences certain kinds of motor behavior. The person's cheeks

1 usually get very pink. The eyes dilate and get very shiny; and  
2 there are various motor actions which I could the person may  
3 get the gift of tongue and start prophesying, or so on.

4 Q. Now, what direct evidence -- can you cite to anybody,  
5 any one of us here in court, that this is something that is  
6 related to any kind of connection with God or a divine  
7 spiritual power?

8 MS. COLANERI: Objection, your Honor. I think that that  
9 question practically calls for --

10 THE COURT: Objection's overruled.

11 The witness may answer.

12 THE WITNESS: I think it depends on whether or not you  
13 believe in God. It also -- it depends on whether you think  
14 that the healings that take place -- and these are documented  
Hi at Lourdes. Healings that take place in various kinds of  
16 religious ceremonies are documented. Now, for whatever source  
17 you wish to attribute that

18 MRS. STEIN: Move to strike as being non-responsive.

19 THE COURT: I believe the answer will stand.

20 BY MRS.. S'TEI:

21 Q. You indicate, as being related to God. Is that not  
22 true?

23 A. The usual -- yes.

24 Q. And you do not believe in God?

25 A. I would say I am agnostic, since I have not  
26 experienced God as an adult.

27 Q. So then, when it comes right down to it, you don't  
28 know whether these personal divine -- where they come from --

1 would that be a fair statement -- these personal divine  
2 revelations that you said you've witnessed?

3 k If you mean, do I have the word of God that these  
4 people have -- are in direct contact with Him, no.

5 Now, are you aware of the fact, as an anthropology  
6 student that Adolph Hitler was a ruthless practitioner of  
7 divination?

8 k I believe he was interested in astrology.

9 Are you aware of the fact that Adolph Hitler, as an  
10 anthropologist, was the owner of one of the world's largest  
11 collection of books on fortune telling?

12 MS. BUCKLEY: Your Honor, objection. I do not believe  
13 there's any evidence that Adolph Hitler was an anthropologist.

14 THE COURT: Please. There will be no comments from the  
15 audience.

16 I don't believe the question was that Hitler was an  
17 anthropologist.

18 MS. BUCKLEY: She said Hitler, as an anthropologist.

19 THE COURT: I think she was referring to the witness as  
20 an anthropologist; that Ms. Chesser, as an anthropologist --  
21 did she understand that Adolph Hitler --

22 Did you answer the question, Ms. Chesser?

23 THE WITNESS: I wasn't personally aware that he had a  
24 huge collection of cult books or books on divination, but

25 **BY** MRS. STEIN:

26 O Fortune telling.

27 & Well, there is a distinction. Are you sure it was  
28 fortune telling and not divination?

1 THE COURT: Are you aware either way, whether Hitler  
2 possessed either a large collection of

3 THE WITNESS: I am not aware of anything about Hitler's  
4 personal library, no.

5 BY MRS. STEIN:

6 Q. Are you familiar with the Nazi swastika symbol?

7 A. Yes.

8 Q. And isn't it a fact that the Nazi swastika symbol  
9 is an ancient good luck symbol in reverse?

10 A. No, it is not. It is one of -- Jung would say it  
11 was an archetypical symbol. It shows all over the world; and  
12 it's the form of the self. It's equivalent to a square, so  
13 that you can find a swastika in almost any culture because of  
14 this archetypical nature.

15 Q. And as an anthropologist or student of anthropology,  
16 are you aware that, like the diviners of old, Hitler relied  
17 upon human sacrifices, astrologers, omens and even his  
18 "institution" in dealing with political and military problems?

19 A. I am not a personal -- I am not that personally  
20 familiar with Hitler. I'm not familiar with that.

21 Q. You are getting your Ph.D, and apparently you have  
22 served as a counselor because you have a master's degree in  
23 some field. And you are seeking your Ph.D; is that not correct?

24 A. Well, essentially I have it, depending on whether I  
25 turn in my dissertation, right. I've done all the other  
26 requirements.

27 Q. Right. Now, you intend to use this insofar as  
28 communicating with other people in some form or another?

1           A.    Well, it's a credential. I don't think it's my  
2 basis for communicating with other people, no.

3           Q.    You have to have certain courses, take certain  
4 courses, write certain papers, take certain tests, in order to  
5 be certified to get your Ph.D, do you not?

6           A.    That's true.

7           Q.    And in order to use this insofar as communicating  
8 with the outside world you must have this credential; is that  
9 not correct?

10          A,    To teach in a university, yes; to do field work, no,  
11 not necessarily.

12          Q.    Whatever.

13          A.    For dealing with officials, yeah.

14          Q.    Now, these people with the divine revelation, and  
15 so on, that we're discussing, witches in particular, they have  
16 no degree in psychology, do they?

17          A.    Most religious leaders don't.

18          Q.    They have no degree in sociology, do they?

19          A.    Sometimes they do. I mean, you know, witches in  
20 are you speaking of witches in the United States? If you are;  
21 they come from very diverse backgrounds. Many of them do have  
22 degrees, especially within the women's movement.

23          Q.    How about the defendant? Does she have any degree  
24 in sociology, psychology, psychiatry, marriage and family  
25 counseling?

26          A.    I personally don't know. I know she attended the  
27 University of Chicago. That's all I **know**.

28          Q.    Now, this personal divine revelation that is use;d to

1 help people solve their problems with powers above the ordinary  
2 powers -- is that correct?

3 A. Yes.

4 Q. And this would apply, I believe you said, in sick  
5 people, people that are ill --

6 A. If that is part of the belief or whatever, or if  
7 that's part of the system, like there are healing witches.  
8 Of course, there are many healers in the United States. But I  
9 don't believe that's an issue here. There's no question of  
10 healing in this trial.

11 MRS. STEIN: Move to strike as being non-responsive.

12 THE COURT: Objection sustained. Motion to strike is  
13 granted.

14 The jury is admonished to disregard the last  
answer.

16 Please just answer the question you're asked,  
17 Ms. Chesser.

18 BY MRS. STEIN:

19 Q. These people with supernatural powers, and so on,  
20 that have this so-called personal divine revelation gift, you  
21 said, have the ability to heal sick people; is that correct?

22 A. Sometimes they do.

23 Q. And telling people future events; is that correct?

24 A. Sometimes they do.

25 Q. And in helping people resolve their, let's say,  
26 emotional problems; is that correct?

27 A. Sometimes they do.

28 Q. And helping people decide the future course of

1 conduct of their life; is that not correct?

2 A. Sometimes they do.

3 And in your discussions -- isn't most of your opinion  
4 based on your historical study of witchcraft, not upon your  
5 current studies?

6 A. This is not true.

7 Q. Well, what current -- let me ask you this. A person  
8 tells somebody's fortune, correct, by some means or other,  
9 predicts a future event

10 A. All right.

11 Q. -- is that not true? Fortune telling is a prediction  
12 of a future event. Is that true?

13 A. If you want -- I'll accept that as a working  
14 definition.

Hi Q. Well, do you agree with it or disagree with it

13

16 A. 'Well, I would not call all predicting of the  
17 fortune telling has a trivial kind of connotation or it also  
18 it's kind of a fun thing, you know. It's not -- I wouldn't  
19 classify all divination as -- for example, as fortune telling.

20 Q. But your divination is not a fun thing, what you've  
21 been discussing?

22 A. It could be, but usually no. It's serious.

23 It's serious because it involves healing sick  
24 people; it involves treating people with --

25 A. Not necessarily. In some cases --

26 Q. Excuse me.

27 MRS. STEIN: May the Court instruct --

28 THE COURT: Would you let the City Attorney finish her

1 question?

2 BY MRS. STEIN:

3 Q. It involves treating people who may have emotional  
4 problems, problems with their husbands or problems with personal  
5 relationships with other people, and so on.

6 A. Fortune telling?

7 Q. Yes.

8 A. No, it does not.

9 Q. Oh. It doesn't involve that at all? Does it involve  
10 predicting future events about a person's conduct?

11 A. It might, yes. It could.

12 Q. Would it make a difference to you if I told you that  
13 the -- well, how would you define fortune telling?

14 A. Telling the person something about himself or  
15 herself, and probably predicting the future course of this  
16 person's life and events that might occur to this person.  
17 But that's the limit of fortune telling, you know, in the  
18 usual definition of the term. This legal business, and so on,  
19 is related to something else.

20 Q. And is that witchcraft?

21 A. It can be. If that's -- but, as I said, witches  
22 have different kinds of abilities. It depends on what that  
23 particular individual does.

24 Q. Do you have any idea of what types of abilities the  
25 defendant has?

26 A. I haven't scientifically studied her, no.

27 Q. So, in other words, you have no basis for knowing  
28 what her religious beliefs are or anything about any personal

1 divine revelations she had had?

2 A. I would say

3 THE COURT: Did you finish the question, Mrs. Stein?

4 You may now answer.

5 THE WITNESS: The answer, I believe, is no.

6 BY MRS. STEIN:

7 Q. So that you do know what powers she -- or what her  
8 personal divine revelations -- is that true?

9 A. I know what she does, yes.

10 Q. Do you know what her personal divine revelation is?

11 A. Well, depending -- okay. Within very -- you know,  
12 like I have never questioned her specifically on this topic;  
13 but I know in general, yes.

14 Q. And how many times have you seen her about this  
Hi subject?

16 A. Well, you know, I've known her for three or four  
17 years.

18 Q. How often did you see her in the last year?

19 A. I couldn't make a good guess. Perhaps -- I don't  
20 know. Somewhere -- between 10 and 15 times, maybe.

21 Q. And you have never studied her personal divine  
22 revelation, if any, made a study of --

23 A. She has never been a subject of a study, no.

24 Q. By you?

25 A. By me, no.

26 Q. And you've also never made a study of any contract  
27 she may have with a supernatural deity, have you?

28 A. I know what she believes in that area, yes, but I

1 have never specifically -- I have not made her subject for  
2 scientific study, no.

3 Q. So then you have no basis whatsoever to form any  
4 opinion as to what her powers may or may not be; is that  
5 correct?

6 A. No, it is not.

7 Q. You've never studied her; is that correct?

8 A. As an object of scientific study. I know her as a  
9 person, and I, you know -- I know what she does and stuff.

10 Q. In the last year, you've seen her some 13 times.  
11 Where have these meetings taken place?

12 A. At her house, at the Wicca, at my house; and I guess  
13 we've encountered each other other places perhaps. I don't  
14 recall any offhandg

15 Q. So you are personal friends, then?

16 A. Yes. I know her through -- yes, through the  
17 movement.

18 Q. Through the what?

19 A. Through the movement, yes.

20 Q. What movement?

21 A. The women's movement.

22 Q. Is there some specific group that you two belong to?

23 A. No, there is not.

24 Q. There's no name to this movement?

25 The women's liberation movement, yes.

26 So that these 13 occasions in which you've seen her  
27 have been basically social in nature?

28 MS. BUCKLEY: Your Honor, that's the second time the

1 City Attorney has misstated the evidence. The witness has  
2 stated she saw her 10, perhaps 15 times. That is not 13 times.

3 THE COURT: Well, I think Mrs. Stein just took a middle  
4 nwnber, when she said, 10 to 15 times.

5 You may proceed.

6 BY MRS. STEIN:

7 Q. This was on a social basis; is that not correct?

8 A. And business, you know, business with regard to the  
9 trial, and so on.

10 Q. This trial?

11 A. Yes

12 Q. Did you discuss your testimony with the defendant  
13 before coming here?

14 A. No, I did not.

15 Q. Well, what business regarding the trial? When is  
16 the last time you saw the defendant?

17 A. Yesterday, at the trial, and, of course, today.

18 Q. And how much time did you -- and when did you see  
19 her prior to yesterday?

20 A. I can't recall offhand; maybe two or three weeks ago

21 Q. And was that about this trial?

22 A. No, it was not.

23 Q. So that you're telling us here that -- how long did  
24 you spend with her two or three weeks ago?

25 A. Maybe an hour or so.

26 Q. Where did this meeting take place?

27 A. At my house. She came by a party.

28 Q. And you at no time during this hour discussed this

1 trial; is that true?

2 A. Not particularly that I recall.

3 Q. And in the last two days you haven't either; is that  
4 true?

5 A. Not with the defendant, particularly.

6 Q. Did you discuss it with anybody?

7 A. Yes, with the defense attorneys; in particular,  
8 Marie Colaneri.

9 Q. Do you, sitting there on the stand -- can you tell  
10 us in this court that you believe that a person can predict  
11 a future event in somebody's life?

12 A. Yes. I believe that's been scientifically  
13 established.

14 Q. And what scientific studies are you referring to?

15 A. If -- the whole literature on ESP, for example,  
16 extrasensory perception, for example, like the Rhine  
17 experiments in the United States are well established.

18 Isn't it a fact that you -- there is no empirical  
19 study that has ever proved that you can predict, through any  
20 ascertainable facts whatsoever, a future event in some person's  
21 life?

22 A. That is not true, no. There is evidence going back  
23 for several hundred years in the western world.

24 Q. Now, I'm talking about an event.

25 A. I'm talking about events.

26 Q. Okay, not conduct. Okay. Let's assume that you  
27 can predict some future event. How does a person go about, a  
28 person predicting -- how does one determine that a person's

1 fortune telling predictions about the future course of a  
2 customer's life will come true?

3 A. If this person happens to have certain kinds of  
4 extrasensory ability, then this person can make accurate  
5 predictions. Most predictions are based ON shrewdly reading  
6 things that the customers or himself may volunteer. There is  
7 very much -- you know, anyone who's even an amateur  
8 psychologist can say a great deal about someone else if they  
9 are perceiving this person, without any particular social  
10 expectations from, you know, past acquaintanceship or whatever.  
11 Most people are shrewd enough observers of other people that  
12 they could make some very good guesses, if that's what you're  
13 talking about. But there are some people who have -- and this  
14 is documented; for example, Mrs. Piper is a famous late 19th  
15 century-early 20th century medium, and so on, in the United  
16 States, can come up with clairvoyant kinds of information.

17 THE COURT: Do you have many more questions,  
18 Mrs. Stein?

19 MRS. STEIN: Just a few, a couple, about three or four.

20 THE COURT: All right.

21 BY MRS. STEIN:

22 You used the word -- first of all, you just spoke  
23 about somebody. There's nothing documented, any literature  
24 that you know of or have ever heard of documented, about the  
25 defendant in this case, is there?

26 To my knowledge, she has not been the subject of a  
27 scientific study, no.

28 Q. Now, you are studying a social science

1           A.     And a physical

2           THE COURT: Let the City Attorney finish the question.

3           BY MRS. STEIN:

4           Q.     -- a social science called anthropology; is that not  
5           correct?

6           A.     No, it is not correct. Anthropology is both a  
7           physical and a cultural science. I happen to have a background  
8           in both areas of anthropology.

9           Q.     But it is what would be termed a social science, as  
10          contrasted with chemistry and physics, is it not?

11          A.     No, it is not. Physical anthropology is as much a  
12          physical science as physics.

13          Q.     Well, is there any empirical data that you know of  
14          or can cite us here to support any of the propositions that  
15          you've discussed regarding personal divine revelation?

16          A.     Yes.

17                  And what is that?

18          A.     That has been the subject of study for thousands of  
19          years, and -- you know, beginning with some of the Indian  
20          documents on Yogis, and so on, that were written well before  
21          the birth of Christ.

22          Q.     There is no empirical study on the defendant, though,  
23          is there?

24          A.     Not to my knowledge.

25          Q.     Now, you used the word "amateur psychologist".

26          THE COURT: I don't want to cut you off, but I try to  
27          take all the questions at once. Do you have many more  
28          questions? I wanted to at least finish up this witness and

1 then take the witness --

2 MRS. STEIN: I had about three more.

3 THE COURT: I don't want to cut you off; but if we can  
4 get them done and have a reasonable break

5 MRS. STEIN: Okay.

6 BY MRS. STEIN:

7 Q. You used the word "amateur psychologist,. in  
8 answering a question.

9 Wnat do you mean by an amateur psychologist?

10 I was using that in, you know, a usual conversational  
11 way, in just -- in the meaning of paying attention to someone  
12 else's social behavior.

13 Q. You also used the word "customer", insofar as a  
14 fortune teller is concerned.

Now, isn't it a fact that, to your knowledge and  
16 you were a former believer in God -- Mrs. Chesser isn't it a  
17 fact that a pastor or minister does not keep money that's  
18 given to him for himself but he gives it to his church?

19 No, that is not true. Many ministers in the  
20 Christian religion, at any rate, especially the fundamentalists,  
21 Pentacostal, non-state religion types, do pass the hat or  
22 whatever; or the collection pays the minister's salary and his  
23 living expenses, and so on.

24 Q. But he does not keep the money that is donated in  
25 what you call the hat? He doesn't keep that himself? He  
26 doesn't pocket that personally?

27 Yes, he does.

28 Q. And he keeps it himself?

1 Yes, he does --

2 That's your understanding

3 It is my knowledge.

4 of the Christian religion?

5 THE COURT: Let her finish the question, and let the  
6 witness finish the answer.

7 BY MRS. STEIN:

8 Q. Now, people that go to church or to temple in a  
9 recognized religion, there is a pastor or priest, minister or  
10 rabbi -- they do not refer to the people who attend their church  
11 or temple -- they do not refer to them as customers, do they,  
12 Mrs. Chesser?

13 I have never heard a minister refer to anybody as a  
14 customer.

15 MRS. STEIN: No further questions.

16 THE COURT: Any redirect?

17 MS. COLANERI: No, your Honor.

18 THE COURT: May this witness be excused?

19 MS. BUCKLEY: Yes, your Honor.

20 THE COURT: You're excused at this time.

21 Ladies and gentlemen, at this time we'll take the  
22 recess until approximately 3:25. I admonish you during the  
23 recess you must not converse among yourselves nor with anyone  
24 on any subject connected with the case or the trial thereof or  
25 form or express any opinion thereon until the entire cause is  
26 finally submitted to you.

27 (There was held a short recess.)

28

1                   (The following proceedings were had  
2                   at the bench.)

3           MRS. STEIN: At this time the People would like to  
4 request **an** offer of proof as to what a systems analyst and  
5 computer programmer would have to do with any of the issues in  
6 this case.

7           MS. BUCKLEY: Your Honor, one of the questions asked by  
8 the City Attorney was whether witches had any degree. My client  
9 is a witch and a high priestess, and she also has a degree.  
10 And she also has a profession. And I believe that that --

11          THE COURT: That may be true, but what does it have to do  
12 with a computer programmer analyst?

13          MS. BUCKLEY: That's what she is.

14          THE COURT: Who is?

15          MS. BUCKLEY: My client has just told the Court and the  
16 jury that she is a systems analyst -- excuse me. My witness

17          THE COURT: What does a systems analyst have to do with  
18 this case?

19          MS. BUCKLEY: Your Honor, the City Attorney said that  
20 asked the former witness whether witches had **any** kind of  
21 degrees. My witness is a witch. And I'm just giving to the  
22 jury -- I mean I'm not going into it any further. But they  
23 have a right to know what her background is.

24          THE COURT: What has her background have as bearing on  
25 the case?

26          MS. BUCKLEY: Oh. She's going to be discussing the fact  
27 that witchcraft is a live and growing religion in the United  
28 States. She is going to testify to the existence of Nemeton

1 THE COURT: The matter of Zsuzsanna Bartha. The record  
2 will reflect 12 jurors, two alternates present: defendant's  
3 present. Both attorneys and the City Attorney are present.

4 The defense may call their next witness.

5 MS. BUCKLEY: Thank you, your Honor. We call  
6 Allison Harlow.

7  
8 ALLISON HARLOW,  
9 called as a witness by the defendant, having affirmed,  
10 testified as follows:

11 THE CLERK: Please state your name.

12 THE WITNESS: Allison Harlow.

13  
14 DIRECT EXAMINATION

15 **BY** MS. BUCKLEY:

16 Q. Ms. Harlow, what is your occupation?

17 A. I am a systems analyst and computer programmer.

18 Q. And what is your academic background?

19 A. I have a master's degree in mathematics from  
20 Columbia University.

21 Q. And where are you presently employed?

22 A. At Stanford Medical Center, Stanford University.

23 Now, in addition to being a mathematician and a  
24 systems analyst -- **strike that.**

25 Ms. Harlow --

26 MRS. STEIN: Excuse me. Hay we approach the bench,  
27 your Honor?

28 THE COURT: You may.

1 which is a federation of pagan and earth religions in the  
2 United States and has a formal organization, has a magazine  
3 which is published and distributed, and that it is part of a  
4 bona fide religion. She will also testify to the bona fide  
5 character of Zand her recognition throughout the United States  
6 as a high priestess of this Susan B. Anthony coven.

7 THE COURT: Okay.

8 Mrs. Stein?

9 MRS. STEIN: I don't know what the foundation would be;  
10 and as an offer of proof is -- what a systems analyst would  
11 have to do with discussing -- she may have her personal  
12 religion, whatever her personal beliefs are. But what her  
13 expertise is and what the foundation is for her testifying as  
14 to any kind of qualifications of the defendant in this case --

15 THE COURT: Well, the objection's overruled. If perhaps  
16 we get far afield, then I'll consider objections. But if it's  
17 limited to what was mentioned by Ms. Buckley I think she can  
18 go into it in those limited fields. If we get far afield  
19 talking about computer programmer, obviously it has no bearing  
20 on the case one way or the other.

21 MRS. STEIN: That was the point. In other words, how can  
22 she be an expert --

23 MS. BUCKLEY: She's a witness.

24 THE COURT: We'll get to that.

25 Objection's overruled.

26 (The following proceedings were had in  
27 open court.)

1 BY MS. BUCKLEY:

2 Q Ms. Harlow, are you a member of a religious  
3 organization?

4 A Yes.

5 Q And what is that religious organization? If more  
6 than one, would you describe your primary organization first?

7 A I am a priestess of the Goddess; that is, a  
8 priestess of the old religion. Our name for it is Wicca.  
9 It's commonly called witchcraft. I am also director of a  
10 national pagan organization whose members comprise many  
11 different traditions and branches of the old religion as well  
12 as other earth religions, nature religions. Most but not all  
13 of these religions are focused on a primary female deity, most  
14 but not all. My own particular religious affiliation does  
15 **worship** primarily the Great Goddess and other subordinate  
16 deities.

17 Q Are you what/<sup>is</sup>known in the vernacular as a witch?

18 A I am.

19 Q Do you have any special powers or talents which **were**  
20 given to you **by** the Goddess?

21 MRS. STEIN: Objection, your Honor; calls for speculation.

22 THE COURT: The witness may answer.

23 The objection's overruled.

24 THE WITNESS: Could I explain my answer a little bit?

25 THE COURT: Well, first answer it and then proceed from  
26 there, please.

27 THE WITNESS: Okay. I will answer it yes.

28 If I may explain --

1 THE COURT: You may.

2 THE WITNESS: It has been my conviction in working with  
3 and teaching many, many people in the craft throughout this  
4 country that psychic ability is a normal human ability, like  
5 creativity, musical ability or such similar gifts, and  
6 probably follows a normal curve of distribution like  
7 intelligence and many other human qualities.

8 It is the case, I have found, that some religious  
9 systems help people to train and discipline that ability.  
10 I do not believe that I was born with more than average ability  
11 along these lines. And, in the training I have received as  
12 preparation for the priesthood of my religion, I have been able  
13 to develop those abilities I was born with to a point of  
14 reasonable reliability.

15 **BY MS. BUCKLEY:**

16 Q. Now, you talk about

17 MRS. STEIN: Your Honor, I'd move to strike that answer  
18 on the basis that there's no foundation for it, and it's  
19 strictly a conclusion of the witness.

20 THE COURT: You may cross-examine as to that. The answer  
21 will stand.

22 MS. BUCKLEY: Thank you, your Honor.

23 **BY MS. BUCKLEY:**

24 Q. Now, you referred to certain training that you  
25 received or preparation.

26 What kind of training or preparation did you receive  
27 for becoming a priestess in worshipping of the Goddess?

28 A. It began for me with an experience that I can only

1 describe as revelation, and from then I began to seek someone  
2 who could explain to me what was happening. I was fortunate to  
3 find a teacher. My belief is that the lady sent me to this  
4 teacher who trained me in his knowledge.

5 And what do you believe are your talents that set it  
6 aside and make it possible for you to be a high priestess?

7 A Primarily empathy, I think, and being able --

8 MRS. STEIN: Your Honor, I object to this as being  
9 irrelevant to the issues in this case, as to whether or not  
10 the defendant told -- irrelevant to the issue in this case as to  
11 whether or not the defendant told fortunes on February 10, 1975.

12 THE COURT: The objection is sustained.

13 Perhaps you can move on to what was discussed at the  
14 bench, without all these preliminaries at this point.

15 BY MS. BUCKLEY:

16 Q. Now, you say that you worship the Wicca and you are  
17 a part of that organization, your primary organization of which  
18 you are a high priestess.

19 What is that organization called?

20 A The pagan organization I referred to is Nemeton.  
21 It's a Celtic word. It means grove or sanctuary, because it's  
22 the way of our people to worship outdoors under the trees, in  
23 the grove.

24 Q. Now, are there certain practices or rituals as part  
25 of your practice of your religion?

26 A. Yes.

27 Would you describe some of those practices -- and  
28 that is the practice of witchcraft; is that correct?

1           A.    Yes.

2           Q.    would you describe some of those practices?

3           A.    In our rituals we celebrate the changing seasons.  
4 We have eight holidays a year. And in our practices we try to  
5 be aware of reverence for life, respect for nature and the  
6 earth, and to use the gifts the Goddess gave us, including  
7 divination, if we are so gifted.

8           Q.    Now, what do you mean by the term "divination"?

9           A.    I mean the ability to reach out and reach in at the  
10 same time to a source of wisdom that comes through to us through  
11 whatever techniques we find most suitable for that purpose,  
12 sometimes by meditation, sometimes by seeing patterns in the  
13 stars or in the cards or in a bowl of water; and sometimes this  
14 helps us to obtain insights that we have learned to trust  
15 **because** we are trained to know when it's really coming through  
16 and when it's just guessing.

17          Q.    What type of information are you talking about  
18 receiving from inside and outside?

19          A.    An inner sense of patterns of the shape of things,  
20 of how things are moving, which sometimes helps you to see  
21 where things are going.

22                Now, are you talking about prophecy or seeing things  
23 in the future?

24          A.    Both, in a way.

25          Q.    How would you define "prophecy"?

26          A.    I can't distinguish between prophecy and seeing,  
27 in that sense. It comes usually as a vision. It's an image  
28 in your mind of something that will happen if present patterns

1       continue.

2               Q.     But it's a seeing, then, of the future?

3               Yes. It's not a seeing of the certain future.

4       It's the seeing of the likely future on the basis of present  
5       realities.

6               Q.     Now, would you divide that into a difference between  
7       **events** and conduct, perhaps?

8               No.

9               Q.     It wouldn't make any difference?

10              A.     No.

11              Q.     Now, this divination, do witches when they practice  
12       divination use any kind of tools or instruments in connection  
13       **with** obtaining this information?

14               Yes. Probably the major ones used by witches are  
15       astrology and the tarot. People in a more -- working in a more  
16       purely Celtic tradition will do a casting of sticks which is  
17       somewhat analogous to the I Ching of China which is the primary  
18       method of divination used there. But I would think probably  
19       most modern witches are primarily palmists, astrologists or  
20       tarot readers.

21               Now, do witches receive payment for telling the  
22       future or for -- do you call it telling the future or do you  
23       have another term for what witches do in divination?

24               Well, foreseeing, I suppose, is a good word. As to  
25       payment, that's an individual matter. The laws of our religion  
26       prevent us under an absolute level from selling our religion  
27       for money; that is, we may *not* teach for money; we may not  
28       prepare someone for initiation for money. But the skills that

1 we have developed that help us to God and counsel and help the  
2 people in our congregations or help outsiders -- these can be  
3 done for money or for payment. For many witches, this is their  
4 only form of income.

5 O Now, does that payment generally come in a number of  
6 forms depending upon the person who is being counseled?

7 Yes. This is an individual matter. Any witch may  
8 **expect** to receive a gift, to compensation for her services.

9 Would you liken that to the offering made in the  
10 Christian and Judaic religions?

11 MRS. STEIN: Objection; calls for speculation.

12 THE COURT: Well, she may give her opinion.

13 Objection's overruled.

14 THE WITNESS: To the best of my knowledge, yes. Could I  
15 add that very often many -- again, many witches I know -- and I  
16 am acquainted with many witches throughout this country, having  
17 traveled extensively to meet others of my faith -- for m0.ny of  
18 us, the money we receive for our service goes to our coven which  
19 is our word for our congregation, our immediate working family.  
20 It is for our church. Those of us who have no other source of  
21 income also use it to buy food. But that's a time-honored  
22 tradition, too.

23 **BY MS. BUCKLEY:**

24 Q. Now, this organization which you have spoken of, the  
25 Nemeton, would you describe that a little bit formally?  
26 It's a nationwide organization; is that correct?

27 It's a religious fellowship of followers of the  
28 earth religions, many but not all of whom are witches. Members

1 of the organization receive our publication and a private  
2 newsletter circulated to members and are able thereby to  
3 communicate with others.

4 One of our major functions of the organization is  
5 that people write to us seeking information on how they can  
6 find a group of like-minded people to worship with or prepare  
7 them for initiation. And we have a system of secretaries  
8 throughout the country, and we send them these inquiries, to  
9 the nearest region. And they write a personal letter and try  
10 to help the seeker to find whichever group, whichever religion  
11 will be most beneficial or congenial to that seeker. So it  
12 sort of is a clearing house in that way.

13 MS. BUCKLEY: Your Honor, may I have this exhibit marked  
14 C, Defendant's Exhibit C for identification?

15 THE COURT: It may be so marked.

16 I might just say, just to try to keep the exhibits  
17 together -- I see several there and several on that table.

18 Have you shown that to Mrs. Stein?

19 MS. BUCKLEY: I am going to show it to her right now,  
20 your Honor.

21 MRS. STEIN: May we approach the bench?

22 THE COURT: You may.

23 (The following proceedings were

24 had at the bench.)

25 MRS. STEIN: An objection to this as being hearsay.

26 THE COURT: We haven't even heard anything about it yet.

27 MRS. STEIN: No, but the objection to the introduction  
28 of this booklet as being strictly hearsay --

1 THE COURT: I would guess the testimony is going to be:  
2 Is this the magazine your organization puts out?

3 Isn't that more or less about --

4 MS. BUCKLEY: Yes, your Honor. We're trying to show the  
5 bona fides and the fact that this is a nation-wide, you know --

6 THE COURT: I don't believe Ms. Buckley is going to ask  
7 her to read what might be 50 pages. She's going to say: Did  
8 your organization put out a magazine? And the answer is yes;  
9 and "here's the magazine."

10 Is that correct?

11 MS. BUCKLEY: That's right.

12 MRS. STEIN: But I would object to it being offered into  
13 evidence.

14 THE COURT: What ground?

15 MRS. STEIN: On the ground that it's hearsay.

16 THE COURT: Hearsay of what?

17 MRS. STEIN: Magazine itself. I can't cross-examine the  
18 authors of this, the writers, and so on.

19 THE COURT: I don't think they're going into the contents.  
20 It's merely to show that a magazine exists. It would be like,  
21 does Time magazine put out a magazine?

22 You can't cross-examine the editors of Time, but  
23 there is testimony that Time does put out a magazine each week.

24 The objection's overruled.

25 (The following proceedings were had  
26 in open court.)

27 THE COURT: Ms. Buckley, you may continue.  
28

1 **BY MS. BUCKLEY:**

2 Q. Now, Ms. Harlow, does your organization put out a  
3 magazine?

4 A. Yes.

5 Q. And what is it called?

6 A. Nemeton.

7 MS. BUCKLEY: May I approach the witness, your Honor?

8 THE COUR'r: Yes.

9 Mrs. Stein?

10 MRS. STEIN: I object on the grounds of no foundation.  
11 'l'here has been no evidence that the defendant is a member of  
12 that organization.

13 THE COURT: The objection's overruled. The answer of  
14 the witness may stand.

15 **BY MS. BUCKLEY:**

16 Q. Ms. Harlow, I show you defendant's exhibit C for  
17 identification and ask you whether you recognize that.

18 A. That's the third issue we published.

19 That's the third issue that you published. And is  
20 this the magazine distributed nation-wide?

21 A. Yes.

22 Q. And does that magazine contain articles with regard  
23 to what you would call your theology?

24 A. Yes, and the theology of other earth religions that  
25 are not Wicca'.

26 Now, the magazine is entitled The Journal of  
27 Witchcraft And Paganist.

28 You have used this term to describe your religion.

1 Would you define the term "pagan" for this court.

2 A. As we use it and as it's used in our magazine, it  
3 means followers of the indigenous local native religions of  
4 their area rather than the formalized elaborated religions.  
5 We would consider all American Indian religions pagan, the  
6 Polynesian religion, the native religions of Europe which is  
7 primarily Wicca, and African religions, and so forth.

8 The word pagan comes from the Latin Pagani meaning  
9 country people. It's the local religion, the honoring of the  
10 local deities of our home place.

11 Q. And this would be opposed to Christianity or Judaism,

12 A. In general, all pagan religions are polytheistic;  
13 so it would be in contradistinction to monotheistic, external  
14 religions, as it were.

15 Q. Now, you used the term Wicca. Does that have a  
16 meaning?

17 A. Yes. That's the ancient Anglo-Saxon word from which  
18 our word witch is derived. It means the wise one.

19 MS. BUCKLEY: May I have one second, your Honor?

20 THE COURT: You may.

21 **BY MS. BUCKLEY:**

22 Q. Now, in your position as a member of Nemeton which  
23 is the national organization, have you become acquainted with or  
24 do you know the reputation of the defendant Z Budapest?

25 A. Yes.

26 Q. And what is that reputation?

27 MRS. STEIN: Objection, your Honor; no foundation.

28 THE COURT: Objection sustained.

1 BY MS. BUCKLEY:

2 Q. You have testified that you are a high priestess of  
3 Wicca; is that ocrrect?

4 A. Yes.

5 Q. And you are a member of a coven in San Francisco?

6 A. In the Bay Area, yes.

7 Q. You are also, I understand, a member of Nemeton which  
8 is a national organization; is that correct?

9 A. I'm a director of Nemeton.

10 Q. You are a director of Nemeton?

11 A. And in that capacity I have traveled and met other  
12 high priestesses throughout the country.

13 Q. And does this organization, Nemeton, have knowledge  
14 of ardrecognize high priestesses or priests of the various  
pagan and earth religions which belong to the Nemeton  
16 organization?

17 A. In a way, yes. The problem with the way you've  
18 asked the question is that Nemeton is a pagan organization,  
19 as my work -- in my work as a high priestess of the Craft, of  
20 the Wicca, this has been my basic background work for knowing  
21 who my fellow high priestesses are. Nemeton officially, as a  
22 pagan organization, does not concern itself with Craft  
23 organization. It is my work in Craft organization that  
24 qualifies me to know who my colleagues are.

25 Well, then as a member of your Craft organization  
26 and as a high priestess yourself, do you recognize the defendant  
27 as a high priestess?

28 A. I do.

1 Q. Now --

2 THE COURT: What do you base that on? Why is she  
3 considered a high priestess of Wicca?

4 Is that the organization of which she's considered  
5 a high priestess, or Wicca?

6 THE WITNESS: Yes.

7 THE COURT: What is that based on? What is your belief  
8 based on, that she is a high priestess of Wicca?

9 THE WITNESS: It is based on our knowledge of her and her  
10 knowledge of us. How does a protestant minister in one place  
11 recognize a colleague in another place?

12 THE COURT: Well, what have been your dealings with her  
13 upon which you are basing your opinion?

14 THE WITNESS: My personal contact with her?

15 THE COURT: Upon what are you basing your opinion, or  
16 what has been your dealing with the defendant?

17 THE WITNESS: My knowledge as a priestess. (we know ea h\  
18 othe er. 1 ///-

19 THE COURT: You may continue, Ms. Buckley.

20 MRS. STEIN: I move to strike the answer, then, as being  
21 without foundation.

22 L; WIT SS: Should I try again?

23 THE--- T. ---.Th; on to--; ik i J granted. J ...-

24 The jury's admonished ('---disre t l st statementj'

25 BY MS. BUCKLEY:

26 Q. As a high priestess of one Wicca organization, have  
27 you spoken to members of other Wicca organizations?

28 A. Yes.

1 Q. And have they informed you who their high priestess  
2 was?

3 MRS. STEIN: Objection; hearsay.

4 THE COURT: Well, no. The witness may answer.

5 The objection's overruled.

6 HE WITNESS: I d •t understand the question.

7 BY MS. BUCKLEY:

8 Q. Well, in other words, we have asked you how you know  
9 she is a high priestess. One of the ways that you have  
10 indicated is that -- in this very general way. But I am  
11 asking you in specifics of how you know she is a high priestess.

12 A. Let me try to be specific.

13 MRS. STEIN: t? : c:tj,c:>-// ,7

14 THE COURT: Just a moment. ,

MRS. STEIN: Excuse me, your Honor. Object to the manner  
16 in which Counsel is advising the witness on how to testify.

17 THE COURT: Objection is sustained.,

18 Please answer, upon what do you base your opinion,  
19 or what would lead you to believe that the defendant is a high  
20 priestess of Wicca?

21 THE WITNESS: I can answer most simply by saying that our  
22 religion, although scattered and varying in minor details, is  
23 essentially the same in ritual practice and belief. Through  
24 communication with the defendant, by asking certain questions,  
25 answering certain of her questions, we, myself and many other  
26 priestesses of my religion, are satisfied that her beliefs,  
27 practices and rituals are in essence the same. Therefore,  
28 we recognize her as a member of our religion.

1 MRS. -TEIN'l: <tf ve to strike;) your Honor, the testimony  
2 of the witness on grounds of no foundation.

3 THE COURT: Well, have you had dealings with the defendan  
4 as a high priestess, or are you merely basing it on what people  
5 have told you?

6 THE WITNESS: Personal correspondence with the defendant.

7 THE COURT: Have you had any direct dealings in the area  
8 of Wicca?

9 THE WITNESS: Our personal correspondence dealt with thes  
10 areas.

11 THE COURT: And what is that correspondence related to?

12 THE WITNESS: We published a magazine. She saw it. She  
13 wrote to us. We wrote to her. One of my colleagues met her.  
14 We talked about the things that witches talk about when we talk  
15 about our religion. And we have no question but that we are  
16 talking about the same religion.

17 THE CODR'l': Mrs. Stein?

18 MRS. STEIN: I move to strike.

19 THE COURT: Motion to strike is granted.

20 The jury is admonished to disregard the last few  
21 answers of the witness.

22 BY MS. BUCKLEY:

23 Q. Now, you said you had had actual correspondence with  
24 the defendant. Did that correspondence

25 What did that correspondence relate to?

26 MRS. STEIN: Asked and answered, your Honor.

27 MS. BUCKLEY: It was stricken, your Honor.

28 MRS. STEIN: It was asked and answered and stricken.

1 THE COURT: Objection is sustained.

2 MS. BUCKLEY: Your Honor, may I approach the bench?

3 THE COURT: No.

4 Is the only correspondence with the defendant having  
5 been with the magazine?

6 THE WITNESS: No.

7 THE COURT: What other correspondence has there been?

8 THE WITNESS: Before I met the defendant, the defendant  
9 met one of the most respected and principal leaders of our  
10 religion in this country who said to me that she had met the  
11 defendant and was delighted to meet such a powerful and  
12 beautiful priestess.

13 THE COURT: Please answer the question.

14 What has been your correspondence with the defendant?  
Hi Don't volunteer any statements. Just answer the questions

16 THE WITNESS: Pardon me, your Honor. I thought the  
17 question was whether I had any knowledge aside from the

18 THE COURT: No. I believe it was: What has been your  
19 correspondence with the defendant.

20 THE WITNESS: We have shared our views as to our beliefs  
21 and practices, and we have found them to be the same.

22 BY MS. BUCKLEY:

23 O. In correspondence?

24 k In correspondence.

25 And they were also around religious -- your religious  
26 beliefs?

27 A. Yes.

28 THE COURT: Has it been anything other than the magazine

1 Nemeton? Have you corresponded with anything other than the  
2 magazine which is defendant's **C** for identification?

3 THE WITNESS: Yes. These were personal letters. They  
4 were not published.

5 THE COURT: You may proceed, Ms. Buckley.

6 MRS. STEIN: Well, I'll renew my motion; no foundation.

7 THE COURT: The answer to that question -- the only  
8 question pending has been with correspondence. That answer may  
9 remain.

10 MRS. STEIN: Thank you, your Honor.

11 **BY MS. BUCKLEY:**

12 Q. Now, after the correspondence did you in fact meet  
13 with Z Budapest personally?

14 A Yes.

15 Q. And at that time did you, through your discussions,  
16 come to any kind of an opinion as to whether or not Z Budapest  
17 was in fact a high priestess in your religion?

18 MRS. STEIN: No foundation, your Honor; objection.

19 THE COURT: Objection sustained.

20 **BY MS. BUCKLEY:**

21 Q. As a high priestess in Wicca, are there any  
22 credentials passed out to witches, written --

23 A. Yes.

24 Q. Are there any written documents passed out --

25 A. In some traditions, yes.

26 Q. In your tradition is there a written document?

27 A. Yes.

28 Q. In the Susan B. Anthony coven, if you know, is there

1 any such credential?

2 MRS. STEIN: Objection! no foundation.

3 THE COURT: No.

4 MS. BUCKLEY: I said, "If you know".

5 THE COURT: Objection is overruled.

6 The witness may answer.

7 THE WITNESS: I don't know. Our religion is similar to  
8 the congregation

p THE COURT: In other words, you don't know if they give  
10 out any documents on the Susan B. Anthony coven?

11 Just answer that question yes or no.

12 THE WITNESS: I do not know.

13 THE COURT: You need not volunteer any more statements.

14 You may proceed.

15 BY MS. BUCKLEY:

16 O. Now, are there any other methods of recognizing  
17 high priestess or witches than credentials?

18 A. Yes.

19 Q And what are those means of recognizing a sister  
20 high priestess, if you will describe to this Court?

21 A. It is one of the psychic senses that we are trained  
22 to develop to help us to recognize each other. There are also  
23 certain signs, words, symbols, other things that identify us  
24 to each other

25 MRS. STEIN: Move to strike, your Honor.

26 THE COURT: Well, the answer may remain on what something  
27 may or may not be based on.

28 The objection's overruled.

1 MS. BUCKLEY: By way of laying a foundation for my next  
2 line, your Honor.

3 **BY MS. BUCKLEY:**

4 Q. Ms. Hclrlow, by profession you are a mathematician;  
5 is that correct?

6 A. Yes.

7 Now, do you use the same logic or methods in your  
8 field of mathematics as you do with your religion?

9 P. No.

10 MRS. STEIN: Objection, your Honor; irrelevant.

11 THE COURT: Well, the answer may stand.

12 Objection's overruled.

13 THE WITNESS: No.

14 **BY MS. BUCKLEY:**

15 Q. So your religious belief is based on something **else**  
16 is that correct?

17 A. **Yes.**

18 Q And what is your religious belief based on?

19 MRS. STEIN: Objection, your Honor. It's irrelevant as  
20 to what her religious belief --

21 THE COURT: Objection sustained«

22 **BY MS. BUCKLEY:**

23 Q. Now, you said earlier that one of the ways that  
24 witches recognize each other is through psychic means, through  
25 symbols, words, and the like?

26 A. Yes.

27 Now, when you met Z Budapest face to face, did you  
28 recognize her as a high priestess through those means?

2 01  
1 MRS. STEIN: Objection, your Honor! no foundation.

2 THE COURT: Objection sustained.

3 MS. BUCKLEY: Your Honor, may I approach the bench?

4 THE COURT: No. The court has made its ruling. The  
5 objection is sustained.

6 MS. BUCKLEY: Your Honor, I would like to make an offer  
7 of proof on the record.

8 (The following proceedings were had  
9 at the bench.)

10 MS. BUCKLEY: Your Honor, my offer of proof is that, if  
11 given the opportunity, this woman would testify that she is a  
12 high priestess in a religious organization and that her religious  
13 organization claims to have certain kinds of powers to recognize  
14 each other, and that she, using those techniques, recognized the  
15 defendant as a fellow high priestess. Now, I know of no other  
16 way to lay a foundation for that information. She has testified  
17 as a high priestess that this is their method and their system  
18 of recognizing each other; and you are, you know, not permitting  
19 that information to come in. And I think it is prejudicial  
20 because I know of no other way to prove that Z Budapest, other  
21 than through her own words, is recognized as a witness. And we  
22 have here another woman who is a director of a national  
23 organization who has been attempting to testify that she is  
24 recognized nationally as a witch. And you're not permitting  
25 I don't know any other way to get this in.

26 THE COURT: Mrs. Stein?

27 MRS. STEIN: Well, there is no way. I mean, this is, I  
28 think, something totally nebulous.

1 THE COURT: All I can see is her testimony -- some power  
2 hit her that the other woman was a witch, and therefore that's  
3 why she believed it. And I don't think that is sufficient  
4 testimony.

5 MS. BUCKLEY: Well, your Honor, then you are not  
6 understanding witchcraft. And that is -- my feeling is that,  
7 regardless of what you or I believe <sup>ab</sup>out witchcraft that  
8 witches believe that this is the way they recognize each other;  
9 and, if that is their belief, we can not go ahead and impress  
10 upon them our Christian-Judaic beliefs that you have to **do it**  
11 **by** getting a certificate of the Pope.

12 THE COURT: \nether I'm a witch or not isn't the issue.  
13 **I'll** continue this case until Monday morning for you to come up  
14 with some authority that this witness is allowed to **give that**  
15 opinion. And I'm ruling on the **law**. It has nothing to do with  
16 my opinions on witchcraft.

17 MS. BUCKLEY: We've had testimony that witchcraft is a  
18 religion. And I don't know how, other than by having high  
19 priestesses, come in and tell you what it's all about -- there:  
20 **--no books and Bibles.**

21 -----THE COURT: 'What **is** her foundation? **It's** only that  
22 something hits her that the other woman was a witch. And I  
23 don't think that is sufficient.

24 MS. BUCKLEY: That is not what she said. She testified,  
25 your Honor, that in correspondence -- that their rituals were  
26 similar; <sup>... ..</sup>tha their beliefs were similar.

27 THE COURT: She has not testified to that.

28 MS. BUCKLEY: She did, your Honor.

1 THE COURT: There has not been any testimony about rituals  
2 involving Z Budapest, the defendant. She says there has been  
3 some correspondence over the magazine because the defendant  
4 liked the magazine. Then something hit her, and she said  
5 therefore she's a witch. And that's the only testimony you  
6 have presented in laying a foundation. And is the objection  
7 that Mrs. Stein has raised.

8 MS. BUCKLEY: Your Honor, if I may review the testimony,  
9 she testified that there was personal correspondence between  
10 them on religious matters and on their philosophy, and that it  
11 was on the basis of that that she recognized Z as a witch.

12 THE COURT: I don't believe she went into that. There  
13 was testimony, and part of it was stricken but the main  
14 testimony I heard in correspondence had to do with the magazine.  
15 She said there are unpublished letters. And I have no idea  
16 whether they're supposed to be published or what.

17 MS. BUCKLEY: Than let me go into that with her, because  
18 my understanding of what she said was they were personal  
19 letters. And, when you asked, was it about the magazine, she  
20 said no, your Honor; these were unpublished letters. My  
21 understanding of her saying that was that they were personal  
22 letters between ther.1. Your understanding perhaps was that she  
23 sent them to the magazine. I can clarify that if

24 THE COURT: I said letters about the magazine, and the  
25 woman said yes. That's why -- they apparently sent the magazine  
26 to her; "what do you think of it?" and she apparently wrote  
27 back and said, "It's great". "Oh. You're a witch."

28 Now, perhaps I misunderstood the testimony but --

1 Mrs. Stein?

2 MRS. STEIN: Your Honor is correct.

3 MS. BUCKLEY: I beg to differ with you. If **that's your**  
4 interpretation of what she said, then I must re-ask those  
5 questions.

6 THE COURT: Okay. **You** may.

7 (The following proceedings were  
8 had in open court.)

9 **BY MS. BUCKLEY:**

10 Q. To clarify some of your earlier testimony,  
11 Ms. Harlow, you stated that you had received some **correspondence**  
12 with regard to Nemeton from Ms. Budapest; is that correct?

13 A. I believe I said that it was her reading of our  
14 magazine that initiated our personal correspondence.

15 Q. Now, this personal correspondence between you, **was**  
16 that about the magazine?

17 A. No.

18 Q. What was the personal correspondence about?

19 A. She gave me her personal views of some of the  
20 theology mentioned in the magazine. I replied with my  
21 personal views on these and other issues; and a personal  
22 correspondence was begun from that point in which we shared our  
23 religious views and our attitudes and exchanged information  
24 about our practices and beliefs.

25 Q. So from these letters in which you exchanged  
26 information about your practices and beliefs and your religious  
27 practices and beliefs, you formed an opinion

28 A. 'l'hat's correct.

1 THE COURT: How long a period of time did this  
2 correspondence occur between you and the defendant?

3 THE WITNESS: About a year.

4 THE COURT: Is that up until now, or when did you first  
5 contact the defendant in writing or did she first contact you?

6 THE WITNESS: About a year ago, as best I remember.

7 THE COURT: And for the past year you've been carrying on  
8 correspondence regularly?

9 THE WITNESS: **Yes.**

10 THE COURT: You may continue.

11 BY MS. BUCKLEY:

12 Q. And as a result of this correspondence and exchnnJa  
13 of information about practices and beliefs, did you fo::rm ,m  
14 opinion as to whether Z Budapest was a witch?

15 MRS. STEIN: Objection no foundation, your Honor.

16 THE COURT: How long after the letters did you first  
17 meet her? From when you first received a letter, when did you  
18 first meet her?

19 THE WITNESS: I met her two days ago when I came down her<  
20 for the trial.

21 BY MS. BUCKLEY:

22 Q. That was the first time you met her?

23 That's right.

24 THE COURT: When did you form your opinion, if any,  
25 regarding her?

26 THE WITNESS: I suppose, shortly after I received the  
27 first letter from her.

28 MRS. STEIN: Your Honor, on the basis of the **answer** to

1       that question, I move to strike this witness• entire testimony  
2       as being without foundation.

3               THE WITNESS: Could I amplify a little

4               THE COURT: No. Just one moment.

5                       The objection is overruled.

6                       The witness may answer.

7                       The weight, if any, is to be given the trier of  
8       fact. The trier of fact is to determine the weight, if any,  
9       of the testimony.

10       BY MS. BUCKLEY:

11               Q. What was the opinion you formed?

12               A. That the defendant and myself were priestesses of  
13       the same religion.

14               Q. Thank you.

15                       Now, are there any procedures in your religion for  
16       dealing with high priestesses who misuse their powers?

17               MRS. STEIN: Objection; irrelevant.

18               THE COURT: The objection is overruled. But I think we  
19       can limit this area without branching off on another tangent.

20                       You may answer.

21               THE WITNESS: The ethics of our religion are very  
22       stringent. If we have reason to believe that any witch, much  
23       less a priestess is misusing, doing what we call psychic  
24       malpractice, exploiting the public, for example, or any other  
25       such matter, we would first try to talk to the person; and,  
26       if persuasion was unsuccessful, we would attempt to make it  
27       publicly known that we disassociated ourselves from that person  
28       so that that person's actions would not bring discredit on the

1 entire religion.

2 MS. BUCKLEY: I have no further questions, your Honor.

3 THE COURT: Mrs. Stein, do you have any cross-  
4 examination?

5 MRS. STEIN: Well, unless --

6 People would renew the motion to strike the  
7 testimony of this witness as being without foundation. She  
8 formed the opinion --

9 THE COURT: Well, the Court has made it's ruling. The  
10 agrument can be made to the trier of fact.

11 MRS. STEIN: I do have some cross-examination, your  
12 Honor.

13 THE COURT: I can't hear you.

14 MRS. STEIN: I do have some cross-examination, in that  
15 event.

16 THE COURT: Then you may begin your cross-examination at  
17 **this** time.

18  
19 CROSS-EXAMINATION

20 BY MRS. STEIN:

21 Q. You said you live in San Francisco, Ms. Harlow?

22 A. No. I said the San Francisco Bay Area.

23 Q. And you didn't meet the defendant until a few days  
24 ago; is that correct?

25 A. That is correct.

26 Q. Do you belong to a similar group of the group as  
27 the defendant? Is that Nemeton? Is the defendant a member  
28 of Nemeton?

1 A. No.

2 Q. Are you and the defendant a member of any mutual  
3 groups?

4 A. We are members of the same religion.

5 Q. Are you members of any groups bearing any particulax  
6 name, such as Nemeton, and so on?

7 A. We're in the process of building a state-wide  
8 organization which is not yet complete.

9 MRS. STEIN: Move to strike as being non-responsive.

10 THE WITNESS: No.

11 THE COURT: Please just answer the question, Ms. Harlow,  
12 as asked of you by the attorney.

13 THE WITNESS: No.

14 BY MRS. STEIN:

Q. So you are not a member of any mutual group.

16 These letters that you've been writing over the  
17 last year, approximately how many letters did you write?

18 A. Six or ten. I can't remember the exact number.

19 Q. And how many did the defendant write?

20 A. About the same number.

21 Q. And she initiated them?

22 A. Yes.

23 Q. The letter writing?

24 A. Yes.

25 Q. And that was because of your magazine?

26 A. Yes.

2, Q. And this is approximately one year ago in February  
28 of 1974 or April of '74?

1           A.    I think it was March.

2           Q.    What does that thing mean that you have around your  
3 neck?

4           A.    It is a symbol worn by witches, much as a cross is  
5 worn by Christians. It is a Pentacle. It's the primary  
6 symbol of our religion.

7           THE COURT: And how would you describe that for the  
8 record?

9           THE WITNESS: A Pentacle? Five-pointed star.

10       **BY MRS. STEIN:**

11           Q.    Surrounded by a circle; is that correct?

12           A.    Yes.

13           Q.    It's silver in nature.

14           A.    Mine is silver.

15           Q.    And that means that you are a witch?

16           A.    Yes.

17           Q.    Does it mean you are a high priestess?

18           A.    Not necessarily.

19           Q.    You stated that you had some training to be a witch.

20           A.    That's right.

21           Q.    Who trained you?

22           A.    You want his name?

23           Q.    Was it another witch?

24           A.    Yes.

25           Q.    And it was one person?

26           A.    Yes.

27           Q.    And --

28           THE COURT: was it a male, did you indicate?

1 THE WITNESS: Yes.

2 THE COURT: And where did that training take place?

3 THE WITNESS: In San Leandro.

4 BY MRS. STEIN:

5 Q. And he was the only that trained you to be a witch?

6 A. He was my teacher. I also worked with the rest of  
7 the coven, but they were not -- did not have the status of my  
8 teacher.

9 Q. And what is his name?

10 THE COURT: Excuse me just one moment.

11 There will be no standing in the audience. If there  
12 are no seats, I would have to ask the people to please go  
18 outside. Fire regulations require it.

14 BY MRS. STEIN:

15 Q. What is the name of this male witch?

16 A. He's known in the Craft as Lono.

17 Q. And is he a witch or a warlock?

18 A. He is a witch. We do not recognize the term  
19 "warlock". It was not our word.

20 You do not recognize the word war.lock?

21 A. No. We do not use it.

22 How long a period of time did it take you before  
28 you became a witch?

24 A year and a day.

25 Q. Is that a year and a day. Is that standard?

26 A. In some traditions.

2, THE COURT: How long have you been a witch?

28 THE WITNESS: Five years.

1 BY MRS. STEIN:

2 Q. Now, does this year and a day of training to be a  
3 witch apply to everybody that is being trained, or does it  
4 depend on how much you assimilate, or is it just a set period  
5 of a year and a day for everybody that is going through this  
6 training?

7 A. It varies with different witchcraft traditions.  
8 There are many different traditions.

9 Q. I'm asking about yourself.

10 A. My tradition? It varies,

11 Q. So that some people, it might take a year and two  
12 days, or some people, it might take two years, or some people  
13 might be **able** to do it in six months? Is that what you're  
14 saying? Or is it always a year and a day, is what I'm saying,

A. I said it varies.

16 THE COURT: Could it be less than a year?

17 THE WITNESS: Yes.

18 THE COURT: Up to 10 years or what?

19 THE WITNESS: Yes. Initiation happens whenever the  
20 teacher and the rest of the coven and the initiate feels that  
21 the time is right, that the initiate is ready.

22 BY MRS. STEIN:

23 Q. Is there some specific reason why you recall that  
24 yours was a year and a day?

25 A. Our teachings describe that as the ideal way, and  
26 that's the way I wanted it.

27 Q. So that most people, unless there is some exception,  
28 it takes a year and a day?

1           A.     In my tradition.

2           Q.     Do you know anything about the tradition of the  
3 defendant?

4           A.     I know she comes of a middle European tradition,  
5 that her teaching and training, comes from Hungary where she  
6 was born.

7           Q.     Do you know anything specific about her training,  
8 background, training and experience?

9           A.     No.

10          MRS. STEIN: Your Honor, on the basis of that last  
11 answer, I move to strike; renew motion.

12          THE COURT: Ms. Buckley?

13          MS. BUCKLEY: Yes, your Honor. The witness did not say  
14 she recognized her as a witch on the basis of her training but  
15 rather on the basis of also about her practices, her religious  
16 theology and their beliefs. And there has been no indication  
17 that -- I mean, it would be like saying you can't recognize  
18 another mathematician unless you know which school they went  
19 to.

20          THE COURT: The objection's overruled.

21                 You may continue, Mrs. Stein.

22          BY MRS. STEIN:

23           Q.     So you know nothing of her training or background  
24 background, training or experience of being a witch?

25           A.     All I know is from observing the results of that  
26 training.

27           Q.     But you know nothing directly about her; is that  
28 correct?

1           A.    How she was trained?  No.

2           Q.    By the way, what did you discuss in these letters  
3 that transpired between you?

4           A.    We discovered that we worshiped the same Goddess,  
5 we celebrate the same holidays; and we have the same feelings  
6 about nature and respect for the earth.  And we discovered  
7 some differences in emphasis which we found fascinating to  
8 explore together.

9           Q.    Do you have a lot of correspondence --

10          A.    Yes.

11          Q.    -- that you engage in?

12          A.    Yes.

13          Q.    And do you write to many other witches all over the  
14 country?

15          A.    Yes.

16          Q.    And, with respect to your correspondence with the  
17 defendant, does your correspondence with the defendant have  
18 any particular significance, as distinguished from your  
19 correspondence with any of the other people that you  
20 correspond with?  Is there anything different -- was there  
21 anything different about your correspondence with the  
22 defendant?

23          A.    Your Honor, I don't know how to answer that  
24 question.  Each person is different.

25          THE COURT:  Well, I think the question is:  With your  
26 correspondence with the defendant, --

27                You formed an opinion that you have given us.  
28 Was her correspondence any different than anybody else that

1 writes to you?

2 THE WITNESS: No. In -- if I understand your meaning  
3 correctly, I write to many witches, and we all write about  
4 things to each other.

5 BY MRS. STEIN:

6 Q. Same things?

7 Same kinds of things, yes.

8 THE COURT: Do you usually form your opinion whether  
9 somebody else is a witch merely by writing them, or do you  
10 usually have to see them personally and observe them?

11 THE WITNESS: Both. We talk to each other a lot, and  
12 we --

13 THE COURT: No. Just -- is your usual practice to form  
14 an opinion based on people writing, or do you usually have to  
15 see them and observe them?

16 THE WITNESS: At first, it was by -- to begin with, I've  
17 written to more people than I've met. But as I meet them,  
18 that goes from there.

19 THE COURT: Well, I think you're just not answering the  
20 question.

21 THE WITNESS: I'm having trouble understanding it.

22 THE COURT: When people write to you, is that your normal  
23 basis of determining if they are a witch, or do you prefer to  
24 see them in person and form that opinion?

25 THE WITNESS: The usual way I determine someone is a  
26 witch is if they are vouched for by someone I know personally  
27 to be a witch.

28 THE COURT: Mrs. Stein, you may continue.

1           MRS. STEIN:    On the basis of that and the total testimony  
2 of the witness, I renew my motion, your Honor, that there's  
3 no foundation for this witness's opinion. She based it, she  
4 said, on the first letter that she wrote.

5           THE COURT:   What exactly, Ms. Harlow, was the basis of  
6 your opinion regarding the defendant? What was everything  
7 you considered, and at what point did you first determine that  
8 she was a witch in relation to the first time you heard from  
9 her?

10          THE WITNESS:  On the basis of the first letter I  
11 received from her, I concluded that she claimed to believe as  
12 I believed and to practice and worship as I practice and  
13 worship. Further letters which asked deeper questions and  
14 elicited answers and further questions tended to convince me  
15 that her claim was justified. Further than that, two witches  
16 whom I trust completely in their judgment and their integrity  
17 vouched for her to me who had met her personally.

18          THE COURT:   The motion to strike is denied. The answer  
19 will remain.

20                 You may continue, Mrs. Stein.

21   **BY MRS. STEIN:**

22                 Q.     Now, isn't it possible that anybody could write you  
23 a letter and claim to be a witch?

24                 A.     Yes.

25                 Q.     And on what basis do you differentiate a letter  
26 received from somebody who would be a non-witch as compared  
27 and contrasted to a witch?

28                 A.     One way is to ask everybody else if they've ever

1 heard of her. And, if everybody says no, then we try to find  
2 out more information.

3 MRS. STEIN: Well, I renew my motion, your Honor, because  
4 her opinion now is not only based on one letter but it's just  
5 based on hearsay, and it's unreliable.

6 THE WITNESS: You asked me if I got a letter from  
7 someone I never heard of.

8 THE COURT: Just one moment, please, Ms. Harlow.

9 The motion to strike is denied. The answer will --  
10 the witness's opinion may stand.

11 BY MRS. STEIN:

12 Are you on the editorial staff of this Nemeton  
13 magazine?

14 A. Yes.

15 Do you go by your first name, Allison?

16 A. That's correct.

17 Your last name is not used?

18 A. Never.

19 Is there any reason for that?

20 A. Yes.

21 And what is that reason?

22 A. Many of us feel somewhat vulnerable because of the  
23 image our religion has received to the public at large and  
24 prefer to keep somewhat hidden. In deciding to come and  
25 testify, I have made the choice to reveal name and my place of  
26 employment. It's **nota** choice we **make** lightly and it's not a  
27 choice made by many of us.

28 O How **many** hours a day did you spend being trained in

1       being a witch by Lono?

2               A.     I met with him regularly for about four hours once a  
3       week; but in between I was given many exercises to perform.  
4       I was assigned many books to read, and found myself spending  
5       a rather significant portion of my time in my studies for the  
6       Craft.

7               Q.     And what did he teach you?

8               MS. BUCKLEY: Your Honor, at this point I believe that  
9       question of religious practices should be curtailed, if not  
10      kept out of the trial altogether. But I would at least ask  
11      that that be curtailed somewhat. The religious practices of  
12      witches, as I understand them, are somewhat akin to Masonic  
13      practices and, as such, are not lightly aired to the public.

14              THE COURT: The objection's overruled.

              The witness may answer.

16              THE WITNESS: Primarily, I was taught the traditions and  
17      legends and books of our theology, our tradition, our practice.  
18      I studied a great deal of anthropology, not to obtain  
19      credentials but to learn what the practices of other pagans  
20      had been and are now. I was taught how to use my own psychic  
21      gifts and how to train thPr.i so that they would become more  
22      reliable. And I learned to know when they were reliable and  
23      when they weren't.

24              BY MRS. STEIN:

25              Q.     i-.J.lat psychic gifts do you possess?

26              A.     The usual ones.

27              THE COURT: What are the usual ones?

28              THE WITNESS: Okay. A fairly reliable sense of hunch.

1 Sometimes, say, I'm driving, and I suddenly get an impulse to  
 2 slow down, and I slow down; and a moment later something  
 3 happens that could have led to an accident had I not slowed  
 4 down. I think most drivers who survive driving on the freeways  
 5 have had that experience.

6 Sometimes I get an intuitive feeling about a person  
 7 I'm meeting for the first time. Sometimes I can look in a  
 8 bowl of water and meditate and suddenly see insights about my  
 9 own life or something about a friend that I can share and help  
 10 with.

11 Sometimes I can give spiritual counseling and  
 12 guidance to my people if they ask for it. We never interfere.

B What else? I have been taught the knowledge of  
 14 divination, but personally I'm not very good at it so I don't  
 15 practice it.

16 BY MRS. STEIN:

17 Q. What is that?

18 A. Divination?

19 Q. Yes.

20 A. Being able to see the patterns so you can see what is  
 21 coming if you don't change it, foretelling.

22 Patterns of what?

23 A. Patterns of reality; I suppose, what you've been  
 24 calling fortune telling. But I don't do it because I'm not  
 25 very good at it. I'm trying to train myself to be better at  
 26 it.

2, Q. And you are a high priestess, I take it?

28 A. Yes.

1 Q. Of the highest type?

2 A. No. I didn't say that.

3 Q. Or a high priestess in the national organization?

4 A. Yes.

5 Have you been trained to predict the future?

6 A. I, have been taught the techniques by which one is  
7 able to do so. I am not very good at them. I am a beginner  
8 in that area. I am more skilled in other areas.

9 Q. And so then, as far as you're concerned, it doesn't  
10 work?

11 A. It does work.

12 Q. Does it work as far as you're concerned?

13 A. Yes.

14 Q. Can you do it?

Hi 15 A. Sometimes, a little bit, not enough to guarantee  
16 or feel secure in offering this kind of help. If someone  
17 comes to me for this kind of help, I send them to someone  
18 who's more competent than I am.

19 Q. Such as a psychologist or psychiatrist or a  
20 marriage-family counselor or a medical doctor?

21 A. I'm not talking about these kinds of things.

22 Q. Oh. To another witch?

23 A. Yes.

24 Q. Now, these things that you've illustrated as being  
25 your supernatural gifts, such as driving along and slowing  
26 down, and so on, and certain intuitive feelings that you have,  
27 and looking into a bowl of water for your spiritual guidance,  
28 aren't those really things that all of us encounter in everyday

1 life?

2 A Exactly.

3 Q And so how does being a witch differentiate you from  
4 anybody else?

5 A I have made a commitment to the Goddess, and that's  
6 what makes me different from people who do not serve her.

7 So the only difference, then, is that you are  
8 committed to a Goddess? is that true?

9 A. Not the only difference.

10 Q, Well, the basic one.

11 A. The basic difference.

12 Q. And what is that Goddess's name?

13 A. She has a thousand names. She's been called many  
14 things, many times and places.

Hi It's no specific Goddess?

16 A. Many specific Goddesses. I said I was a polytheist.

17 Q. There's a lot of Goddesses, then?

18 A. Whether they're all aspects of one thing or  
19 separate things, I don't know, and I don't think it matters.  
20 I think it's all one anyway.

21 Q. Well, just so that I understand you, you believe in  
22 a group of Goddesses or one Goddess -- in other words, you  
23 don't believe in one Goddess that has any particular name?

24 A. Let's say, one Goddess with many aspects, and the  
25 names refer to her aspects.

26 O And how many are there?

27 A. More than I'll ever know. Does anyone ever know al:  
28 of reality?

1                   Now, do you claim to have any powers such as --  
2                   you said you were not too good at predicting the future; is  
3                   that correct?

4                   Do you have any powers about summoning departed  
5                   spirits?

6                   A.     Never dare try it.

7                   Q.     Is that a part of your witch training to be a witch,  
8                   to do that?

9                   &     I don't know any witch who'd try it alone. If we  
10                  had to, we would do it in a group.

11                  And you believe that in a group you could swnmmon a  
12                  departed spirit?

13                  A.     I know it.

14                  Q.     You know it?

15                  A.     I've been part of a group that did it.

16                  Q.     And whose departed spirit did you summon?

17                  Jo,,    I don't know the name. It was a murder victim.  
18                  We were trying to find the name of the murderer.

19                  Q.     And did you succeed?

20                  &     It was not clear. We summoned the spirit but we  
21                  were not able to understand completely the message. I don't  
22                  know the details. I was a participant in this group.

23                  Q.     So you don't know if yo were successful or not?

24                  A.     I don't believe the murderer has been convicted.  
25                  I'm not sure.

26                  How did you exactly go about doing this?

27                  MS. BUCKLEY: Your Honor, I don't see what relevance this  
28                  has to our trial.

1 THE COURT: The objection's overruled.

2 The witness may answer.

3 THE WITNESS: I really don't remember. I was in trance  
4 at the time. I was in a light trance at the time, and I don't  
5 remember how the priestess did it. I just know it was there.

6 BY MRS. STEIN:

7 Q. So you don't remember what happened; is that right?

8 A I think we called the name of the person. What  
9 happened is the spirit selected a blind woman as his medium,  
10 and suddenly she was seeing through -- he was seeing through  
11 her dead eyes. It's one of the most overwhelming experiences  
12 I've ever been a part of and it's nothing I would want to  
13 undertake because I don't think -- I think I will have to spend  
14 years of study before I'll be ready to attempt something of  
Hi that kind.

16 Q. But you feel that, if you underwent enough study  
17 that you could, for instance, make a blind person see and  
18 summon the dead, and so on and so forth?

19 A. Our religion teaches us that, once we do all of  
20 these things, then a lot of the knowledge has been lost  
21 We're all trying to recover it.

22 Q. And once you learn, you can do that?

23 A. Whether I could do it I don't know. We're working  
24 to try to find a way to do it.

25 Q. And there are people who have studied enough who can  
26 do this?

27 A. Not to my knowledge. No one has yet recovered that  
28 secret.

1 Q The secret of summoning departed spirits?

2 A No. The secret of healing the blind. That's what  
3 I thought you were asking about.

4 Q How about summoning of departed spirits?

5 A Yes. I witnessed such an experience, so I know there  
6 are those who can do it.

7 Q You were in a trance?

8 A Yes.

9 Q So you feel, if you had enough study, that you could  
10 summon the departed spirits?

11 A Whether I could? Perhaps.

12 Q And you could predict somebody's future?

13 A I can do it a little bit but not very well. I know  
14 people who are much better at it.

15 Q By the way, this Lono that trained you, what  
16 training did he have?

17 A Hostly from his grandmother who was a witch and  
18 trained him from his childhood. And he has very remarkable  
19 gifts.

20 Q Do you have any background training and experience  
21 in the subject of psychology, sociology, psychiatry or  
22 marriage and family counseling?

23 A Courses in college, reading, in all those fields  
24 extensively and discussions with professionals in those  
25 fields.

26 Q Do you hold any licenses in any of those fields?

27 A No.

28 Q Now, is selling of services of a witch -- is that a

1 requirement of your religion?

2 & No. Offering a service is, however.

3 Q. So that it is like -- you likened it in your  
4 direct examination to a Christian offering at a church; is  
5 that not correct?

6 & What, the fee for the -- or the donation for the  
7 service?

8 Q. Yes.

9 A. Yes.

10 Q. In fact, it would be against your religion to force  
11 a person to pay for something, wouldn't it?

12 A. Yes; but then no one could force me to perform  
13 the service either.

14 Q. But it would be against your religion to force  
somebody to pay?

16 It's against my religion to force anyone to do  
17 something.

18 Q. Including payment for a reading is that correct?

19 A. That's right.

20 THE COURT: If there were a sign that said "tarot card  
21 readings \$10.00", could a person read the cards without  
22 charging the \$10.00?

23 THE WITNESS: If t..lie client expected to pay \$10.00 and  
24 the reader expected to receive it, I would consider that  
25 probably the way the transaction would occur. I can also  
26 understand if a client asked for a reading and said she had no  
27 money and a witch said, "Well, okay, I'll do it for nothing."

28 Many ministers of many faiths offer their services

1       for nothing. Many physicians also treat people without money,  
2       without pay.

3               THE COURT: Could a person go in and get a reading for  
4       free?

5               THE WITNESS: From me? I don't do readings.

6               THE COURT: Well, from witches you're associated with,  
7       could a person come in and get a free tarot card reading?

8               THE WITNESS: That's up to the individual witch. I  
9       wouldn't presume to know how they -- each of them do this.

10              THE COURT: Well, is it a tenet of religion or against  
11      a tenet of religion, or not applicable, to require that  
12      \$10.00 be paid for a reading of cards?

13              THE WITNESS: It's not applicable.

14              THE COURT: You may proceed, Mrs. Stein.

**BY MRS. STEIN:**

16              Q.     So payment is not applicable? It's not a part of  
17      your religion?

18              A.     The question of payment is not a tenet of the  
19      religion.

20              Q.     Now, is your religion or witchship, or whatever  
21      you want to call it -- is it similar to that of the  
22      defendant's?

23              Jt     Yes.

24              Q.     And are her -- are you familiar with the tenets of  
25      her witch organization?

26              A.     Yes, I think -- I believe so.

27              Q.     And are they the same as yours?

28              A.     In major respects, yes; in minor respects, no.

1 There is one significant difference.

2 THE COURT: What is that?

3 THE WITNESS: The defendant's coven is an all-women  
4 coven. The groups I work with involve both men and women.  
5 This is what -- one of the things I meant earlier when I  
6 referred to the considerable variety amongst different branches  
7 of the Craft.

8 BY MRS. STEIN:

9 (). And insofar as, for instance, the basic policies  
10 regarding counseling, and so on, her religion has no tenet or  
11 requirement for payment either, does it?

12 A. Our religion does not make any statements about  
13 payment, except that we may not sell our teaching for money.  
14 We may not tell someone "If you give me money, I will initiate  
15 you into the Craft." This we may not do. Whether we put our  
16 skills at the service of people for money or not for money is  
17 our individual choice.

18 That is not a requirement of any type of witch  
19 religion that you know of, is it, payment?

20 A. Not to my knowledge.

21 MRS. STEIN: No further questions.

22 THE COURT: Any redirect?

23 MS. BUCKLEY: No, your Honor.

24 THE COURT: You're excused at this time.

25 Ladies and gentlemen, considering the lateness of  
26 the hour, the rather detailed testimony we've had today, **we'll**  
27 be in recess until Monday morning at 9:00 o'clock.

28 I admonish you during this recess period you must

1 not converse among yourselves nor with anyone on any subject  
2 connected with the case or the trial thereof. Also you're  
3 not to form or express any opinion thereon until the entire  
4 cause is finally submitted to you. Further, during this  
5 weekend period, it is improper for you to carry on any  
6 individual investigation of the facts or to visit any location  
7 where an event allegedly occurred. And also I'd advise you,  
8 do not read any newspaper accounts of this trial. Do not  
9 listen to any radio accounts of this trial. Do not watch any  
10 television accounts of the trial. The only thing you're to  
11 concern yourselves with once you get in to the jury room is  
12 the testimony from the witness stand and the instructions  
13 given you by the Court.

14 (An adjournment was taken until  
Monday, April 14, 1975.)

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

|

)

C

COPY

1 LOS ANGELES, CALIFORNIA, MONDAY, APRIL 14, 1975; 9:00 **A.M.**

2 --000--

3  
4 THE COURT: In the matter of Zsuzsanna Bartha, the  
5 record will reflect the 12 jurors, two alternates are present.  
6 Defendant is present with counsel. The City Attorney is  
7 present.

8 We will resume the People's case.

9 The witness may resume the stand, be advised that  
10 he is still under oath.

11  
12 JOSE ALCANTARA;  
13 recalled as. \_witness by ilie Pe9ple ., having l:lee\_n previ9u ly  
14 ·duly sworn; resumed. the.s.tand .a d testified fu\_rther as follows'

15 THE COURT: Are you going to do the cross-examination?

16 MS. BUCKLEY: Yes, your Honor.

17  
18 CROSS-EXAMINATION

19 BY MS. BUCKLEY:

20 Q. Sergeant Alcantara, you had testified that you were  
21 on the bunco squad for six years; is that correct?

22 A. That's correct.

23 Q. What does the term "bunco" ean?

24 A. Deceit.

25 Q. And isn't it true that the bunco squad basically  
26 investigates those cases where people have been robbed of  
27 money or property by some form of trick or game or literally  
28 a con game being run on them?

1           A.     Well, not robbed but -- yes, for the other.

2           Q.     Well, in other words, they had money or property  
3 taken from them with their consent which was obtained by some  
4 kind of trick or game?

5           A.     Yes.

6           Q.     And you had stated that you had investigated some  
7 two to three hundred cases of this type of fraudulent activity  
8 in connection with fortune telling?

9           A.     That's correct.

10          Q.     Now, these two or three hundred investigations,  
11 do they come to you because ~~the~~ person had been taken for  
12 money or property?

13          A.     Yes.

14          Q.     So that what they were really in complaining about  
15 was the fact that they had lost their property, not the manner  
16 in which it ha been done?

17          A.     Yes.

18          Q.     Now, of these two, three hundred arrests, that's  
19 just in Los Angeles City; is that correct?

20          A.     That's correct.

21          Q.     And that's over this six-year period?

22          A.     Five.

23          Q.     Five-year period.

24                 So you would say you have an average of 40 to 50  
25 of these cases a year?

26          A.     That are brought to my attention, yes.

27          Q.     That are brought to your attention. Now, in these  
28 **cases**

1           Of these two to three hundred cases, how many  
2 actually went to prosecution, if you know?

3           HRS. STEIN: Objection, your Honor; irrelevant.

4           THE COURT: The objection is sustained.

5           MS. BUCKLEY: Your Honor, may I approach the bench for  
6 one -- I hate to do this. I know it's dragging the trial on,  
7 but there is a reason for this, your Honor.

8           (The following proceedings were had  
9 at the bench.)

10          MS. BUCKLEY: The purpose of the question, your Honor,  
11 has to do with the question of discriminatory enforcement and  
12 what I am leading to is the fact that these cases were  
13 prosecutions under the Penal Code and for fraud, and that my  
14 client, who has not been accused of any of these things, is  
15 being discriminated against because there are a lot of others--  
16 for instance, when I introduced the telephone directory, I'm  
17 going to show that his prosecutions and investigations have  
18 been based on actual fraud and deprivation, and none of that  
19 is available here in our case.

20          MRS. STEIN: It's irrelevant to the issues. That's why  
21 I dismissed Count I, not to muddy up the issue.

22          THE COURT: Ms. Buckley says they're arguing  
23 discriminatory law enforcement.

24               Are you trying to find out how many people, say,  
25 under the Fleming- Daniel Gray case.

26               How many people in such a period of time have been  
27 charged with this Section?

28          MS. BUCKLEY: Yes.

1 THE COURT: I believe, under Fleming Daniel Gray, you  
2 could ask that. That involved the Municipal Code section in  
3 an argument of discriminatory enforcement. There was a  
4 question in a certain period of time how many people had  
5 actually been charged under what might be termed an obscure  
6 code section.

7 I think you can ask that. I don't think we have to  
8 go . to details of what happened in every case. He may say  
in/the  
9 no one's been charged with a fortune telling statute, or maybe  
five hundred people have been charged with it. But, I think,  
11 at least on the claim of the defense of discriminatory  
12 enforcement, she can ask how many people have been charged  
13 with this section, and I believe the question may be asked.

14 But I think you can start broadening to such an  
15 extent, we'll be off on a tangent.

16 (The following proceedings were  
17 had in open court.)

18 **BY MS. BUCKLEY:**

19 Q. Now, Sergeant, in those two to three hundred  
20 investigations, how many, if you know -- how many of those  
21 wound up being prosecuted for the Municipal Code Section 43.30  
22 alone?

23 A. I'd say, a majority of them.

24 Q. And they were not prosecuted, then, under the Penal  
25 Code Section 332?

26 A. Not the majority.

27 Q. Have you kept records of that?

28 MRS. STEIN: Objection; irrelevant, your Honor.

1 THE COURT: Well, the witness may answer that question.  
2 Objection's overruled.

3 THE WITNESS: I keep a file of arrest reports and crime  
4 reports, and I am usually contacted by the investigating  
5 officers; and I know more or less what's going on with each  
6 case.

7 BY MS. BUCKLEY:

8 Q. Including what the actual filing against them is?

9 A. That's correct.

10 Q. Do you know how many prosecutions -- excuse me.  
11 Do you know how many convictions actually occurred out of those  
12 which went to trial?

13 HRS. STEIN: Objection, your Honor; irrelevant.

14 THE COURT: Objection sustained.

15 BY MS. BUCKLEY:

16 Q. Out of these two to three hundred investigations,  
17 how many involved actual fraud?

18 MRS. STEIN: Objection; irrelevant and also calls for a  
19 conclusion.

20 **BY** MS. BUCKLEY:

21 Q. If you know.

22 THE COURT: The objection's overruled.

23 The witness may answer.

24 THE WITNESS: I would say they all involved fraud.

25 BY MS. BUCKLEY:

26 Q. They all involved the taking of property by false  
27 pretenses?

28 MRS. STEIN: Objection, your Honor. That calls for

1 conclusion of the witness.

2 MS. BUCKLEY: Well, your Honor, the term "false pretense"  
3 has been thrown around on direct by the City Attorney and this  
4 officer.

5 THE COURT: The objection is overruled.

6 It was gone into somewhat on direct, but I think if  
7 w go much in this area we'll be going **into** legal conclusions.  
8 You're asking the witness for legal conclusions which I don't  
9 think he's in a position to testify.

10 He may answer **that** question if **he** knows the answer.

11 THE WITNESS: The question was, most of them were theft  
12 by or false pretense?

13 **BY** MS. BUCKLEY:

14 Q. Money obtained from them or property obtained from  
15 them under false pretenses.

16 If I may explain false pretense --

17 Yes.

18 Whenever there is money taking by false pretense,  
19 they file a theft charge, either 484 or Grand Theft, 487.1.  
20 If there's no false pretense involved and just a prediction of  
21 the future or a violation of 43.30 LAMC, then 43.30 is filed.

22 Q. NO'w, when you talked about false pretenses earlier  
23 in your direct examination, -- that term is in fact included  
24 in the state **statute** which covers fortune **telling**

25 HRS. STEIN: Objection; calls for a legal conclusion of  
26 the witness.

27 THE COURT: Objection sustained.

28

1 BY MS. BUCKLEY:

2 Q. Now, you have been asked to testify as an expert on  
3 fortune telling. I should like to go over your expertise  
4 again, if I may.

5 You said that you had attended one class at UCLA on  
6 gypsies?

7 A. That's correct.

8 Q. Have you attended any other classes?

9 A. **No.**

10 Q. How long a period did that class take or cover?  
11 How many class sessions were there?

12 A. It was two three-hour class sessions a week for a  
13 semester.

14 Q. For a semester. And that would be approximately

15 A. Three units, I believe.

16 Q. That would be what, 16 weeks, 12 weeks?

17 A. 12, I believe it was.

18 Now, you said that during that time there was some  
19 discussion of card reading. Was that discussion solely in  
20 terms of the gypsies' card reading?

21 A. Yes. The class was on the historical survey of  
22 gypsies.

23 Q. So that this was not in fact a class on fortune  
24 telling?

25 A. **No, it was not.**

26 Q. Now, have you ever taken any classes on fortune  
27 telling, as such?

28 A. No, I have not.

1 Q. Have you read any of the literature on tarot cards?

2 A. Yes. I've skimmed some of it, yes.

3 Q. And what do you rely on in your -- for your expertise  
4 in tarot card reading?

5 A. Two packs of tarot cards, the instructions that  
6 come with them, and two books written on tarot cards.

7 Q. And what are those books?

8 A. One, as I recall, The Tarot Cards of the Bohemians,  
9 and --I don't recall the name of the other one.

10 Q. Have you ever read any of the books on the tarot  
11 by Doctor Arthur Edward Waite?

12 A. Not as I recall.

13 Q. Have you read any by Paul Foster Case?

14 A. Not that I remember.

15 Q. Or Doctor W. Wynn Wescott?

16 A. **No.**

17 Q. Have you read Levi's Dogma and Ritual of  
18 Transcendental Magic? Are you aware of the fact that there are  
19 different interpretations and different methods of reading the  
20 tarot cards?

21 A. Yes.

22 Q. And that the Bohemian or gypsy fortune telling is  
23 just one of the number of ways of reading the tarot cards?

24 MRS. STEIN: Objection, your Honor. This witness is not  
25 qualified as an expert in reading tarot cards.

26 THE COURT: The objection's overruled.

27 The witness may answer the question.

28 Did you recall the question?

1 THE WITNESS: Yes, the gypsy's just one way, has one way  
2 of reading the tarots.

3 I believe that's an ambiguous question. I would  
4 like to explain a little bit, just add a few words, that I  
5 think that the reading of the tarot is up to each individual,  
6 be it gypsy or any other person.

7 BY MS. BUCKLEY:

8 Q. Well, now, isn't it true that the tarot is  
9 considered to be in fact a text book or book rather than just  
10 cards?

11 A. The major Arcana is supposedly derived from a book.

12 Q. Isn't it true that the tarot cards are supposed to  
13 be based on the Cabala which is the ancient Hebrew wisdom  
14 known sometimes as the text book of ageless wisdom?

15 A. I've never heard that. I've heard other -- or I've  
16 read other parts. I don't remember what all of them --  
17 derivations were.

18 Q. Now, are you aware, then, of the fact that the  
19 major .. rcana of the tarot deck in fact represents the Hebrew  
20 alphabet, the names of the Hebrew alphabet?

21 A. Yes, I've heard of that.

22 Q. And do you know where the name tarot comes from?

23 A. I don't recall right now.

24 Q. But you are aware of the fact that there is a large  
25 body of information or knowledge around the tarot cards?

26 MRS. STEIN: Objection, your Honor. The question is  
27 vague and ambiguous.

28 THE COURT: Did you understand the question?

1 THE WITNESS: I think so, your Honor.

2 THE COURT: Okay. You may answer.

3 THE WITNESS: I believe that there are a lot of  
4 different studies on the tarot, if that's what you mean,  
5 different interpretations.

6 BY MS. BUCKLEY:

7 Q. But, aside from the gypsy tarot or the Bohemian  
8 tarot, isn't it true that the tarot cards have a deep religious  
9 significance in these studies?

10 MRS. STEIN: Objection, your Honor. It calls for  
11 conclusion.

12 THE COURT: The witness may answer, if he knows.

13 THE WITNESS: I know of no religious connection to the  
14 tarot.

15 BY MS. BUCKLEY:

16 Q. You know of no religious

17 A. I've never heard of any, no.

18 Q. Then you do not accept the fact that the Cabala was  
19 the -- one of the basic books of the Hebrew -- ancient Hebrew  
20 religion?

21 A. I don't know what the Cabala is\$

22 Q. So in fact you really don't know much about tarot  
23 cards?

24 MRS. STEIN: Objection; argumentative, your Honor.

25 THE COURT: Objection sustained.

26 BY MS. BUCKLEY:

27 Q. Now, you say that you have read the instructions  
28 in the tarot cards.

1 Do the instructions in the tarot cards indicate that  
2 the purpose of reading the tarot is for divination?

3 A. Yes, that's one of the purposes.

4 Q. And for answering spiritual questions?

5 A. I didn't read that, no.

6 Q. You said you have two sets of cards. Which two sets  
7 do you have, if you know?

8 A. One is the Marseilles version, and the other I don't  
9 remember.

10 Q. Are you familiar with the deck which the defendant  
11 has been using?

12 A. Which version is that?

13 Q. Can you tell by looking?

14 A. No.

15 Q. In other words, you cannot tell by looking what that  
16 particular tarot card deck is?

17 A. **No.**

18 Q. And if I told you that that was the Rider deck which  
19 is the -- probably the most widely used in the United States,  
20 would that refresh your memory?

21 MRS. STEIN: Objection

22 THE WITNESS: No.

23 MRS. STEIN: counsel's testifying, your Honor.

24 THE COURT: The witness has answered the question.

25 Objection's overruled.

26 MS. BUCKLEY: I believe he said no, your Honor.

27 THE COURT: The answer may stand.

28

1 BY MS. BUCKLEY:

2 Now, the definition -- you gave us a definition.  
3 Would you mind repeating your definition of fortune telling?

4 A. Fortune telling is a prediction of future events  
5 that will take place in a person's life.

6 Q. And that's opposed to --

7 A. That is opposed to predicting future conduct of a  
8 person's life.

9 Q. Now, the City Attorney asked you, I believe, what  
10 you would consider

11 HS. BUCKLEY: Strike that, your Honor.

12 **BY MS. BUCKLEY:**

13 Q. On direct examination you were asked about a  
14 statement which Ms. Budapest made in reading the cards with  
15 respect to a trip to Florida.

16 How would you characterize that statement about the  
17 trip to Florida?

18 THE COURT: Are you asking, is that an event or conduct?

19 **BY MS. BUCKLEY:**

20 Q. Is that an event or is that conduct?

21 A. In my opinion it's an event. It's something that  
22 the person will do in the future.

23 Q. But isn't conduct exactly that, the doing of an  
24 act?

25 MRS. STEIN: Objection; argumentative.

26 THE COURT: No. I believe the witness

27 Objection is overruled. The witness may answer.

28 THE WITNESS: Conduct is the way a person will live his

1 life or to conduct his life as the way he feels that he  
2 should conduct his way of life on a day-to-day basis.

3 BY MS. BUCKLEY:

4 Q. So that, if she had said, "You will brush your  
5 teeth tomorrow morning", that would have been an event?

6 & That is an event.

7 Q. Now, may I ask, that definition -- where you  
8 obtained that definition?

9 & Case law.

10 Q. Do you know the case?

11 I believe --

12 MRS. STEIN: Objection, your Honor -- well, maybe be he  
13 can answer.

14 THE COURT: I can't hear you, Mrs. Stein.

15 MRS. S'l'EIN: Well, I don't thing it's fair to ask this  
16 witness about legal cases. He's not an attorney.

17 THE COURT: Well, the objection is overruled. He may  
18 answer if he knows.

19 THE WITNESS: As I recall it's People versus Abdullah  
20 El Saudi or something similar to that. I don't remember  
21 exactly the correct citation.

22 BY MS•.BUCKLEY:

23 Q. So that, under your definition, at least the way  
24 you use it, anything at all that refers to something in the  
25 future which is specific as opposed to philosophical would be  
26 considered to be an event?

27 Yes.

28 THE COURT: Could you give an example of what might be

1 considered conduct as opposed to **an** event?

2 THE WITNESS: Conduct would be, as I stated once before,  
3 that -- in a horoscope. The horoscope readings tend to guide  
4 your conduct or your way of life. They are advising the public  
5 or whoever, reads a horoscope that today is a day to take it  
6 easy and not make too many decisions: that you should be carefu...  
7 Tomorrow might be a better day to make such a decision; that --  
8 watch your P's and Q's.

9 Similar thing like that would be the conduct of the  
10 way the person should live his life that day.

11 THE COURT: Because the horoscopes don't say, "You're  
12 going to go to,, Florida tomorrow" or "You're going to inherit  
13 a million dollars tomorrow" or --

14 THE WITNESS: That's correct.

15 THE COURT: You may continue, Ms. Buckley.

16 BY MS. BUCKLEY:

17 Now, when you were asked on direct whether you had  
18 published an article, you said yes and then indicated that it  
19 was in fact going to be published in the next several months.

20 Have you in fact had any articles published as of  
21 this time?

22 A. Other than newspaper interviews, no.

23 Q. So that in fact you were doing a little bit of  
24 fortune telling when you said it was going to be published in  
25 the next couple of months?

26 A. No. I was told by the editor that the a ticle was  
27 accepted and that it would be published between January and  
28 June.

1 But that is in fact a prediction of a future event.

2 k That was a fact that was supported by the editor of  
3 the magazine. It's something that he can support.

4 He can say that -- if I understand you, if certain  
5 people say certain things are going to happen in the future,  
6 that is just a statement of fact; but if a person who is  
7 reading a tarot card, or the tarot cards, says something, that  
8 in and of itself makes it fortune telling?

9 k Yes, because there is no fact or reason to support  
10 that person's statement.

11 If, in the hypothetical given to you, the officer  
12 had said that she was considering moving out of the state to  
13 Florida, and the fortune teller then said, "You will have a  
14 sudden change in a way of life", and that she then interprets  
15 that to show a move, do you consider that to be without any  
16 basis in fact?

17 THE COURT: Are you referring just to the quote?

18 MS. BUCKLEY: Yes, in the hypothetical.

19 BY MS. BUCKLEY:

20 In other words, we have a situation where a person  
21 comes in, hypothetically a person comes in to a fortune  
22 teller and says that she is considering a move out of state to  
23 Florida, and the fortune teller then reads the cards, and,  
24 incidentally, reads the person, and says, "The cards show that  
25 there will be a sudden change in a way of.) life and you are  
26 going to make a trip out of stata." Is that just plain  
27 fortune telling?

28 k Yes, if the fortune teller says that she will make

1 a trip, and if it's -- it's not today. If she's talking about  
2 tomorrow.

3 But the editor was talking about publishing your  
4 article tomorrow.

5 A The editor is capable of publishing the article.  
6 That is, in other words, your belief that he **is**  
7 capable of publishing the article.

8 Is it not true that there could be an earthquake,  
9 that this machinery could blow up, that he might drop dead?

10 A That's true.

11 MRS. STEIN: Your Honor, I object to that.

12 THR 'COURT: The answer may stand.

13 Ladies and gentlemen, please, no comments from the  
14 audience. This is a trial, and you're here as a member of the  
15 public. But if anything happens in the courtroom, the Court  
16 can order the courtroom cleared.

17 MS. BUCKLEY: May I have just one second, your Honor?

18 THE COURT: You may, Ms. Buckley.

19 MS. BUCKLEY: Thank you.

20 BY MS. BUCKLEY:

21 Now, on direct you were shown this white vial with  
22 a red fluid in it -- excuse me; a transparent vial with a red  
23 fluid in it, and you were asked if you were familiar with the  
24 potion. And you are not; is that correct?

25 A That's correct.

26 Q. However, your testimony, then, as I recall it  
27 and if I'm wrong I don't intend to be and I hope you do  
28 correct me. Your testimony, then, was that, while you're not

1 familiar with that particular potion, you know they are used  
2 for false pretenses; that you know they are used in fortune  
3 telling, correct?

4 That's correct, as I recall.

5 Well, I have a question. You are an expert on  
6 fortune telling. As an expert on fortune telling, should you  
7 not be familiar with the potions used by persons in the  
8 practice of fortune telling?

9 MRS. STEIN: Object, your Honor, to that question.

10 THE COURT: The basis of the objection, Mrs. Stein?

11 MRS. STEIN: Well, he said the stuff doesn't work, so I  
12 mean it's calling for pure speculation.

13 THE COURT: If I take your statement, then the witness  
14 has to answer the question, if I take the statement you just  
15 said.

16 And so the witness may answer, if he can.

17 THE WITNESS: I don't remember the question.

18 (The question was read by the reporter.)

19 THE WITNESS: I don't believe I should be familiar with  
20 the potions, no.

21 THE COURT: In your study or in your training, any  
22 expertise in this field, have you had any occasion to study  
23 whether potions are used?

24 THE WITNESS: Yes. Potions are used as well as other  
25 items. They are represented to the subject of a reading for  
26 one purpose or another.

27 TI-IE COURT: Ms. Buckley?  
28

1 BY MS. BUCKLEY:

2 Q. Now, you stated that the potions didn't work, is  
3 that correct, or was I listening to the City Attorney?

4 You were listening to the City Attorney.

5 Q. All right. Did you -- it's my recollection that on  
6 direct examination you expressed the opinion that these were  
7 dangerous because they were not effective. Am I correct?

8 THE COURT: Are you talking about potions?

9 MS. BUCKLEY: Potions, yes. I'm sorry.

10 THE WITNESS: I believe I stated that they were  
11 represented to do something they were not capable of doing  
12 based on any fact or reason that I know of.

13 BY MS. BUCKLEY:

14 Q. All right. But if you don't know what the potions  
15 were, then how can you know whether they work?

16 MRS. STEIN: Objection; argumentative, your Honor.

17 THE COURT: The witness may answer.

18 THE 't-'LITNESS: I know of no reason or fact that states  
19 that these potions work, that any one of them works.

20 BY MS. BUCKLEY:

21 Q. Are you familiar with Christian Science?

22 A. No.

23 Q. Are you familiar with any of the Pentecostal  
24 religions which believe in faith healing?

25 A. No.

26 Q. Have you ever heard about Lourdes in France?

27 A. Yes.

28 Q. And, as I understand it, the waters of Lourdes heal

1 people; is this correct?

2 I believe that's what I've heard, yes.

3 Q. Now, is there any reason why water should heal a  
4 person?

5 MRS. STEIN: Objection, your Honor. This is getting a  
6 little beyond the issues in this case. It's irrelevant.

7 THE COURT: Objection sustained. Perhaps it's  
8 argumentative.

9 I think we can move on.

10 **BY MS. BUCKLEY:**

11 Q. Now, in our hypothetical situation with the officer  
12 who went to the hypothetical witch Z Budapest, the evidence  
13 in fact showed that the officer did not use the potion,  
14 correct?

15 MS. BUCKLEY: I'm sorry, your Honor. I didn't properly  
16 word that.

17 **BY MS. BUCKLEY:**

18 Q. If the evidence --.

19 THE COURT: Are you presenting a hypothetical, is that il,  
20 of several parts?

21 MS. BUCKLEY: Yes, your Honor, right.

22 **BY MS. BUCKLEY:**

23 Q. Under our hypothetical, if an officer went to a  
24 witch and obtained a potion which she did not use, would you  
25 be able to tell whether or not that potion could do what it  
26 was supposed to do?

27 A. If it was not used, no.

28 Q. Thank you.

1 MS. BUCKLEY: Thank you, your Honor. I have no further  
2 questions.

3 THE COURT: Thank you.

4 And redirect, Mrs. Stein?

5  
6 REDIRECT EXAMINATION

7 **BY MRS. STEIN:**

8 Q. Sergeant Alcantara, would it really make any  
9 difference whether the potion was used or not?

10 A. No.

11 Q. And why is that?

12 A. Because it was represented as something else. It  
13 was represented to the police officer as an item that would  
14 accomplish something that it's not capable of accomplishing  
15 based on any fact or reason known.

16 MS. BUCKLEY: Your Honor, I **will** ask that that be  
17 stricken on the ground he has no knowledge as to whether or  
18 not that potion can do anything. As part of his

19 THE COURT: The motion to strike is denied. That is his  
20 opinion, and the jury will view it in that light.

21 **BY MRS. STEIN:**

22 Q. Now, you were asked on cross examination and on  
23 direct examination questions regarding specific predictions  
24 of future events that you stated in your opinion were fortune  
25 telling or prediction of a future event; divorce, move to  
26 Florida, and so on.

27 Do you base your opinion that this is fortune  
28 telling on any particular book or document or article, or do

1       you base it on your total experience of five years in handling  
2       bunco, fortune telling cases?

3           A.     I base it on the court cases that I've read and  
4       their interpretations of what fortune telling is.

5           Q.     And do you also base it on your training and  
6       experience

7           A.     Yes.

8           Q.     -- as a police officer; is that correct?

9           A.     Yes.

10          Q.     And in the two or three hundred cases that **you've**  
11       handled?

12          A.     That's correct.

13          Q.     You said that, .in the **two** or three hundred cases  
14       that you've handled, they have involved fraud. Could you tell  
15       the jury why?

16          MS. BUCKLEY: Objection, your Honor. This has been gone  
17       over ad nauseam in the direct testimony. I do not think this  
18       is proper redirect.

19          THE COURT: Well, I think we did cover quite a bit of  
20       that on direct, and the objection is sustained.

21       BY MRS. STEIN:

22          Q.     Now, in the cases that you've read about, in your  
23       training and in your experience, also in the two or three  
24       hundred cases which you have handled, is it a pattern that  
25       fortune tellers will use or try to use potions?

26          A.     It might be potions in one case. It might be an  
27       egg in one case, or a tomato in another case. There are  
28       different items that are used.

1 Q. And do many fortune tellers use potions?

2 MS. BUCKLEY: Your Honor, this has all been gone over on  
3 direct.

4 THE COURT: The objection is sustained.

5 BY MRS. STEIN:

6 Q. Can you tell us what the purpose is -- why a  
7 fortune teller does use these items?

8 MS. BUCKLEY: Your Honor, at this point I would like to  
9 make a motion to **strike** all of his **testimony** as an **exper.t**  
10 witness on fortune telling on tne grounds that he does not have  
11 the credentials on fortune telling; that he has attended one  
12 class on --

13 MRS. STEIN: Your Honor, --

14 THE COURT: The motion to strike is denied.

15 But, Mrs. Stein, I believe much of this we did  
16 cover on direct.

17 MRS. STEIN: Okay. Then I have nothing further.

18 THE COURT: Any recross, Ms. Buckley?

19 **MS.** BUCKLEY: No, your Honor.

20 THE COURT: May this witness be excused?

21 **MS.** BUCKLEY: Yes, your Honor.

22 THE COURT: Anything further from the People?

23 MRS. STEIN: **No •.** At this time, your Honor, the People  
24 would move for the admission of

25 THE COURT: Please keep your voice up, Mrs. Stein.

26 MRS. STEIN: At this point the People would rest and move  
27 for the admission of People's 1 through 11-A through P.

28 THE COURT: Any objection, Ms. Buckley?

1 MS. BUCKLEY: No objection, your Honor. I think they're  
2 irrelevant, but I have no objection.

3 THE COURT: The items previously marked as People's 1  
4 through 11, 11 collectively A through P, marked for  
5 identification will be received in evidence as People's 1  
6 through 11, 11 collectively A through P.

7 The People rest at this point?

8 MRS. STEIN: The People rest.

9 THE COURT: The Defense may call their next witness.

10  
11 D E F E N S E

12 MS. BUCKLEY: Thank you, your Honor. At this point I  
13 would like to call Ms. Marie Colaneri for a very limited  
14 purpose of for the limited purpose of indicating that the  
15 Sisterhood of the Wicca Inc. has been incorporated prior to  
16 this trial.

17 THE COURT: You may.

18 Mrs. Stein?

19 MRS. STEIN: Well, I don't know what the purpose is of  
20 incorporating. Anybody can incorporate.

21 THE COURT: Well, that is the law in this case -- under  
22 **43.31**, I believe the defense is proper.

23 But I would like to clarify just one point. What  
24 is the defendant's true name, so that the record shows  
25 because we have used several names. The Complaint at the  
26 moment is under the name of Zsuzsanna Emese Bartha.

27 What is the defendant's true name?

28 :r--iS. BUCKLEY: Well, that is one of her names, y10L1r Honor,

1 but her name that she uses and that we would have brought out  
2 when we put her on the stand is Z Budapest, a plain Z, and her  
3 last name is B-u-d-a-p-e-s-t. And all of her identification  
4 is in that name, but she was born Bartha. That's her married  
5 name.

6 THE COURT: Her true name is Zsuzsanna Bartha but she's  
7 also known as Z Budapest?

8 MS. BUCKLEY: Yes, your Honor.

9 THE COURT: The record will so reflect.

10 You may call your next witness.

11 MS. BUCKLEY: Thank you.

12 Ms. Colaneri.

13  
14 MARIE COLANERI,  
15 called as a witness by the Defense, having been sworn,  
16 testified as follows:

17 THE CLERK: Will you state your name, please.

18 THE WITNESS: Marie Colaneri.

19 MRS. STEIN: Before she testifies may we approach the  
20 bench?

21 THE COURT: You may.

22 (The following proceedings were had at bench.)

23 MRS. STEIN: I'm not sure, but the arrest was on 2-10-75;  
24 and if this is after the fact it would be irrelevant to that  
25 time.

26 THE COURT: If what is? I don't even know what we're  
27 talking about.

28 MRS. STEIN: The incorporation.

1 MS. BUCKLEY: The testimony will be that on December 24th  
2 Z approached her for the purpose of incorporating; that in  
3 fact she sent out the papers. They were returned to her for  
4 a clerical error, but that they have now been received and  
5 accepted by the Secretary of State. They were sent out prior  
6 to the arrest, your Honor.

7 MRS. STEIN: That's not the best evidence either. That's  
8 not certified or anything.

9 MS. BUCKLEY: I've got a copy of the letter of the  
10 office -- from the Secretary of State with its seal.

11 THE COURT: You're referring to the letter in my hand.  
12 It says the articles have not been approved for filing.  
13 So it's not been filed as yet.

14 MS. BUCKLEY: Well, it has been. She sent it back.  
15 But what this indicates is that it was sent out prior to the  
16 hearing on this thing. And I will not introduce that if you  
17 don't want. All I want is Ms. Colaneri to say that she in fact  
18 prepared the papers and they have been sent to the State.  
19 **They in** fact had been returned to the State; and all this  
20 indicates is they were sent at one point. They still kept her  
21 money in the account, and all she did was return the --

22 THE COURT: There's nothing to show that they actually  
23 have been incorporated, as of the date involved in the case.

24 MS. BUCKLEY: They have taken ~~the~~ steps. Besides, it  
25 doesn't matter if they were incorporated or not; but that is  
26 one indication

27 THE COURT: I have to agree with you. I don't think it  
28 really has any bearing.

Doesn't the exception also say, a voluntary association or something? As of the day involved they were not incorporated. So we're just getting off on another tangent.

MS. BUCKLEY: I'll withdraw it, then.

(The following proceedings were  
had in open court.)

MS. BUCKLEY: At this time we would like to withdraw our witness, Ms. Colaneri, on the grounds --

THE COURT: You may.

**MS. BUCKLEY:** Thank you.

THE COURT: Defense may call their next witness.

**MS. BUCKLEY:** Thank you.

Ms. Sherna Gluck.

SBERNA GLUCK,  
called as a witness by the Defense, having been affirmed,  
testified as follows:

THE CLERK: Will you state your name, please.

THE WITNESS: Sherna Gluck.

DIRECT EXAMINATION

BY MS. BUCKLEY:

Q. Ms. Gluck, what is your occupation?

A. I'm a researcher and lecturer.

Q. And in what area do you do research and lecture?

A. Feminist History, primarily early 25,,th Century.

Q. Now, do you know the defendant **Z** Budapest?

A. Yes, I do.

1 Q. And in what connection do you know her?

2 A. In our activities in the women's movement over the  
3 past three years. We worked together on the speakers bureau  
4 and in various other activities within the women's movement.

5 Q. Now, you then have been active with her for a  
6 period of three years. Do you know anything about her  
7 activities with regard to witchcraft and the religious or  
8 spiritual practice of witchcraft?

9 MRS. STEIN: Objection, your Honor. This witness has not  
10 been qualified as a witch, and expert in witchcraft.

11 MS. BUCKLEY: Your Honor, you don't have to be a witch  
12 to be an expert in witchcraft.

13 THE COURT: The objection is overruled.

14 THE WITNESS: Can you restate the question, please?

15 THE COURT: Would you read ba.ck the question?

16 (The question was read by the reporter.)

17 THE WITNESS: Well, what I know of is of her -- the  
18 research that she has done and presented to other women, and  
19 the ceremonies that she has performed, which I think are  
20 spiritual in function, for various women's functions.

21 BY J.S. BUCKLEY:

22 Q. To your knowledge, have you participated in women's  
23 groups to which she lectured on witchcraft and the spiritual  
24 aspects of witchcraft?

25 MRS. STEIN: Objection, your Honor. This is irrelevant  
26 to the issues in this case, whether or not she lectures, to  
27 whether or not she told fortunes.

28 THE COURT: The objection is overruled, subject to a

1 motion to strike if it's not tied in shortly with the issues  
2 in the case.

3 THE WITNESS: Yes. I have been at meetings, at colleges,  
4 especially, where we were both on the same program speaking on  
5 different subjects, in which I heard her speak.

6 BY MS. BUCKLEY:

7 Which colleges are you referring to?

8 MRS. STEIN: Objection, your Honor. This is irrelevant  
9 to the issues.

10 THE COURT: Ms. Buckley?

11 MS. BUCKLEY: Your Honor, if I may, the question at hand  
12 is whether or not Z is in fact a spiritual or religious  
13 leader, and her -- a woman who has knowledge of the fact that  
14 she spoke at universities on these subjects is germane in the  
15 issue.

16 THE COURT: Mrs. Stein?

17 MRS. STEIN: Well, your Honor, she hasn't been qualified  
18 as any she's -- calls herself a researcher, lecturer, and  
19 so on, in the feminist movement. I don't know what that has  
20 to do with whether or not the defendant told a fortune on  
21 February 2nd, 1975.

22 THE COURT: So far, this witness has not been asked to  
23 give an opinion, just what she has apparently observed in a  
24 speech being given; and I believe the objection will be  
25 overruled.

26 And the witness may answer.

27 THE WITNESS: There are three separate occasions that I  
28 can recite that I recall. One is in February of 1973, I

1 believe, or '4. Both Z and I were on a program at California  
2 State University Northridge. I preceded her on my subject,  
3 and then I stayed for most of her:talk. It was to a large  
4 group. It was on the history of women's knowledge or  
5 witchcraft. There were two other occasions in which -- I don't  
6 know if I would define it as a lecture. But anyway Z was asked  
7 by us, myself included, to perform a ceremony for us, in which  
8 she described the various things that she did. One of these  
9 was the August 26th, 1974 celebration of Women's Equality Day,  
10 a day declared by President Ford which celebrates the  
11 anniversary of women's suffrage. And Z was specifically asked  
12 to do the opening ceremony

13 MRS. STEIN: Move to strike as being hearsay.

14 THE WITNESS: I was there.

15 THE COURT: The witness may answer.

16 .MRS. s•rEIN: Well, the part about she was asked --

17 THE COURT: Well, --

18 MS. BUCKLEY: I belie,,e the testimony, your Honor, was  
19 that she was one of the people who asked her.

20 THE COURT: Were you a member of the group that was  
21 working on the program?

22 THE WITNESS: Yes.

23 THE COURT: To ask the defendant to appear at the  
24 ceremony?

25 THE WITNESS: Yes. There was a coalition of 20  
26 feminist groups in Los Angeles who planned the entire day  
27 including the program.

28 THE COURT: Let's not go into any of that.

1                   Were you in the group that arranged to have the  
2 defendant appear at the program?

3                   THE WITNESS: Well, there were three people who  
4 specifically --

5                   THE COURT: Well, did you do it yourself, set up the  
6 arrangements? Please answer that.

7                   THE WITNESS: I did not make the specific arrangements,  
8 no, but I recommended her.

9                   THE COURT: But the defendant did appear at the ceremony?

10                  THE WITNESS: Right.

11                  THE COURT: I think you can tell what happened at the  
12 ceremony or the function, whatever occurred on August 26th of  
13 last year.

14                  THE WITNESS: It was a large program, and it was opened  
15 by Z with her group called the Susan B. Anthony Coven. And the  
16 performed a ceremonial function which in effect was to bless  
17 the occasion and bless the day and the group, and to --

18                  THE COURT: She gave like an invocation?

19                  THE WITNESS: Right.

20                  THE COURT: Proceed, Ms. Buckley.

21                  THE WITNESS: The third occasion, and I was not present  
22 there, was

23                  MRS. STEIN: Move to strike anything, if she wasn't there.

24                  THE COURT: Objection sustained.

25 **BY MS. BUCKLEY:**

26                  Q.     Now, Ms. Gluck, are you very active in the women's  
27 movement?

28                  A.     Yes, I am.

1           Q.    Are you aware of the reputation, if any, which Z  
2   has as a spiritual leader in that movement?

3           A.    Yes, I am.

4           MRS. STEIN: Your Honor, I object to her --

5           THE COURT: Yes, Mrs. Stein?

6           MRS. STEIN: There's no foundation for the opinion.

7           THE COURT: I can't hear you.

8           MRS. STEIN: No foundation.

9           THE COURT: Of what?

10          MRS. STEIN: No fomldation for her to give an opinion  
11   as to her reputation.

12          THE COURT: The objection's overruled.

13                The witness may answer.

14          THE WITNESS: I am very active in the Women's Center  
15   and on the staff of that Center.

16          THE COURT: Please just answer the question. Do not  
17   volunteer any statements, Ms. Gluck.

18   **BY MS. BUCKLEY:**

19          Q.    Do you know of the reputation of Z Budapest in *the*  
20   women's movement as a spiritual leader?

21          A.    Yes, I do.

22          Q.    And what is that reputation?

23          A.    That reputation is very highly esteemed. Can I  
24   continue?

25          THE COURT: What is that based on, or what do people  
26   say?

27          THE WITNESS: Z is seen as somebody who has the kind of  
28   knowledge which helps to give women pride in their past, and I

1 think that tilis is one of the important bases of her  
2 reputations, what it does for women.

3 **BY MS. BUCKLEY:**

4 Q. Do people talk about her as a spiritual leader **or**  
5 high priestess of a witches coven?

6 A That's how she's referred to, yes.

7 MS. BUCKLEY: I think I have no further questions of  
8 this witness, your Honor.

9 THE COURT: Mrs. Stein, you may cross-examine.

10  
11 CROSS-EXAMINATION

12 BY MRS. STEIN:

13 Q Ms. Gluck, are you a witch?

14 A Not that I know of.

15 Q Is there a certain way that you can 'tell whether  
16 you are or you're not?

- 17 A I personally am not a religious individual.

18 Q Do you believe in witchcraft?

19 A I believe in people having certain skills and  
20 knowledge.

21 MRS. STEIN: Move to strike as being non-responsive.

22 THE COURT: Objection sustained. Motion to strike is  
23 granted.

24 The jury's admonished to disregard the last answer  
25 of the witness.

26 BY MRS. STEIN:

27 Q Do you believe in witchcraft?

28 A I don't believe in any religion.

1 Q. So then you do not believe in witchcraft?

2 A. Or any other religion.

3 THE COURT: Would you answer the question yes or no?  
4 Do you believe in witchcraft?

5 THE WITNESS: Well, I don't I'm not sure what is  
6 meant by: Do I believe in witchcraft. I believe that there is  
7 a body of knowledge that is valid and important --

8 MRS. STEIN: Move to strike **as** being non-responsive.

9 THE COURT: Objection sustained. Motion to strike is  
10 granted.

11 The jury is admonished to disregard the last answer.

12 **BY MRS. STEIN:**

13 Q. Do you believe in witchcraft?

14 A. I would have to say no, the way that you are  
15 pursuing it.

16 Q. Now, your relationship with the defendant -- **you**  
17 said that you knew her over the last three years.

18 How often do you see her?

19 A. Oh, probably once a week. In the past, perhaps more  
20 frequently when we spoke together.

21 Q. What was the subject of your speech when you spoke  
22 together?

23 A. On that particular occasion it was entitled Women,  
24 Age and Generation.

25 Q. What is your educational background?

26 A. I have a master's degree in sociology.

27 Q. From where?

28 A. From UCLA.

1 Q. Are you employed anywhere?

2 A. I am the director of the feminist history research  
3 project.

4 Q. Are you employed by anyone?

5 A. I am now working on the project. I have for two  
6 and a half years. We're in the process of looking for funding  
7 again.

8 Q. Do you have a place of business of any kind?

9 A. I have an office in my home.

10 Q. Do you belong to any mutual groups with the  
11 defendant?

12 A. Well, we're both involved at the Women's Center.

13 Q. What is the Women's Center?

14 A. The Women's Center is a non-profit corporation in  
15 Los Angeles, presently in Santa Monica, which is a place for  
16 women to come and engage in various activities.

17 Q. And what kind of activities?

18 A. There are consciousness-raising groups; there are  
19 contact raps; there are social activities. There's a range of  
20 activities for people to fit into.

21 Q. Is this in a building of some kind?

22 A. Yes, it is.

23 Q. Where is it located?

24 A. 235 or -7 Hill Street. It's next door to the church  
25 in Ocean Park.

26 Q. And you are the director of this?

27 A. No. I'm on the staff of the Women's Center.

28 Q. Do they conduct classes of any kind?

1           A.    Among other things, yes.

2           Q.    Now, are men allowed to go?

3           A.    There are some specific occasions, perhaps, on which  
4 there might be events open to men. For the most part, it is a  
5 center only for women.

6           Q.    Have you ever been to a Witchy Dance?

7           A.    Are you speaking about a specific event?

8           Q.    I'm asking you, have you ever been to a Witchy  
9 Dance?

10          A.    I don't believe so.

11          Q.    Did you attend a Witchy Dance that took place on  
12 Saturday, February 22, 1975?

13          A.    **No.**

14          Q.    You do not believe in witchcraft, you said. Now,  
15 do you, believe that the defendant has any supernatural powers?

16          A.    I don't know that I believe that anybody has any  
17 supernatural powers.

18          Q.    So then you do not believe that the defendant has  
19 any supernatural powers?

20          A.    **No.**

21          Q.    In other words, she could not, for example,  
22 predict a future event; is that not correct?

23          A.    No, I'm not sure that's true.

24          Q.    Well, that's something supernatural, isn't it?

25          A.    No, I'm not sure that that is.

26          Q.    Well, what would you consider supernatural?

27          A.    I'm not sure I can answer that.

28          Q.    Do you think that the defendant can, for example,

1 bring spirits back from the dead?

2 No, I don't.

3 O Do you think that there is anything supernatural in  
4 these cards?

5 No, I don't.

6 Q. Do you think, for example, referring to this vial,  
7 being People's 7, I believe --

8 Do you believe that this vial has any power, the  
9 stuff in this vial

10- MRS. STEIN: May I approach the witness?

11 THE COURT: You may.

12 BY MRS. STEIN:

13 Q. Would you-smell this, please?

14 Do you believe that this has any powers over people,  
15 this liquid?

16 If you will allow me to define what I mean by that.  
17 Otherwise I can't answer it yes or no.

18 O Well, do you believe that this has any powers over  
19 people, this stuff, People's 7?

20 I would have to say yes and then explain what I  
21 mean.

22 THE COURT: You may explain.

23 THE WITNESS: I think that most events and including  
24 things like tarot reading and potions are a relationship  
25 between the individual who believes in it and the specific  
26 object. And I think, to the extent that someone might believe  
27 that something has power, they will act in a certain way, and  
28 in fact it may then have power.

1 BY MRS. STEIN:

2 Q. Well, do you believe that if you used this -- that  
3 it would have power over somebody else?

4 A Well, I don't -- I don't believe in it so it would  
5 not.

6 Q. And you consider yourself a rational, intelligent  
7 person, don't you?

8 A I suppose.

9 Q. And you did not believe in witchcraft. You don't  
10 **believe that. this has any powers.--**

11 A I didn't say that.

12 Q. You said

13 A I did not say that.

14 Q. Oh. I **take it back, then.**

15 What did you say?

16 A I said, and I will repeat, that I think that the  
17 power is derived from the specific individual's belief in and  
18 relation to certain objects. If one believes in the power of  
19 a potion, they will act differently, and therefore in fact it  
20 does have power.

21 Q. But you do not believe --

22 A No, I don't believe that it would have power for me.

23 Q. Right, over somebody else.

24 A I didn't say that. For myself.

25 Q. For yourself to use on somebody else?

26 A Right.

27 Q. Is that correct?

28 A Um-hum.

1           Q.    You do not believe, personally believe, that you  
2    could use this and have power over somebody elsej is that  
3    correct?

4           A.    Um-hum.

5           Q.    Is that correct?

6           A.    Yes.

7           Q.    And you personally do not believe that you can  
8    predict the future through the use of cards?

9           A.    No.

10          Q.    And you've also stated that you personally do not  
11   believe in witchcraft?

12          A.    As you defined it, yes.

13          MRS. STEIN: I have no further questions.

14          THE COURT: Any redirect, Ms. Buckley?

15          MS. BUCKLEY: Yes, your Honor.

16  
17                                   REDIRECT EXAMINATION

18   BY MS. BUCKLEY:

19          Q.    Now, you have been asked whether you believe in  
20   witchcraft. And there has been an attempt to force you

21          MRS. STEIN: Your Honor, I object to that statement by  
22   Counsel.

23          THE COURT: Objection. sustained.

24                Please just ask questions.

25          MS. BUCKLEY: Yes, your Honor.

26   BY MS. BUCKLEY:

27          Q.    Do you believe that there is a body of knowledge  
28   and belief called witchcraft that exists in this day and age?

1           A.     Yes, I do.

2           Q.     And do you believe that there are people who believe  
3 in that body of knowledge?

4           A.     Yes, I do.

5           Q.     Do you believe that there is a body of knowledge  
6 called Catholicism?

7           A.     Yes.

8           Q.     And do you believe it exists in this day and age?

9           A.     Yes, I do.

10          Q.     Do you personally believe in Catholicism?

11          A.     No, I don't.

12          Q.     But the fact that you do not personally believe in  
13 it does not affect your ability to believe in it- as a body of:  
14 information and belief?

15          A.     Right.

16          Q.     Now, as to the defendant, do you know whether she  
17 believes that she has the powers that are inherent in a high  
18 priestess of witchcraft?

19                MRS. STEIN: Objection, your Honor. That calls for  
20 speculation, as to what the defendant believes. The defendant  
21 would be the best one to say --

22                THE COURT: The witness has been asked as to what --  
23 does she know what the defendant believes. And I believe  
24 the question is open to cross-examination.

25                   The witness may answer.

26                THE WITNESS: Yes.

27                BY MS. BUCKLEY:

28                Q.     She does believe that. Okay. Thank you.

1 MS. BUCKLEY: Your Honor, I have no further questions of  
2 **this witness.**

3 THE COURT: Any recross, Mrs. Stein?

4 MRS. STEIN: Yes.

5  
6 RECROSS EXAMINATION

7 BY MRS. STEIN:

8 Q. You do not believe in witchcraft personally,  
9 correct?

10 A. The way in which you define it, no.

11 Q. Well, I didn't define it.

12 THE COURT: Please don't argue with the witness,  
13 Mrs. Stein.

14 MRS. STEIN: Excuse me.

15 BY MRS. STEIN:

16 Q. You don't believe in witchcraft in the same way.  
17 Why don't you believe in witchcraft.?

18 A. I don't think I have to **explai.n** my religious  
19 beliefs. Do I have to explain why I don't believe in Judaism?

20 THE COURT: Please don't argue with the City Attorney.

21 As to both parties --

22 I don't believe the witness has to explain why she  
23 does or does not believe in witchcraft.

24 BY MRS. STEIN:

25 Q. Why is it you do not personally believe that this  
26 vial has no powers?

27 A. I did not say I did not persor!lally believe that the  
28 vial had no powers.

1 Q. For you.

2 A. Because I -- as I stated before, I am not a  
3 religious person.

4 Q. And would it be correct to say that you do not  
5 believe in it because you form your beliefs, or whatever  
6 beliefs you have, on the basis of fact, empirical fact?

7 MS. BUCKLEY: Your Honor, I will object to this question  
8 on the grounds that it is going into her religious beliefs,  
9 with regard to potions.

10 THE COURT: Would you read back the question?

11 (The question was read by the reporter.),

12 BY MRS. STEIN:

13 Q. Fact and reason.

14 Well, to the extent --

15 THE COURT: Excuse me. Objection is overruled. She may  
16 answer. But I think inquiring into the witness's beliefs or --  
17 I think we can limit it after this question.

18 THE WITNESS: Well, to the same extent that I do not  
19 believe in God, if one can say that it's based on fact and  
20 reason.

21 BY MRS. STEIN:

22 Q. Right. So, in other words, you have to see  
23 something, and so on, and that's why you --

24 A I don't understand.

25 THE COURT: Please keep your voice up.

26 BY MRS. STEIN:

27 Q. In other words, because this is not based on  
28 anything in fact or reason that can be demonstrated to you,

1 you do not believe in it, is that correct, that it would have  
2 any powers for you?

3 A. Yes.

4 MRS. STEIN: Nothing further.

5 THE COURT: Anything further?

6 MS. BUCKLEY: No, your Honor.

7 THE COURT: May this witness be excused?

8 MS. BUCKLEY: Yes, your Honor.

9 THE COURT: You're excused at this time.

10 Defense may call their next witness.

11 MS. BUCKLEY: Your Honor, may we take a recess? I've  
12 got a witness coming in, but we did not expect this to be  
13 quite so short this morning. The cross examination had been  
14 running so long.

15 THE COURT: We'll take about a 15-minute recess, in view  
16 of the fact the court has another matter before it.

17 Ladies and gentlemen, we'll take a recess until  
18 about twenty minutes to 11:00. You're admonished during this  
19 period of time you're not to discuss this case with anyone or  
20 form or express any opinion thereon until the matter is finally  
21 submitted to you. You're excused at this time.

22 (There was held a short recess.)  
23

24 THE COURT: In the Zsuzsanna Bartha matter, the record  
25 will reflect 12 jurors, the two alternates are present.  
26 The defendant is present with counsel, both counsel. The City  
27 Attorney is present.

28 Defense may call their next witness.

1 MS. BUCKLEY: The next witness is Dr. George Peters.

2

3

GEORGE PETERS,

4

called as a witness by the Defense, having been sworn,

5

testified as follows:

6

THE CLERK: Will you state your name, please.

7

THE WITNESS: George Peters, P-e-t-e-r-s.

8

9

DIRECT EXAMINATION

10

**BY MS. BUCKLEY:**

11

Q. Dr. Peters, what is your occupation?

12

A. I'm a priest and a psychologist.

13

Q. What is the name of your church?

14

A. Nationalism, The Church Of Nationalism.

15

Q. Now, what is your educational background?

16

A. I have a bachelor's in Divinity and a Doctorate in Divinity from the Chicago Theology School, and I have a Ph.D. from the University of Toronto in psychology. I've also studied various things in Asia.

17

18 Q. Do you have some special expertise -- do you have some special expertise in the area of extrasensory perception or parapsychology?

19

MRS. STEIN: Your Honor, I object, being no foundation.

20

THE COURT: The objection is sustained.

21

**BY MS. BUCKLEY:**

22

Dr. Peters, have you conducted any experiments with regard to the subject of parapsychology or extrasensory perception in the last 10 years?

23

24

25

26

27

28

1 Yes, I have.

2 And what was the nature of those experiments?

3 k The first experiments were done in relationship to--  
4 it was done on a Ford Foundation Grant, and it was done with  
5 the Urban Training Center For Christian Mission in Chicago.  
6 That's at 40 North Ashland, if I remember correctly. And what  
7 we had there is we had -- we had brought in people from all  
8 over the country who were ministers and priests; and they put  
9 them through dramatic experiences, and then we judged their  
10 ability of insight and apathy and empathy with people  
11 subsequent to the time. We did it with some 52 people.

12 Later on I became involved with studying the  
13 religious experience. per se which involves a lot of other  
14 things. And presently the study that we've done in regards to  
15 people's physical body types and their endocrine balances  
16 and then on psychological tests, and then we compared them to  
17 the kinds of experiences that they have and the kinds of  
18 insights that they have. And we also have a control of people  
19 who were doing it by trickery as compared to the people who  
20 actually believe that they're doing it. And this is being  
21 presented at the psychotronics which is the Russian-American  
22 science--meeting on ESP in Monte Carlo in July.

23 These experiments you're doing, to make it clear,  
24 are people who profess to tell the future or profess to be able  
25 to have extrasensory kinds of talents, tarot card readers and  
26 horoscope readers and things like this?

27 MRS. STEIN: I believe he

28 THE COURT: Mrs. Stein?

1 MRS. S'1'EIN: I believe he just said ESP, and that's not--  
2 I don't think he said anything about fortune telling or  
3 anything else.

4 THE COURT: I believe that is the question that  
5 Ms. Buckley was asking at this point.

6 Are you familiar with people who use those devices  
7 or items?

8 THE WITNESS: Yes, your Honor, to some extent.

9 THE COURT: You may continue, Ms. Buckley.

10 **BY MS. BUCKLEY:**

11 So the experiments that you were doing were on  
12 people who professed to have certain kinds of abilities, such  
13 as to predict the future?

14 Yes, right, but we only have -- in my survey, in  
15 the sample that we're producing at the psychotronics conference  
16 we only have one tarot reader. We have more astrologers,  
17 people who do horoscopes. But they're essentially similar.  
18 They're both the function of what we put in the charismatic  
19 rather than the messianic category. But there is a fine  
20 **difference.** One is where you use an object, such as -- a  
21 tarot card would be a good example of an actual sign in which  
22 there is a belief about and people already believe in these  
23 things, which would be very similar to people already believing  
24 **in** Jesus Christ will be believing in Gautama Buddha. It  
25 doesn't matter if it's a symbol as a dead person or a sign  
26 such as an actual physical event. And there's a characteristic  
27 structure around it. And then people believe in the structure,  
28 And that's charismatic. Messianic zeal is a personal

1 religious experience, which then you go out and do things.  
2 And that's what we were studying, the difference in being able  
3 to do and learn a structured situation, such as a priest was  
4 the original study, and then having a personal religious  
5 experience which makes you go out and commit acts of  
6 humanistic nature, like Mahatma Gandhi, Martin Luther King.  
7 This is where you have an experience and you feel that you  
8 must do something but you do it in an individual basis. You  
9 don't go to --

10 THE COURT: Just answer your attorney.

11 **BY MS. BUCKLEY:**

12 Q. Now, I would like to go back to the experiments  
13 which you have done around the tarot card readers and  
14 astrologers.

15 Did you find any differences between persons who  
16 appeared to have the ability to read tarot cards with some  
17 percentage of reliability

18 t.lRS. STEIN: Excuse

19 THE COURT: Let the question come out first, please.

20 BY MS. BUCKLEY:

21 Q. -- and say, astrologers who were able to read with  
22 some amount of reliability?

23 MRS. STEIN: Objection; no foundation. Your Honor, he  
24 said that he dealt with one tarot card reader. I think that's  
25 what he said.

26 THE WITNESS: I --

27 THE COURT: Just one moment. I believe he testified,  
28 with astrologers\_. And Ms. Buckley's question was, was there

1 sort of a relationship in how they -- if their results were  
2 somewhat similar.

3 Is that what you were getting at, Ms. Buckley?

4 MS. BUCKLEY: Well, I was also wondering whether his  
5 study showed there were some differences between tarot card  
6 readers as opposed to astrologers, but also whether both of  
7 them had a certain amount of reliability.

8 BY MS. BUCKLEY:

9 How you tested that, if there was.

10 A. If I can answer, the sample is too small to be  
11 scientific lly very valid. However, the difference appeared  
12 to be a lower intelligent quotient. It appears that people  
13 who do horoscopes have a higher intelligent quotient than  
14 people who<sup>de</sup>/the tarot card readings. But it's so small that  
15 I'd be shot down by anybody if I said that, and I really feel  
16 terrible about saying that.

17 THE COURT: Please. You didn't finish the statement.

18 THE WITNESS: Yes, there are similarities on tests.  
19 They both have insight on a Meyers-Briggs-type indicator.  
20 They have a high insightful contact.

21 THE COURT: But how many actual tarot card readers have  
22 you, dealt with?

23 THE WITNESS: Just one.

24 THE COURT: And you've done experiments with that  
25 individual?

26 THE WITNESS: **Yes.**

27 THE COURT: How many experiments did you do with the  
28 tarot card reader?

1           THE WITNESS: We measured their body in terms of Sheldon.

2           THE COURT: What?

3           THE WITNESS: William Sheldon, M.D., Ph.D. from Harvard.

4           THE COURT: How many experiments did you do with the  
5 tarot card reader? And then you can explain.

6           THE WITNESS: Probably about 27. That's just a guess,  
7 but I could go through each one of them exactly. The engineer  
8 who works with me who does them is around here someplace.  
9 I could get a specific copy of all the tests, if you'd like it.

10          THE COURT: I don't think we have to go into that, all  
11 that background at this point.

12                   Ms. Buckley?

13 **BY MS. BUCKLEY:**

14           Q. Just for some clarification, although you have only  
15 experimented on one tarot card reader, are you aware of other  
16 experiments which were done by persons with credentials who  
17 have worked with tarot card readers?

18           A Yes. Zippora Doybones

19           THE COURT: Spell the name, please.

20           THE WITNESS: D-o-y-b-o-n-e-s, z-i-p-p-o-r-a.

21           THE COURT: Just answer the questions asked of your  
22 attorney.

23           THE WITNESS: Now, what she did is this -- and she  
24 works with us and we work with --

25 **BY MS. BUCKLEY:**

26                   What are her qualifications?

27           A She has a Ph.D. in psychology from

28           MRS. STEIN: Objection, your Honor.

1           THE COURT: Apparently, it's an experiment he is  
2 familiar with, and he may proceed.

3           THE WITNESS: I participated with, but it's not my  
4 research.

5           THE COURT: You don't have to volunteer anything.  
6 Just tell me what the last individual did that we're talking  
7 about worked with the tarot cards. What were her experiments  
8 or --

9           THE WITNESS: It was astrologers. And what she did is  
10 she ran the horoscopes at the University of Southern Californi,  
11 Computer --

12          MRS. STEIN: Excuse me. If it's just astrologers, then  
13 it's not --

14          THE COURT: No. He said this Zippora -- whatever the  
15 last name was -- did quite a bit of work in tarot cards, and  
16 that's what we're getting at.

17          THE WITNESS: Right. But the original research was  
18 done -- see, the only thing that you can run through a  
19 computer --

20          THE COURT: Don't volunteer any other information.  
21 We're just trying to keep this as concise as possible.

22                 What did she do with tarot cards that you were  
23 aware of?

24          THE WITNESS: She travels around the world and talks to  
25 people who are in the psychic field, and tarot card readers,  
26 astrologers, and things like that. And she studies them and  
27 she tests them, and she puts it in a computer.

28          THE COURT: What tests has she done, if any, that you

1 know of with tarot card readers?

2 THE WITNESS: I believe she has given them the Isaacs  
3 Personality Inventory which was an English test, because they  
4 were comparing it to horoscopes; and they were only done on  
5 people who could tell their da.y and time of birth, for some  
6 reason which I'm -- I -- this doesn't sound relevant.

7 THE COURT: You may proceed, Ms. Buckley.

8 BY MS. BUCKLEY:

9 Q. What kind of tests did she do on the tarot card  
10 readers, if you know?

11 k I believe they were just interviews, and I believe  
12 they were the Isaacs Personality Inventory which were only  
13 50 questions asked. I believe that was all that was done.

14 MRS. STEIN: Your Honor, I move to strike. I don't  
15 think this witness has any personal knowledge of

16 THE COURT: You have to keep your voice up.

17 MRS. STEIN: Move to strike for lack of foundation  
18 because he himself is not sure, he says, I believe

19 THE COURT: The motion to strike is granted. The last  
20 answer given by t..rie witness is stricken'.

21 You may move on, Ms. Buckley.

22 **BY MS. BUCKLEY:**

23 Q. All right. Now, of in your experiments in  
24 your work, are you regarded as an expert in the extrasensory  
25 field?

26 A Parapsychology.

27 MRS. STEIN: Objection; irrelevant. This is not a case  
28 involving extrasensory perception.

1 THE COURT: Ms. Buckley?

2 MS. BUCKLEY: Your Honor, the whole question has to do  
3 with certain kinds of powers which Ms. Z Budapest was supposed  
4 to be using through tarot cards. Now, she believes that it's  
5 part of her religion in witchcraft, but the City Attorney has  
6 been

7 THE COURT: Well, what are you getting at?

8 MS. BUCKLEY: What I'm getting at is that there is  
9 scientific experimenting being done on those very types of  
10 powers, and that the experiments show that there is some  
11 validity. Now, whether or not she has it may or may not,  
12 you know, be in --

13 THE COURT: Just -- let's --

14 MS. BUCKLEY: -- in issue. But the fact that those  
15 particular kinds of powers are in fact being examined by  
16 parapsychologists and by scientific people, I think, should  
17 be before the jury, and the kinds of result that they're  
18 getting.

19 THE COURT: Mrs. Stein?

20 MRS. STEIN: Well, your Honor, all this is doing is just  
21 it's totally confusing. We're dealing with conducting a  
22 business of fortune telling. That's what the charge is; and  
23 it has nothing to do with ESP and its merits, and so on.

24 **It's** totally --

25 THE COURT: That's what I want to hear, the argument  
26 from the Defense, what this witness is going to add to the  
27 facts before the trier of fact.

28 MS. BUCKLEY: Yes, Your Honor. One of the things that

1 almost every question that has been -- that every witness,  
 2 whether they were defense or prosecution, has been asked has  
 3 been questions with regard to rationality and factual  
 4 material and: "Isn't it true that this vial has no, you know,  
 5 power?" Well, the whole point that I think was made by the  
 6 last witness, Ms. Gluck --

7 THE COURT: Just answer my question. What does this  
 8 have to do with the case?

9 MS. BUCKLEY: Well, what it has to do with the case is:  
 10 My defense is this is a religious belief, and that the kinds  
 11 of powers which she is claiming to have in fact are recognized  
 12 by parapsychology and by the universities, and they're being  
 13 studied, so that it is not a fraudulent --

14 THE COURT: That may be, but I do not see that this  
 15 witness can add anything, from what you have just statede

16 MS. BUCKLEY: Your Honor, he is recognized as an expert  
 17 in this area. He is going to be speaking this surmner at an  
 18 international conference --

19 THE COURT: Well, just a minute. His knowledge, in the  
 20 Court's view, of tarot cards is almost de minimis, and that's  
 21 the only issue before the Court. And I would like to find  
 22 out what he's going to testify to in relation to tarot cards.  
 23 He has presented nothing at this point.

24 MS. BUCKLEY: Well, your Honor, he said he did 27 tests  
 25 on the tarot card reader, and that there are certain --

26 THE COURT: Let us go into that, and then I'll  
 27 consider Mrs. Stein's motion. But we haven't even gone into  
 28 those.

1 MS. BUCKLEY: All right, your Honor.

2 BY MS. BUCKLEY:

3 Q. Dr. Peters, directing you to the tests which you  
4 did of the tarot card reader -- first let me ask you, do you  
5 personally know anything about the reading of tarot cards?

6 A. No.

7 Q. You know nothing about tarot cards, their origin  
8 or their meaning?

9 , A. No.

10 Q. And you have just studied a tarot card reader?

11 A. Yes.

12 Q. And that was in a larger experiment that also  
13 included astrologers?

14 A. Yes.

15 Q. Who also have some ability of precognition or  
16 clairvoyance; is that correct?

17 A. Yes.

18 MRS. STEIN: Your Honor, at this point he says he doesn't  
19 **know** about tarot cards. Now, --

20 MS. BUCKLEY: But he knows about tarot card readers.

21 THE COURT: Well, I think he can talk about what he  
22 learned in the survey or study, if anything. But we, haven't  
23 heard where that happened, what happened, how long it took,  
24 and **what tests were conducted.**

25 BY MS. BUCKLEY:

26 Q. As a foundation, could you define the term  
27 **"precognition"?**

28 A. Yeah.

1                   Shortly, briefly.

2           A     The ability to see what would occur in the future,  
3 generally gathered from facts that you get from the background  
4 or from diffusion rather than things that come from the focus  
5 foreground or things immediately eminent or noticeable.

6                   So that would be sort of indirect knowledge as  
7 opposed to direct knowledge?

8           A     It would be feelings and intuitions rather than  
9 sensations or thinkings. It would be done by -- it would be  
10 done by a feeling or intuition rather than it would be done by  
11 an actual sensation that you saw it or a thinking that you  
12 knew it or you learned it in some place?

13                   What does the term "clairvoyance" mean?

14           A     The ability to see long distances, either into the  
15 future or -- Jung refers to this whole category as --

16           THE COURT: I think we're getting far afield, Ms. Buckley  
17 Let's get back to the tarot cards.

18   **BY MS. BUCKLEY:**

19                   Getting now back to the experiments you did with the  
20 people who had these abilities, and the itarot card reader in  
21 specific, where did t at set of experime ts take place?

22           **A.**    Okay. I own some buildings in Hollywood, apartment  
23 buildings. The people involved in the e periment live in the  
24 buildings which I own. They keep an exact record of everything  
25 that they do 24 hours a day, seven days a week. They are  
26 talked to with a therapist at least three · hours a week or a  
27 counselor. They are given psychiatric t£-sting and all.sorts  
28 of measurement on a yearly basis. And tlll.ey're constantly

1 re-tested as towards their **e.xperiences** and **their** changes and  
2 their life style.

3 Q. over what period have these testings gone on?

4 k In the tarot card reader, only this year; for the  
5 other people in the survey, from 1973, 1974 and 1975.

6 MRS. STEIN: Your Honor,

7 THE COURT: Mrs. Stein?

8 MRS. STEIN: May the witness just be limited to  
9 testifying about the tarot card reader? He's volunteering all-

10 THE COURT: Please don't volunteer any statements,  
11 Mr. Peters. Just answer the questions **by** either of the  
12 attorneys.

13 BY MS. BUCKLEY:

14 You said you give them psychiatric tests. What  
15 types of information did you find about the tarot card reader,  
16 in terms of their ability to

17 k They operate by guess.

18 Q. Did their guess have any high degree or low degree  
19 or no **degree** of correlation with actual fact?

20 k Not enough to say.

21 Q. Not enough to say.

22 How did your tarot card reader compare to the  
23 information you got from the rest of the study which involved  
24 astrologers?

25 MRS. STEIN: Your Honor, that is irrelevant to this case.

26 THE COURT: The witness may answer that **question**, if  
27 there is any relationship.

28 THE WITNESS: The only specific difference that I

1 remember -- they were both were high on intuition on the  
2 Meyers-Briggs-type indicator; but the tarot card reader had  
3 an IQ of 69, and all the other people had IQ's under 85; but  
4 they were usually under 105. When it got over that, they  
5 became involved in more complicated scientific things.

6 THE COURT: Did you say the tarot card reader had an  
7 IQ of

8 THE WITNESS: 69 on a Stanford Binet. ThfJY're doing the  
9 best they can with what they got.

10 THE COURT: Ms. Buckley, do you wish to continue?

11 BY MS. BUCKLEY:

12 Dr. Peters, you are also, you say, a priest?

13 A. Yeah. I have a divinity **degree.**, yeah.

14 And in your religious practices, do you recognize  
15 the element of revelation and the high degree of what you call  
16 Messianic Zeal?

17 MRS. STEIN: Your Honor, --

18 THE COURT: Yes, Mrs. Stein?

19 MRS. STEIN: I don't know what the relevancy of what his  
20 religion has to do with anything in this case. What his  
21 religion recognizes, --

22 THE COURT: It's overruled, subject to a motion to strike  
23 if Ms. Buckley doesn't tie it in.

24 THE WITNESS: We believe that they help in raising the  
25 person's moral or **inspiration** -- that they either -- **that** they  
26 give the person inspiration or itboosts their morale--

27 THE COURT: What does that? What gives inspiration **or**  
28 **boosts** morale? \_

1 THE WITNESS: The Messianic gives the person inspiration  
2 and the charisma boosts their morale, They then become a  
3 member who believes in something which is very necessary for  
4 your health.

5 BY MS. BUCKLEY:

6 0. In your religion -- you got your Doctor of Divinity,  
7 both your master's and your bachelor's

8 A. I have a bachelor's and a doctorate. The  
9 doctorate's an honorary one. I got that from -- I was on the  
10 board of directors of the Church Federation of Greater Chicago  
11 for a year, which I did a lot of work for nothing; and they  
12 were so kind as to give me a degree subsequent to that.

13 Q. So you're familiar with the Bible, particularly  
14 the New Testament, and the Prophet Jesus?

15 A. Yeah.

16 THE COURT: Please just answer the questions. This is a  
17 **very** serious matter. Please don't laugh throughout the  
18 testimony.

19 THE WITNESS: That was from nervousness.

20 BY MS. BUCKLEY:

21 0. Would you say that, in the theology which you were  
22 schooled in -- that Jesus was a prophet or foretold the  
23 future?

24 MRS. STEIN: Your Honor, I don't see what -- why we  
25 should be going into that now, as far as being relevant to the  
26 issues of this case.

27 THE COURT: The witness may answer the question.

28 But, if we get too far afield, Ms. Buckley, we'll

1 just have to.-stop it.

2 THE WITNESS: Yes.

3 BY MS. BUCKLEY:

4 And in the Bible are there many occasions where  
5 Jesus foretold the specific future for individuals?

6 MRS. STEIN: Your Honor, I object now.

7 THE COURT: Ms. Buckley?

8 MS. BUCKLEY: Yes, your Honor. You know, I know that the  
9 City Attorney does not accept 43.31. But my client is  
10 religious, and I am just pointing out that, in one of the  
11 recognized religions --

12 MRS. STEIN: Your Honor, I haven't said anything before;  
13 but, if counsel is continuously arguing her case in the  
14 presence of the jury, in a totally improper manner when

15 THE COURT: Yes.

16 Counsel, approach the bench, please.

17 (The following proceedings were had at the bench.)

18 MS. BUCKLEY: All right. Your Honor, one of the points  
19 that is being made here is -- now, we're talking about fortune  
20 telling. And what I'm trying to point out is that, in the  
21 Bible of the -- one of the major religions the evidence is  
22 clear that one of their prophets not only spoke about, you  
23 know, great wide events like earthquakes and floods but also  
24 specifically told people that things would happen; that  
25 somebody's son would be alive and well when he got home; that  
26 Judas was going to betray Him before the cock crowed three  
27 times.

28 THE COURT: I think you're talking about Peter.

1 MS. BUCKLEY: Peter. All right. I'm not a religious  
2 leader, your Honor. And the only point I'm tryi.ng to make is  
3 that what is sought to be set up as a crime here is something  
4 that was part of the tradition of a major religion.

5 THE COURT: I think we're really getting somewhat  
6 afield.

7 As I read all the cases over the weekend, even if a  
8 person is a religious person and they engage in the business  
9 of fortune telling, it's a violation, even in light of 43.31.

10 MRS. STEIN: **That's right.**

11 THE COURT: And whether Christ or Jesus told things  
12 about the future or something, I don't think that really has  
13 **any** bearing on **this case**.

14 MS. BUCKLEY: Well, your Honor, you obviously haven't  
15 had an opportunity to take a look at our points and authorities  
16 for the instructions. And one of the instructions we have  
17 asked for is for specific intent or, in the alternative, for  
18 a dismissal of this action, because either the Municipal Code  
19 has to have the same restrictions as the State Code, or it is  
20 or it's been pre-empted. Now, what has been happening.is that  
21 the c\_\_!=X ?!=t2:r:ney\_-has \_been arguing false pretenses and fraud  
22 during her, entire case. And the reason she does it is  
23 because 332obviot1;sly requires it. And it's our argument that  
24 the Los Angeles Municipal Code either incorporates the  
25 specific intent sections of 332 or it has been pre-empted by  
26 **332.**

27 THE COURT: They don't use "false pretense". They just  
28 say, no one shall engage in the(business of fortune telling./

1 It's more

2 MS. BUCKLEY: There is no provision for licensing, and  
3 the State

4 THE COURT: I may be incorrect as to licensing. But if  
5 someone engages in the business --

6 MS. BUCKLEY: The State has said now, what is  
7 happening here is Los Angeles purports to totally outlaw,  
8 except for a religious person, any activity that is permitted  
9 by the State. And I do not think **that** they can do it once the  
10 State has spoken on the area.

11 THE COURT: Now we're talking about another **area**. But  
12 we're talking about as to this witness.

13 MS. BUCKLEY: So what I'm saying is, part of specific  
14 intent in the fraud goes to the fact that another major  
15 religion in fact had, as a part of its tradition, the use of  
16 personal prophecy or fortune telling, and that therefore there  
17 is nothing per se fraudulent about having it in another  
18 religion.

19 THE COURT: Mrs. Stein?

20 MRS. STEIN: Number one, the law is -- and I've read the  
21 cases, too, and I've prepared during -- instructions on  
22 Gladstone and Allinger case. The law is correct, as your  
23 Honor says, that ~~l:l:k?~~, one can engage in fortune telling for a  
24 business. And that's what the issue is here.

25 THE COURT: We're talking about as to this witness.

26 MRS. STEIN: As to this witness, it's -- first of all,  
27 he said his familiarity with tarot cards is virtually none,  
28 and he even admitted 'cilat. When he testified, he said that

1 it's just guess.

2 THE COURT: Now, we're talking as to his religious  
3 knowledge.

4 MRS. STEIN: Now, what is the relevancy of having  
5 somebody bring up -- going into the Bible, and so on. I think  
6 it's almost --

7 THE COURT: My view -- I just don't see it. If -- I  
8 don't think it has any applicability under 352, and I think  
9 we're going off on a tangent. The issue is if she engaged in  
10 the business if not, if the jury determines she does this  
11 as a part of a religious ceremony or service and not at a  
12 business, then she will be acquitted. And that would appear to  
13 be the law. But to go into what other major religions, - do or  
14 their saints or people from the past, I think we're going off,  
15 and the probative value is far outweighed by time consuming  
16 which I think really has no bearing on the case at this point.

17 MS. BUCKLEY: All right.

18 (The following proceedings were had in open court.)

19 MS. BUCKLEY: Thank you, your Honor.

20 I have no further questions of this witness.

21 THE COURT: Mrs. Stein.

22  
23 CROSS-EXAMINATION

24 BY MRS. STEIN:

25 You have a doctorate in divinity. And where did  
26 you receive that?

27 A Chicago Theology School.

28 And how long did it take you to get that?

1           A.     From 1965 when I got my bachelor's degree to --  
2     1968 is when I got itQ   It took me three years. That was a  
3     year of field supervision at the Urban Training Center For  
4     Christian Mission, which I already explained, and then a year  
5     at the Church Federation Of Greater Chicago in an office.

6                     Did you take any formal classes?

7           A.     Yes.

8           Q.     And this bachelor's -- you said it was an honorary  
9     bachelor's?

10          A.     No, ma'am, no. The doctorate is honorary. The  
11     bachelor's is earned.

12          Q.     The doctorate is honorary?

13          A.     And the bachelor's is earned.

14          Q.     Oh. I see. So where did you get your bachelor's?

15          A.     The same place, Chicago Theology. That was from  
16     1961 through 1965.

17          Q.     In 1961 to 1965 --

18          A.     Yes.

19          Q.     -- you earned a bachelor's; is that correct?

20          A.     Yes.

21          Q.     Did you have to pay to go to this school?

22          A.     Yes, ma'am.

23          Q.     And from 1961 to 1965 you earned a bachelor's; is  
24     that correct?

25          A.     Yes.

26          Q.     From the Chicago Theology School.

27                     Now, what particular theology is it?

28          A.     Originally, I believe the school was Methodist.

1       However, after the ecumenical movement crune around, you were  
2       no longer were required to declare specific religious  
3       affiliation. And at the Urban Training Center For Christian  
4       Mission where I did the graduate work itwas entirely -- for  
5       example, one of the teachers was Richard Lucki, and then  
6       another one was James Morton who was an Episcopalian. The  
7       people who ran -- it was a consortium. There was then a  
8       Catholic Jesuit there, except at this time I don't remember  
9       his name. Besides, most of all my work was done in social  
10      services rather than in specific --

11               Well, did you get your -- this honorary doctorate,  
12      was that in any specific religion?

13               Yeah. I told you, I believe, the place was  
14      Methodist but it was run ecumenically.

15               Well, did you get this.honorary doctorate --

16               A     I have it in my pocket, if you'd like to see it.  
17      So if that will be of any help to you I'll show it to you.

18               Well, was it in any particular religion, in any  
19      particular

20               MS. BUCKLEY: Your Honor

21               THE COURT: What was the name of the group or the school  
22      that gave you the honorary doctorate?

23               THE WITNESS: The Chicago Theology School. It's on  
24      Ashland Avenue in Chicago. I don't remember their address.  
25      I remember their postoffice box.

26               BY MRS. STEIN:

27               And did you pay to go there from '65 to '68?

28               A     No, ma'am., I told you I worked at the Urban

1 Training Center for Christian ssion and then I worked for  
2 the Church Federation in Greater Chicago whlch is on Michigan  
3 Avenue, .

4 Q Now, I take it that you know about -- you have  
5 certain religious beliefs.

6 THE COURT: Please keep your voice up.

7 **BY** MRS. STEIN:

8 Q You have certain religious beliefs. Now, it is a  
9 part of any of your religious beliefs to tell fortunes?

10 MS. BUCKLEY: Your Honor, I do not believe she can  
11 question into his religious beliefs. If she wants to ask him  
12 about how he feels about the defendant's religious beliefs,  
13 I think that is fine. But I do not believe

14 THE COURT: Objection sustained.

15 **BY** MRS. STEIN:

16 Q Do you know -- you had one, you said, tarot card  
17 reader with an IQ of **691** is that correct?

18 A Yes, ma'am.

19 Q And you came to the conclusion that she operated  
20 **by** guess; is that correct?

21 A Intuition is guess, ma'am.

22 Q Now, have you ever conducted any experiments insofar  
23 as this defendant is concerned?

24 THE COURT: You have to answer out loud, please.

25 THE WITNESS: **No.**

26 **BY** MRS. STEIN:

27 Q Do you know her?

28 A **No.**

1                   And, insofar as the tarot card experiments that you  
2 conducted, you said that it was too small to be scientifically  
3 valid; is that correct?

4           A.     Yes.

5           Q.     And you also said that, on the one tarot card  
6 reader that you conducted -- that there was not enough  
7 correlation to come up with any kind of conclusions; is that  
8 correct?

9           A.     Yes, ma'am.

10          Q.     Now, do you know of **any** particular religion where  
11 it's a part of the religion to charge a fee for a prophecy?

12          A.     If you mean specifically in terms of reading tarot  
13 cards, I am not really qualified. But if you mean in terms of  
14 prophecy that would include horoscopes, I can think of one  
15 immediately that's legally running in Los Angeles at this  
16 present time.

17          Q.     Do you know of any organized recognized religion  
18 where it is a part of their religious beliefs to charge a fee  
19 for a pr phecy?

20                   A donation, yes, ma'ama That's what I just --

21                   Not a donation. A fee, a charge.

22          A.     Could you explain to me the difference? I don't --

23          THE COURT: Do you know of any group that will do it for  
24 an X amount; that if you aren't going to give X amount they  
25 aren't going to do it, I think is the question.

26          THE WITNESS: I don't know if they wouldn't do it if  
27 you wouldn't **pay** them. I always heard of everybody paying.  
28 I know that they get paid \$25.00 for running the horoscope and

1 giving you the prophecy. I do not know what would happen if  
2 you didn't have the money.

3 BY MRS. STEIN:

4 Q. Do you know of any particular religion throughout  
5 the course of your studies where it is a part of the religion?  
6 & To give prophecies?

7 Q. To charge a fee for a prophecy.

8 MS. BUCKLEY: Your Honor, I believe that question was  
9 just asked and answered.

10 THE COURT: Objection sustained.

11 BY MRS. STEIN:

12 Q. Well, do you know of any particular religion where  
13 it is a tenet of that religion to charge, make a specific  
14 charge, to tell the future, any organized recognized religion  
15 that you know of?

16 MS. BUCKLEY: Your Honor, again, it is my understanding  
17 that she's rephrasing this same question that had been asked  
18 and answered.

19 THE COURT: The witness may answer.

20 Can you answer the question?

21 THE WITNESS: I know people who make their living by  
22 doing prophecy in terms of religious context. In terms of  
23 your fee or donation, I'm very -- I don't..know the difference..

24 Q. Well, in other words, you understand the difference  
25 between doing it aa a business and doing itsay -- charging a  
26 fee as a business and charging, and -- as contrasted with  
27 giving a donation to a church?

28 A. WelllcI'm looking at it this way,, If we take the

1 Jains, which is a two thousand-year old sect in India, they do  
2 prophesy, and they make their living by doing prophecy. In  
3 other words, they do other sort of things, but one of the things  
4 they do is prophecy. - And the guy who runs it, Mishri  
5 Chichibanyu (phonetically) --

6 MRS. STEIN: I move to strike about India. How about in  
7 the City of Los Angeles?

8 MS. BUCKLEY: Your Honor; the question was not limited  
9 to the City of Los Angeles. That was a perfectly good answer.

10 THE COURT: This is the Court's view.

11 Now, do you want to spell the last name?

12 THE WITNESS: Chichibanyu. He lives on Riverside Drive  
13 in New York. And there are 7.2 million members that pay him,  
14 and all he does is prophecy.

15 A man called Norbert Chin (phonetically) in Houston,  
16 Texas, who is supported by the McCulloch Oil Company, for  
17 \$5,000 a minute gives prophecies to people that last for ten  
18 seconds. And that is, I'm sure, a fee because if you don't  
19 pay \$5,000 they won't even talk to you.

20 THE COURT: Okay. Mrs. Stein, you may continue.

21 **BY MRS. STEIN:**

22 Q. So that's a business, right?

23 A. No. It's a non-profit tax-exempt religion. It's a  
24 Tibetan religion.

25 Q. Didn't you say if you didn't pay the \$5,000 they  
26 wouldn't talk to you?

27 A. Yes, I did.

28 MS. BUCKLEY; Your Honor, I believe she's arguing the law

1 with him.

2 THE COURT: Objection's overruled. The answer may stand.

3 Let's move on, Mrs. Stein.

4 BY MRS. S"rEIN:

5 Q. Do you know of any organized recognized religion  
6 where in Los Angeles where it's a part of the religion to  
7 charge a fee for a prophecy?

8 Zippora Doybones, who is a psychologist, does  
9 horoscopes for \$25.00 a piece over on -- it's right off  
10 Wilshire Boulevard in the Wilshire Section. I don't remember  
11 her exact address. But she does charge a fee for doing a  
12 thing, and it is a religion, and it's exempt under --

13 Q. She is a psychologist?

14 Yes, but that's not what she's charging hcrosopes  
15 for. She is a psychologist.

16 Q. To get back to the question, in Los Angeles, other  
17 than this psychologist, do you know any recognized religion  
18 where you~can cha.rge a fee for a prophecy, in Los Angeles?

19 I do not know personally any of these people except  
20 the ones I said.

21 And you do not personally know of any religion  
22 where it's part of the religion to charge a fee for prophecy?

23 MS. BUCKLEY: Your Honor,

24 THE COURT: Objection sustained. The question's been  
25 asked and answered.

26 BY MRS ....STEIN:

27 Q. You say this person is worth 7.2 million dollars?

28 k No. He has 7.2 million members that payhim \$10.00

1 a year each plus all his personal -- the guy does well.

2 He's a nice guy, too.

3 Q. Now, you talked about endocrine balance. Have you  
4 had any background and training in any of the medical sciences?

5 A. Yes, ma'am. I was trained by Walter Alvarez, the  
6 head of Mayo Clinic- Then I was trained by Sheldon. Then I  
7 was trained by Page from Florida, which is the specific  
8 measurements that we do. The research is now -- I set up the  
9 research project that's being done at W. 'I. Edwards Hospital  
10 in Tampa, Florida comparing endocrine balance to health and  
11 sickness. I have lots of -- I'm very smart in that way.

12 Q. Other than --

13 A. I even have graphs with me of people's endocrine  
14 balances and what they mean, if you'd like to see them.

15 THE COURT: I don't think we need to go into them at thie  
16 time.

17 BY MRS. STEIN:

18 Q. Other than 1961 to 1965 where you got your bachelor'  
19 in divinity, have you ever had any fonnal training in a collegE  
20 in any scientific field?

21 A. Yes, ma'am.

22 And where, what college?

23 A. At the University of Toronto, Rochdale.

24 Q. How long did you go to that college?

25 A. We were there -- would you like to know what I did  
26 there?

27 THE COURT: Just answer the question as asked at the  
28 moment, please.

1                   How long did you go to that college?

2           THE WITNESS: From 1969 to 1972.

3 BY MRS. STEIN:

4           Q. So that was after you had your doctorate?

5           A. Yes, ma'am.

6           Q. And did you attend there full-time?

7           A. No, ma'am. Part-time.

8           Q. And how many units did you take?

9           A. I was given a degree for a drug rescue service that  
10 I ran in 525 cities. The college that it was specifically run  
11 at, Rochdale, that gave me the degree was only one of the  
12 places that it was run at. And it was a tremendous research  
13 project that dealt with almost 2,000 people a day. If you see  
14 the situation --

15           THE COURT: Just one moment, please. I don't think  
16 you've really answered the question.

17                   Can you answer the question as asked by Mrs. Stein?

18 BY MRS. STEIN:

19           Q. How many units did you take?

20           A. I was given a degree for the work. I believe it's  
21 125 units, but I am not sure. That's the reason I didn't  
22 want to say. The degree was for the work that I did, not for--

23           THE COURT: The degree was not for the educational work  
24 you did there or the educational studies?

25           THE WITNESS: Yes, it was, but the study was graduate  
26 work in actually treating people and arranging counseling  
27 centers and running the actual operation itself and studying it  
28 and doing research on it. I have got a copy of the research

1 with me, if you'd like to read it, in my briefcase.

2 THE COURT: Mrs. Stein, you may continue.

3 MRS. STEIN: I have nothing else.

4 THE COURT: Any redirect, Ms. Buckley?

5 MS. BUCKLEY: Yes.

6  
7 REDIRECT EXAMINATION

8 **BY** MS. BUCKLEY:

9 Q. What degree did you get from the University of  
10 Toronto?

11 A. A Ph.D., psychology.

12 Q. And that was not considered an honorary degree, was  
13 it?

14 A. No. It was for work. I mean. I really did a lot of  
15 work.

16 In other words, when you get on a graduate level,  
17 **you** don't have things like going off to classes necessarily?

18 A. No, ma'am. Rochdale College is part of the  
19 University of Toronto that was an experimental college set up  
20 in 1965, I believe, **by** Trudeau or some of his friends that  
21 **were** on the education board. And it was; a building where they  
22 had 18 stories, and there were different teachers on each  
23 story of the building. And what you did is you participated  
24 in the full experience rather than the formal classroom  
25 setting. And it's been operating **there** for almost 10 years  
26 now, very successfully, as a matter of fact, in terms of  
27 employment.

28 Q. Now, **the** Ph.D. you got was in what subject?

1           A.     Psychology. Counseling and psychology was what all  
2     the work was done in; drug treatment program.

3           Q.     Thank you.

4           MS. BUCKLEY: I have no further questions, your Honor.

5           THE COURT: Anything further, Mrs. Stein?

6  
7                                   RE CROSS EXAMINATION

8           BY MRS. STEIN:

9           Q.     So you have a Ph.D. also in psychology?

10          A.     Yes, ma'am.

11          Q.     And did you have to pay to go to this school?

12          A.     No, ma'am.

13          Q.     This was a free school?

14          A.     No, ma'am. I paid in work, not in --

15          Q.     And you took no formal courses there, other than  
16     these experiments?

17          A.     Yeah, there are formal courses that you study, but  
18     it's not like -- going to graduate school and doing research  
19     is not like going to grammar school or going to high school.  
20     I don't -- I don't know what it's like to go to law school. I've  
21     been thinking about it but I don't know. And I think there  
22     that they have people like -- I saw law students practicing in  
23     law, in courts and stuff, so I mean there's a lot of field work  
24     involved. And the graduate studies have got far more fieldwork  
25     than they have classroom work. I'm rather eccentric, though.

26          THE COURT: Anything further, Ms. Buckley?

27          MS. BUCKLEY: I have nothing further.

28          THE COURT: You may be excused at this time.

1 Your next witness for the Defense.

2 MS. BUCKLEY: Yes. Dr. James Conn.

3

4 JAMES P. CONN,

5 called as a witness **by** the Defense, having been sworn,

6 testified as follows:

7 THE CLERK: Will you state your name, please.

8 THE WITNESS: My name is James P. Conn, c-o-n-n.

9

DIRECT EXAMINATION

11 BY MS. BUCKLEY:

12 Q. Dr. Conn, are you an ordained minister?

13 A. Yes, I am. I am ordained minister in the Southern  
14 California-Arizona Conference of the United Methodist Church.

15 Q. And **do** you **have** a church of **your** own?

16 Yes. I am the minister of the Church in Ocean Park  
17 which is a united Methodist Church.

18 Q. And would you **tell this** Court what **your** educational  
19 background is?

20 A. Yes. I have a B.A. in history and rhetoric from the  
21 University of California at Santa Barbara. I have a master's  
22 and theology degree from Claremont School Of Theology. I have  
23 a master's degree in Urban Studies from Occidental College.  
24 And I'm a doctoral candidate at the School of Theology at  
25 Claremont.

26 Q. And what is the subject of your doctoral thesis?

27 A. Religion and culture.

28 Q. Are you familiar with the defendant **Z** Budapest?

1           A.    Yes, I am.

2           Q.    And you know her?

3           A.    Yes, I do.

4           Q.    Now, as a minister of a church, do you charge fees  
5 for certain services like weddings, and funerals and things  
6 like **that**?

7           A.    Yes. In addition to salary for the usual religious  
8 practices that go on in a church, ministers do receive  
9 honorariums for doing weddings, funerals, baptisms, and so  
10 forth.

11          Q.    And it's understood that a person who comes to be  
12 married, for instance, would expect to pay a fee to the  
13 minister?

14          A.    This is traditional.

15          Q.    Would you refuse to marry somebody if they didn't  
16 have the money?

17          A.    Certainly not. On many occasions I've done weddings  
18 without expecting any fees or without receiving them.

19          Q.    But basically you do expect a fee of a minimal  
20 amount or something?

21          A.    It's customary. The traditional fees are about  
22 \$25.00 for doing a wedding.

23          Q.    Now, how long have you known **Z** Budapest?

24          A.    I've known of **Z** for almost a year. I've known **Z** for  
25 about six months.

26          Q.    You say you've known of her. Did you know of her  
27 reputatlon as a religious person in the community?

28          A.    I knew that **Z** was very important in the feminist

1 community, and I knew of her role, her religious role, among  
2 women who were involved in worship in a women's tradition, in  
3 the Wicca tradition.

4 Now, you say the Wicca tradition. Is that a  
5 religion of witchcraft?

6 MRS. STEIN: Objection no foundation.

7 THE COURT: 'l'he **objection's** overruled.

8 The witness may answer.

9 THE WITNESS: Would you state that again?

10 BY MS. BUCKLEY:

11 Is that a religion of witchcraft, Wicca? Is that a  
12 religion of witchcraft?

13 THE COURT: If you know.

14 BY MS. BUCKLEY:

15 If you know.

16 I -- I suppose it could be defined that way. I  
17 **wouldn•t** define it that way.

18 THE COURT: How would you define the Wicca tradition?

19 THE WITNESS: **Ivell**, my understanding of the Wicca  
20 tradition is that it is a long -- has a long history of worship  
21 of the female princiFal of the universe, and this involves a  
22 variety of rituals and ritual expressions of that belief and  
23 of that self-understanding of one place in the world and the  
24 way in which the world operates. Whether that includes  
25 witchcraft or not would be up to, I suppose, some specific  
26 definition of what one meant by "witchcraft". I -- it isn't  
27 my understanding that the rituals involved as symbolic  
28 e),,,-pressions are \_necessarily what we usually think about as

1       witchcraft in this culture.

2       **BY** MS. BUCKLEY:

3               Q.     In other words, you are reacting, are you not, to  
4       the common use of the word "witchcraft"?

5               A.     I think, the way in which it's usually used, **it** has  
6       to do with feelings or perceptions; that it has to do with  
7       hexes and magic potions and a variety of things which somehow  
8       are images that come out of the middle ages, and perhaps more  
9       out of our films and those kinds of versions of what  
10      witchcraft is about, rather than what the actual practices of  
11      the Wicca women **are** about.

12              Q.     Let me then ask you, do you know whether **Z** is the  
13      religious leader of a coven of witches called the Susan B.  
14      Anthony Coven?

15              A.     Yes, I'm aware of that.

16              Q.     And is that also a part of Wicca?

17              A.     That's my understanding, that it is a coven in the  
18      Wicca tradition.

19              Q.     So that the -- in your experience and your studies  
20      **in** religion and culture, have you been exposed to a wide  
21      variety of religions?

22              A.     Yes, and I think that one of the things that's  
23      happening in this culture at this time is, with the growing  
24      pluralism, there has been a broad acceptance of a variety of  
25      religious experiences and expressions of which I believe that  
26      Wicca is one.

27              Q.     Have you permitted your church to be used for  
28      religious services **by** the Susan B. Anthony Coven?

1           **k**       The Wicca center was --

2           THE COURT: Just answer that question without adding to  
3 it.

4                   Have you permitted your church to be used for  
5 religious ceremonies by the Susan B. Anthony Coven, Wicca?

6           THE WITNESS: I don't know how to answer that yes or no.

7           THE COURT: Well, that's how I'd prefer you to answer it.  
8 Then you may explain it.

9                   Have the members of the Susan B. Anthony Coven held  
10 religious ceremonies in your church?

11           THE WITNESS: There have been events held at the church  
12 by the Wicca women, which, I believe, included religious  
13 ceremonies.

14           THE COURT: Were you personally present for any of these?

15           THE WITNESS: I have been present for some of the Wicca  
16 ceremonies. I was not present at the events that I'm speaking  
17 of at this point.

18           THE COURT.: The religious events?

19           THE WITNESS: They were for women only.

20           THE COURT: You may proceed, Ms. Buckley.

21 **BY** MS. BUCKLEY:

22           Q.     So that your answer is **that**, if I may clarify that--  
23 your answer was that it was not used for solely religious  
24 purposes but that it was a broader kind of event?

25           A.     Yes.

26           Q.     That included religious services?

27           MRS. STEIN: Move to strike, your Honor or object to  
28 the question, because he said he was not present in any of

1       their so-called religious functions.

2               THE COURT: Well, was it your understanding that it was  
3       to be used for religious functions?

4               THE WITNESS: Yes, and that it could be.

5               THE COURT: You were not present, though?

6               THE WITNESS: I was not present at those that were held  
7       by the Susan B. Anthony Coven. I have been present at other  
8       Wicca ceremonies that have been held in the church.

9               THE COURT: As far as you know, were some people inside  
10       the ceremony that apparently was for women only that, in your  
11       belief, were engaging in some religious practice, at least as  
12       you have reason to believe?

13              THE WITNESS: Yes.

14              THE COURT: But you were present when -- outside when  
15       you say the Susan B. Anthony Coven was inside; is that correct?

16              THE WITNESS: Yes.

17              THE COURT: You may proceed.

18       BY MS.. BUCKLEY:

19              Q.     And you were also present when there were broader  
20       groups that included both men and women, and there were some  
21       religious aspects to the total event? In other words, a Wicca  
22       event would have, say, a dance or a coming together or a  
23       program that would include some religious ceremonies by this  
24       Susan B. Anthony Coven, among others?

25              A.     Yes, yes.

26              Q.     Can you describe the part which you have seen  
27       Z Budapest taking in one of those, if she has? Has she, for  
28       instance, given an invocation at one of these services?

1           A.     I am sorry. I can't --

2           THE COURT:   Maybe, to make it easier     have you ever  
3     seen the defendant at any of these functions?

4           THE WITNESS: I've seen the defendant at some of these  
5     functions. I have not seen her performing rituals. Z has not  
6     performed any of the rituals for me.

7     **BY** MS. BUCKLEY:

8                     But do you as a minister recognize her as a fellow  
9     clergy person?

10          A.     Yes, I do. There are basically three ways in which  
11     one is recognized as a clergy person or as one who has been  
12     put in the position of performing such rituals. The Christian  
13     tradition is that one is selected from among one's peers on a  
14     very careful kind of basis, and --

15          .MRS. STEIN: Your Honor, I don't think there's any  
16     foundation for his testimony because he said he's never seen  
17     her perform any religious --

18          THE COURT: I believe, just without going into your  
19     clarification -- why do you, in your opinion, believe that the  
20     defendant is a clergy person, as you used the term?

21          THE WITNESS: Through conversations with her, knowing  
22     what she had done, can do, the kinds of discussions that we  
23     have had about the various symbols that she uses. I am very  
24     convinced that she is not only familiar with her tradition and  
25     knows it very deeply but she is also very capable of doing  
26     using those symbols as it is appropriate.

27          THE COURT: Anything further?

28          MS. BUCKLEY: No, your Honor.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

THE WITNESS: If I could continue

THE COURT: At this point, ladies and gentlemen, we'll take the noon recess until 1:30 when we'll begin the cross examination of the witness.

I admonish the jurors during this recess period not to converse among themselves or with anyone on any subject connected with the case or the trial thereof. Also, you're not to form or express any opinion thereon until the entire case is finally submitted to you.

(A recess was taken until 1:30 p.m.)

1 LOS ANGELES, CALIFORNIA, MONDAY, APRIL 14, 1975; 1:30 P.M.

2 --000--

3  
4 THE COURT: The matter of 'Zsuzsanna Bartha. The record  
5 will reflect 12 jurors, two alternates are present. Defendant  
6 is present with counsel, both counsel. The City Attorney is  
7 present.

8 The witness may resume the stand.

9 You may cross examine, Mrs. Stein.

10 MRS. STEIN: Thank you, your Honor.

11  
12 CROSS-EXAMINATION

13 BY MRS. STEIN:

14 Q ,Reverend Conn, how long have you known the  
15 defendant?

16 A As I testified previously, I've known her  
17 approximately six months.

18 Q And how did you first come to know her?

19 A I had known about Z for some time through friends,  
20 and then we met. I believe it was at the church.

21 Q Now, you said that over the last -- over the last  
22 six months you didn't you.'. didn't meet her until six months  
23 ago; is that correct?

24 A Yes.

25 Q And over the past six months, how many times,  
26 approximately, -- how frequently do you see her?

27 A Several, a half dozen; certainly several very  
28 significant conversations.

1 Q. Well, how many times have you met with her in the  
2 last six months?

3 A. I couldn't answer that.

4 Q. Can you give us an approximation, 20 or a dozen or  
5 50 or six?

6 A. As I say, I've had several deep conversations with  
7 her, significant conversations, a half dozen times or so.

8 **I've** seen her more frequently than that.

9 Q. Now, you said that her organization uses your  
10 church.

11 Does she rent it from you?

12 A. The way in which we use space at the church is on  
13 a percentage of whatever gross receipts are taken in, if it is  
14 in fact an event where money is charged. We have had several  
15 tarot classes held at the church for which there's been no  
16 charge, and the space has just been given for the class.

17 We've had other rituals there that are in the Wicca  
18 tradition for which there has been no fees charged for the  
19 rituals or any income from the rituals. So those have just  
20 been providing the space for those people in the community to  
21 participate in those rituals as they wish.

22 Q. Do you consider her a friend of yours, the defendant?

23 A. Yes.

24 Q. And the reason you are here today testifying for the  
25 defendant is you do not want her -- you do not want to see her  
26 convicted of fortune telling? Is that true?

27 A. I am here as a matter of conscience, as a matter of  
28 fact, also because I respect her, respect for what she does in

1 her tradition.

2 MRS. STEIN: Move to strike as being non-responsive.

3 THE COURT: The answer may remain.

4 You may continue, Mrs. Stein.

5  
6 MRS. STEIN: Thank you.

7 BY MRS. STEIN:

8 Q. The reason you're here today is because you do not  
9 want to see her convicted of fortune telling, isn't that true,  
10 Reverend Conn?

11 MS. BUCKLEY: Your Honor, I believe that question was  
12 asked and answered.

13 THE COURT: The witness may answer.

14 THE WITNESS: I don't want to *see* anyone convicted of  
15 performing their religious practice.

16 **BY** MRS. STEIN!

17 Q. Well, you do not want -- the reason you're here  
18 specifically to testify today-is that you do not want to see  
19 the defendant convicted of fortune telling; isn't that true?

20 MS. BUCKLEY: Your Honor, I believe the City Attorney  
21 is arguing with the witness. He has stated his reasons.

22 THE COURT: Objection is sustained.

23 **BY** MRS. STEIN:

24 Q. And that would include the defendant; is that not  
25 true?

26 A. Following what I said already, that would include  
27 the defendant.

28 Q. Now, you were not present personally, were you, on

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page 309 missing from hard copy transcript

1           k     My understanding is that she performs certain  
2 rituals that have to do with prophecy.

3           Q.     Have you ever seen the ad where she advertises to  
4 tell detailed tarot readings?

5           A     Yes, I have.

6           Q.     And that is at her place of business, is it not?

7           A     Yes, it is, as well, I understand, as other places.

8           Q.     442 Lincoln Boulevard, correct? Is that not  
9 correct?

10          A     I can't recall the ad specifically. If that's what  
11 it says.

12          Q.     Have you seen the ad?

13          A     I believe that you're holding up a free Press -- or  
14 a Venice Beachhead or something -- yes, I have seen the ad in  
15 the Venice Beachhead.

16          MRS. STEIN: May I approach the witness?

17          THE COURT: You may.

18          **BY MRS. STEIN:**

19          Q.     I show you People's 5, this ad. Have you seen this  
20 ad?

21          A     Yes.

22          Q.     And **is** this ad known to you as being the defendant's  
23 place of business?

24          A     Yes.

25          Q.     And do you know that it's been put in **by** the  
26 defendant?

27          A     Do I know whether the ad has been placed **by** the  
28 defendant?

1                   Yes, or is it   for the defendant's place of  
2   business

3           A.    The ad, I believe, is for the --  
4                -- 442 Lincoln Boulevard?

5           A.    Yes. I have no idea who placed the ad.

6                Well, this refers to the defendant's place of  
7   business, does it   not?

8           A.    Yes, it does.

9                And Wicca refers to her organization, does it not?

10          A.    Yes.

11               Now, she has a cat there, doesn't she?

12          MS. BUCKLEY: Your Honor, I would like to know what the  
13   relevance of the cat is.

14          THE COURT: What exactly, Mrs. Stein, does that have  
15   what bearing at **this point** does **that** have in the case?

16          MRS. STEIN: Well, she's claiming to be a witch, •and I  
17   understand most witches have cats.

18          THE COURT: It could well be beyond the scope. I mean  
19   I think we're getting far afield at this point, at least as I  
20   see it.

21               Do you know if the defendant owns a cat?

22          THE WITNESS: I don't know. Sorry.

23   BY MRS•.STEIN:

24               Now, this church of yours, do you conduct services  
25   there?

26          A.    Yes, we do.

27               And do you personally conduct them?

28          A.    Yes, \_ I do.

}{

1 Q. And how frequently?

2 A. Weekly.

3 Q. And is this on a Sunday?

4 A. Yes.

5 Q. Now, you said that the defendant's organization  
6 pays you on occasions for the use of your facility?

7 A. Yes.

8 Q. And do you also rent out your church to other  
9 organizations?

10 A. Yes. We try to make the space available to  
11 community groups and organizations.

12 Q. What other organizations do you rent out to?

13 MS. BUCKLEY: Objection, your Honor. I don't see the  
14 relevance.

15 THE COURT: Objection sustained.

16 BY MRS. STEIN:

17 Q. How many other groups do you rent out to?

18 A. Over the last year and a half, probably 20  
19 different groups.

20 Q. And they are not part of your congregation, are they,  
21 members of your congregation?

22 A. Yes and no. Most of the community groups are  
23 represented in our congregation. Most of the community groups  
24 that would use the church for a benefit are -- also have  
25 people who participate in their organizations that are also  
26 participants in the life of the church.

27 Q. And so they belong to your church?

28 A. The individuals do, yes.

1 And does the defendant belong to your church?

2 No, she does not.

3 Q. Now, you said that you charged a fee for -- first o  
4 **all**, is your church open to anybody?

5 Virtually, yes. The board of the church has set  
6 some parameters as to the use of the church.

7 Q. Now, these -- what are those parameters?

8 A. Well, there are two pages of guidelines and

9 MS. BUCKLEY: You Honor, two pages of guidelines, I  
10 believe, are irrelevant to this trial.

11 THE COURT: Objection sustained.

12 BY MRS. STEIN:

13 Q. The members of your church, do they have to go  
14 through some kind of a joining process, or can anybody just  
15 walk in?

16 Membership in churches are open on confession of  
17 faith.

18 Q. So that, in order to become a member; they would  
19 have to

20 There is an affirmation that must be adhered to  
21 or believed in or affirmed.

22 Now, you indicated that you charge a fee for  
23 marrying people; is that correct?

24 A I follow the custom that is accorded most ministers.

25 Q And this is really a donation rather than a fee,  
26 isn't it?

27 A It is a fee that is waived in the situation where  
28 the money is not there, the resources the couple to be

1

2

**3**

4

**5**

6

7

8

9

10

**11**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Many times, in fact, people have written their own ceremonies.

2 BY MRS. STEIN:

3 Q. And isn't it a fact, sir, that you've married men  
4 and men and women and women?

5 A. No, that is not true.

6 Q. Now, getting back to this fact that you're not a  
7 marriage broker and -- which you said, and I think it was well  
8 said. In other words, the marriage part, or your performance-  
9 of a marriage ceremony or participation in it or whatever you  
10 want to call it, is really not a part of your religious  
11 practices, is it, for instance, when you marry somebody that  
12 is not a member of your congregation?

13 A. Performing marriages, performing funerals,  
14 performing baptisms are in fact part of the role of a minister,  
15 to enable those rituals to happen. So I believe that those  
16 are things that in fact we are supposed to do.

17 Q. Right. But when you marry somebody that, let's say,  
18 does not belong to your church or has some unusual kind of  
19 beliefs or something like that or wants a specific type of  
20 ceremony **loo** you've described, that is not within the tenets  
21 of your religion, is it?

22 A. Yes, it is.

23 Q. Is that a part of something in writing?

24 A. It's a theological tradition of about two thousand  
25 years, I believe. In the Catholic Church at this time marriage  
26 and funeral services are in fact two of the seven

27 Q. Sacraments?

28 A. Sacraments. In Protestant tradition, marriage and

1 funerals are not considered a sacrament. But they are  
2 certainly offices of the minister.

3 Now, wouldn't it actually be against your -- the  
4 principles of your church to require a fee for, for instance,  
5 a marriage?

6 It's a very fine line between requiring and custom.

7 Well, you said that, if somebody came in and  
8 couldn't afford it, you would still perform the service,  
9 correct?

10 Certainly.

11 O So then wouldn't it really be against your religion  
12 to require that a fee be charged?

13 No. In fact, it states in the Book Of Worship that  
14 a fee should be charged for marriages. It also states that a  
15 fee should not be charged for funerals. However, most people  
16 who are making funeral arrangements do pay a fee to the  
17 minister.

18 Now, let me ask you this, Reverend Conn. If the  
19 State of California said that it was illegal for you let's  
20 set up a hypothetical. The State of California said-it was  
21 **illegal to charge a fee for marrying somebody.** Would that in my  
22 way, shape or form change your practice or your religious  
23 beliefs? Would you still go on marrying people without a fee?

24 A I suppose that would be an issue of conscience that  
25 I would want to evaluate if -- in the eventuality that State  
26 should interferewith religious practices in that kind of way.

27 Q And would that in any way change your religious  
28 beliefs?

1           A     It wouldn't change my religious beliefs.

2           MS. BUCKLEY: Your Honor, I was just going to point out  
3     that the Constitution provides that the State cannot interfere  
4     with religious --

5           THE COURT: Just a moment. What is your objectio ,  
6     please?

7           MS. BUCKLEY: I'm objecting tq this entire line of  
8     questioning because it has to do with practi.ces which the  
9     State could not do. The hypothetical, your Honor, could not  
10    occur in the United States of America, under the Constitutions  
11    of California and the United States.

12          MRS. STEIN: Your Honor, I'm relying on the hypothetical  
13    posed in Allinger versus City of Los Angeles, 272 Cal.Ap. 2d,  
14    391.

15          THE COURT: You may proceed.

16    BY MRS. STEIN:

17          O     Now, have you ever seen the defendant in the  
18    performance of any of her so-called witchcraft?

19          A     I have not witnessed Z's performance of any of the  
20    rituals.

21                So you've never actually seen her in operation as  
22    a witch; is that true?

23          A     I have not seen her performing any of the rituals,  
24    although I have participated in some of the rituals that are  
25    in her tradition.

26          Q.    Have you participated in fortune telling?

27          A     I don't know to respond to that because I don't  
28    know what you mean by "fortune telling".

1 THE COURT: Well, what do you mean by "fortune telling"•?

2 THE WITNESS: By "fortune telling," I would mean that  
3 there would be a symbolic system that I would lay out for me,  
4 specific events for my life that I would believe on the basis  
5 of those symbolic expressions.

6 BY MRS. STEIN:

7 Q. Have you ever participated with the defendant in the  
8 use of predicting future events by means of tarot cards?

9 A. No, I have not.

10 " By the way, you are a minister in the United  
11 Methodist Church, you said; is that correct?

12 A. Yes.

13 Q. In your church is it a part of your religion to --  
14 religious beliefs of the church, to tell fortunes?

15 A. It is not part of my personal practice. However,  
16 within the Christian tradition there is a wide variety of  
17 religious experience that is expressed which includes  
18 foretelling the future, which includes prophecy, which  
19 includes speaking in tongues, which includes healing, which  
20 includes miracle working. And all of these have some validity  
21 and they certainly have theological basis within the Christian  
22 tradition as they do within other traditions.

23 Q. Since you mentioned the Christian tradition, are  
24 you aware of the first commandment -- the ten commandments?

25 A. I believe so, yes.

26 Q. Can you tell it to us?

27 A. That you believe God with all thy heart and mind and  
28 soul.

1           Q.     How about, I am the Lord thy God and thou **shall** have  
2 no other Gods before me?

3           A.     I believe that's the second commandment in the Old  
4 Testament.

5           Q.     And what's the first one?

6           A.     Thou shall believe in the Lord thy God with all thy  
7 heart and with all thy· might.

8           Q.     And the second one?

9           A.     Thou shall have no other Gods before me.

10          Q.     Are you aware of Deuteronomy Chapter 18, verses 10  
11 through 12?

12          MS. BUCKLEY: Your Honor, I object. I was prevented  
13 from cross examining --

14          THE COURT: Just a basis of your objection.

15          MS. BUCKLEY: My objection is that this is going beyond  
16 the scope and bringing into this trial issues which are not  
17 relevant.

18          THE COURT: Mrs. Stein, what are you getting at?

19          MRS. STEIN: Well, it was just based on his last comment  
20 that -- his own voluntary statement about predictions, and so  
21 on, that he said.

22          THE COURT: As to what? You were asking about  
23 Deuteronomy. And what are we getting in to that area

24          MS. STEIN: Because that's in direct contradiction of  
25 what he just said.

26          THE COURT: You may, for that limited purpose. But I  
27 think Ms. Buckley's point was well taken.

28                 You may inquire for this limited purpose.

1 MRS. STEIN: Thank you.

2 BY MRS. STEIN:

3 Q. "Neither let there be found among you any one ...  
4 that consulteth soothsayers, or observeth dreams and omens,  
5 neither let there be any wizard nor charmer nor anyone that  
6 consulteth pythonic spirits, or fortune tellers, or that  
7 speaketh the truth from the dead. For the Lord abhorreth all  
8 these things, and for these abominations. He will destroy them  
9 at thy coming."

10 Are you aware of that?

11 A. I believe that there are injunctions throughout the  
12 old and new Testaments against what is considered by the early  
13 Christian church, by the Jewish tradition to be pagan rituals,  
14 also rituals that were abroad in the land that the Israelite  
15 people took over; and there was great temptation on their part  
16 to participate in some of those rituals

17 It seems to me that these Jewish traditional papers  
18 are an attempt to maintain the Jewish tradition and to  
19 maintain it as pure in its own integrity rather than having it  
20 be co-opted by the religious practices that were also being  
21 practiced by other people who were their neighbors.

22 Q. Well, are you aware that the Apostle Paul not only  
23 condemned witchcraft and fortune tellers by means of summoning  
24 parted spirits --

25 A. I think it's also to be pointed out that people in  
26 the early Christian church spoke

27 MRS. STEIN: Excuse me.

28 Move to strike as non-responsive.

1           TI-IE COURT: Would you answer as to, apparently, the  
2 question that was asked as to Paul?

3           THE WITNESS: Yes, I am aware that Paul has written,  
4 as I said earlier

5 **BY MRS. STEIN:**

6           Q. Now, you have --

7                   By the way, referring to People's Exhibit 10, a  
8 poster advertising a Witchy Dance to be held at church in  
9 Ocean Park, Second and Hill Street, Santa Monica, is that the  
10 location of your church, sir?

11          A. Yes.

12          Q. And wasn't this Witchy Dance in fact held at your  
13 church on Saturday, February 22, 1975 from 8:00 p.m. to  
14 **2:00** a.m.?

15          A. I believe that's correct, if that's what it says  
16 **the1:e.**

17          Q. And was this a rental event or was this --

18          A. This was an event in which there were requests for  
19 donations at the door. And the church did receive a portion  
20 of the amount which, I believe, was ten percent.

21          Q. Did you attend the Witchy Dance?

22          A. No. My understanding was that the program was for  
23 women only.

24          Q. Did you hear anything that went on at that Witchy  
25 Dance that they did?

26          A. Yes. There were people from the congregation who  
27 were present at that occasion.

28          THE COURT:. Ms. Buckley?

1 MS. BUCKLEY: I'm just waiting for her to ask what they  
2 heard, and I was going to say, your Honor, it's hearsay.

3 MRS. STEIN: It's not offered for the truth of the matter  
4 your Honor.

5 THE COURT: I think it's going somewhat afield. And I  
6 don't think we need to go into what may or may not have  
7 happened at the dance.

8 BY MRS. STEIN:

9 Q. How much did you collect from this Witchy Dance in  
10 which the poster indicates there's a charge of \$2.50?

11 MS. BUCKLEY: Your Honor, I'll object as irrelevant to  
12 the issues at stake in this case.

13 MRS. STEIN: It shows your Honor, it would tend to  
14 show bias and prejudice on the part of -- financial interest.

15 THE COURT: I believe he's indicated they received ten  
16 percent.

17 Objection sustained.

18 BY MRS. STEIN:

19 Q. Now, since you have -- never seen the defendant in the  
20 performance of any of her rites or rituals or whatever, it  
21 would be a fair statement, would it not, to say that you  
22 really have no personal firsthand knowledge of what her rituals  
23 and rites are?

24 A. My understanding is that she participates and  
25 enables those rituals to take place in the Wicca tradition.  
26 I have testified that I have experienced some of those rituals  
27 that it would include having my own tarot cards read.

28 Q. Did the defendant read your tarot cards?

1           A     No, she did not.

2           Q     Have you any -- well,

3           MRS. STEIN: I move to strike his answer to the former  
4 question as being non-responsive•

5   **BY** MRS. STEIN:

6           Q     Would it be a fair statement, sir, since you have  
7 never seen the defendant in actual operation of her witchcraft,  
8 that you really do not have any personal knowledge of how she  
9 operates that?

10          A     I have no personal direct experience of Z's tarot  
11 reading.

12          Q     And since you've never seen anything else she does  
13 either, you are not really -- you have no personal independent  
14 knowledge of what her other rites and rituals may be, whatever  
15 they-are?

16          A     Through personal conversation with her, we have  
17 explored theologically the implications of what she does, of  
18 her beliefs, of her philosophical self understanding and of her  
19 understanding of the world.

20          MRS. STEIN: Move to strike as being non-responsive.

21          THE COURT: Objection sustained.

22                 The jury is admonished to disregard the last  
23 statement.

24                 I think the question, Reverend Conn, is: Have you  
25 ever seen her perform any religious functions or religious  
26 duties?

27          THE WITNESS: No, I have not.

28          MS. BUCKLEY: Your Honor, if you please, I would take

1 exception. She asked whether he had any personal knowledge.  
2 And it is my understanding that conversations can very well  
3 be personal knowledge --

4 MRS. STEIN: Your Honor, I object to counsel's testifyin  
'5 and arguing.

6 THE COURT: Well, no. The obJection's overruled. But  
7 **let** us --

8 You may go back into it, Ms. Buckley, if you deem  
9 necessary.

10 MS. BUCKLEY: Thank you.

11 MRS. STEIN: Excuse me. Could we have the Court's  
12 question back and the answer?

13 THE COURT: The Court's question was, had he seen the  
14 defendant engaged in any religious duties; and I believe the  
15 answer was no.

16 BY MRS. STEIN:

17 Q Now, I have one last question.

18 You have a church and a parish and a congregation,  
19 and so on; is that correct?

20 A Yes.

21 Q Do you ever refer or have you ever referred to  
22 any one of your parishioners as customers?

23 A On occasion the word "client" has been used, but the  
24 word "customer" I -- no.

25 Q And they're usually your parishioners, right?

26 A Yes.

27 Q And you've never used "customer"; is that correct?

28 A We don't sell anything. We don't have candles, and

1 so forth.

2 MRS. STEIN: No further questions.

3 THE COURT: Any redirect, Ms. Buckley?

4 MS. BUCKLEY: oh, yes, your Honor, a few things.

5  
6 REDIRECT EXAMINATION

7 BY MS. BUCKLEY:

8 Q. Reverend Conn, do you need to see a minister or  
9 a priest perform, in order to be able to know that he is in  
10 fact a minister or a priest?

11 A. No.

12 Now, I have a question which was raised earlier and  
13 which was not answered, and I believe I would like at this  
14 time to ask for your answer.

15 MRS. STEIN: Your Honor, object to the form of the  
16 question.

17 THE COURT: Well, we haven't reached the question yet.

18 MRS. STEIN: The preamble.

19 THE COURT: I don't think we need an editorial comment,  
20 Ms. Buckley. Just ask the question, please.

21 MS. BUCKLEY: Yes, your Honor.

22 BY MS. BUCKLEY:

23 Reverend Conn, your doctoral thesis has to do with  
24 religion and culture, is that true?

25 A Yes.

26 Q And as a result of this are you familiar with the  
27 practices of a number of religions?

28 MRS. STEIN: Objection, your Honor; beyond the scope of

1 the cross-examination and beyond the scope of the direct.

2 THE COURT: Objection's overruled.

3 The witness may answer.

4 THE WITNESS: Yes, I am quite aware, both in theological  
5 education and also in personal experience, of the various  
6 practices and styles of various religions as they express the  
7 cultural forms in which they are.

8 **BY MS. BUCKLEY:**

9 Now, would you say that there are different methods  
10 of becoming a religious leader or minister or whatever the  
11 term would be?

12 MRS. STEIN: Your Honor, that's beyond the scope of  
13 **his** qualifications. He hasn't been qualified as a person who  
14 ordains other ministers.

15 THE COURT: I didn't read that into the question. The  
16 objection's overruled.

17 The witness may answer, if he can.

18 THE WITNESS: Yes. Various religious traditions  
19 identify their clergy persons through various methods. The  
20 traditional Christian method is that, among the believers  
21 that there are certain who are those who are selected out to  
22 **be** the ministers of a given congregation of a given  
23 denomination., The Eastern tradition, of course, is that you  
24 join a sect, become a novice, devote yourself to a guru, and  
25 ultimately, after some work, designated as a master yourself.  
26 There is also another way of being designated as a clergy  
27 person, which has a long history that includes the Judaic  
28 tradition, and that is that, either through a family or through

1 a personal and secret selection, information is passed on from  
2 generation to generation. This person is always accepted  
3 within the tribe or within their community as a person so  
4 designated and marked out separately. And this is done  
5 without formal education or without formal ordination  
6 procedures. But there seems to be no question at least to the  
7 community village, tribe or whatever, that this person has been  
8 selected. This was the Judaic process with the tribe of Levi.  
9 It is also the practice that has been written about so much in  
10 the books about Don Juan by Carlos Castaneda and certainly the  
11 case with Z Budapest and with the Wicca tradition.

12 MRS. STEIN: Move to strike the latter as being a  
13 conclusion of the witness, your Honor.

14 THE COURT: The answer may stand.

15 MS. BUCKLEY: Thank you.

16 **BY** MS. BUCKLEY:

17 Q Now, there have been some questions directed to  
18 you directing your attention to Deuteronomy and Paul.

19 I trust that you're familiar with the New Testament.

20 A. Yes.

21 Q Thank you. May I direct your attention to Saint  
22 Matthew--

23 MRS. STEIN: Your Honor --

24 THE COURT: Let's hear the question, please, Mrs. Stein.

25 **BY** MS. BUCKLEY:

26 Q In Saint Matthew seven at line 15, does not the  
27 Bible say: Beware of false prophets. They come to you with  
28 the garb of sheep but at heart they are ravenous wolves.

1 You will know them by their fruit. Does one gather grapes from  
2 thorns or figs from thistles?

3 Now, in your opinion, does that refer to the  
4 question of prophecy and divination?

5 MRS. STEIN: Your Honor, I object to asking the opinion  
6 of the meaning of the Bible, as not being relevant to the  
7 issues in this case.

8 THE COURT: I think

9 MS. BUCKLEY: You opened it.

10 Excuse me, your Honor.

11 THE COURT: I would ask the people in the audience --  
12 I could hear all kinds of whispering. If you want to carry  
13 on a conversation, please go outside. I am repeating that.  
14 If you wish any conversations, please go outside. This is a  
15 court of law where you're not supposed to be chewing gum or  
16 talking or carrying on any other activities.

17 Mrs. Stein, you asked a few questions and opened  
18 the door; and the door is now open, I hope not too big.

19 But you may proceed, Ms. Buckley.

20 MRS. STEIN: Well, I didn't ask him meaning, your Honor.  
21 I just asked him if he was aware --

22 THE COURT: Proceed, Ms. Buckley.

23 You may answer.

24 THE WITNESS: I believe that in both the Old and New  
25 Testaments the theological thrust of most passages have to do  
26 with the question of truth as opposed to the question of form;  
27 and that that is exactly the thrust that it is a question  
28 of truth and what the results of that truth is rather than the

1 exact form in which the truth .is stated or expressed that is  
2 of value.

3 **BY** MS. BUCKLEY:

4 Q. And is it not true that in the New Testament  
5 particularly, there are a number of examples in which Jesus  
6 does prophesying for individuals?

7 MRS. STEIN: Your Honor, I think this is going a little  
8 bit far afield. I'll raise a 352 objection.

9 THE COURT: I will let the witness answer this question,  
10 but then I think we will limit it. Otherwise, we're getting  
11 far afield.

12 You may answer.

13 THE WITNESS: Every religion that I know of has created  
14 prophetic styles. The Judeo-Christian tradition is certainly  
15 among them. Jesus himself used prophecy to speak the truth to  
16 his generation.

17 MS. BUCKLEY: Thank you. I have no further questions,  
18 your Honor.

19 THE COURT: Any recross, Mrs. Stein?

20 MRS. STEIN: No, your Honor.

21 THE COURT: May this witness be excused?

22 MS. BUCKLEY: Yes, your Honor.

23 THE COURT: You're excused at this time.

24 Defense may call their next witness.

25 MS. BUCKLEY: At this time, your Honor, I will call the  
26 defendant to the stand.

27

28

1 ZSUZSANNA EM.ESE BAR'THA,  
2 the defendant in this case, called as a witness by the Defense,  
3 having been affirmed, testified as follows:

4 THE CLERK: State your name, please.

5 THE WITNESS: Zsuzsa.nna Budapest.

6  
7 DIRECT EXAMINATION

8 BY MS. BUCKLEY:

9 Q. Ms. Budapest, have you also been known as Bartha?

10 A. Yes.

11 Q. But you presently are known as Budapest?

12 A. Yes.

13 Q. Now, are you a high priestess of a religion called  
14 Wicca?

15 A. Yes, I am.

16 Q. And do you have a coven that is called the  
17 Susan B. Anthony Coven?

18 A. Yes, I do.

19 Q. And would you describe the

20 THE COURT: What is a coven?

21 I think we've used the word, and it hasn't been  
22 described.

23 THE WITNESS: The coven is gathering of like-minded  
24 people who come together to worship the same diety.

25 THE COURT: You may proceed, Ms. Buckley

26 BY MS. BUCKLEY:

27 Q. Would you describe some of the tenets of Wicca?

28 A. I don't understand the word "tenet".

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page 331 missing from hard copy transcript

1       sabats. We are performing our religious duties, and that --  
2       what makes me a high priestess -- that I lead these rituals  
3       and I teach women also to become priestesses, and I also  
4       planted other covens similar to our traditions.

5               Q.     Now, how did you become a witch?

6               k     I have a mother who is a witch, and her mother was  
7       an herbalist. And I have 800 years of tradition in my family  
8       that we can document going back to the thirteenth century.

9               THE COURT: When you use the term "witch", what do you  
10      mean?

11              THE WITNESS: Witches are goddess worshipers.

12      **BY** MS. BUCKLEY:

13              Q.     Now, you're goddess worshipers. Now, does your  
14      worship of the goddess also include certain types of rituals  
15      and certain kinds of powers given to you by the goddess?

16              A     Yes, yes, it does.

17              Q.     And when- was your, first experience as a witch, if  
18      you remember?

19              A     Yes. This happened to me when I was only three  
20      years old.

21                    And what happened to you?

22                    It happened at the exact moment

23              MRS. STEIN: Your Honor, excuse me.

24                    Isn't this a little irrelevant to whether or not  
25      the issue, the ultimate issue in this case -- I hate to keep  
26      bringing this up. It may be very interesting. But as to  
27      whether or not the defendant told a fortune on

28              THE COURT: I believe it will have some bearing. I am

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page 333 missing from hard copy transcript

1 walking in a day and a half which was faster than if I had a  
2 passport.

3 Now, among the rituals which are part of your  
4 religious belief -- well, can you tell us what are some of the  
5 rituals and special powers which you believe the goddess has  
6 given you?

7 A. The goddess has bestowed upon me to know the secret  
8 of the cards; and that's a gift that I have been using upon  
9 request.

10 And what other --

11 A. And I also have the power to draw down the moon  
12 within the sacred circle. I can create the sacred circle.  
13 I can go in trance, and the goddess comes to me and she talks  
14 through my mouth.

15 The other gifts that the goddess has, like  
16 understanding the voice of the winds, understanding the  
17 language of the animals, healing, I'm working on but I have not  
18 achieved proficiency in them. I would like to have all ten  
19 gifts eventually.

20 Q. Now, in your religion, what role do the tarot cards  
21 play?

22 A. It plays -- a means of consultation about a problem,  
23 It helps women to make up their minds, making decisions.  
24 It allows the priestess and the woman to come together and  
25 concentrate upon her life and achieve some type of an insight,  
26 understanding. I never really look at it as fortune telling  
27 because my mother uses another deck of cards when she reads  
28 fortunes, and it's not the tarot. It's another deck completely

1 and it has only 32 suits. I really don't know that this was  
2 fortune telling.

3 Q. Now, when you read the cards, do they tell more  
4 than just the future?

5 A. Yes. They tell the past, a lot about the present.

6 Q. Now, let me ask you some questions.

7 This tarot card ceck which, together with those  
8 cards which have been pasted on that exhibit, do you recognize  
9 these cards?

10 A Yes. That's my deck.

11 THE.COURT: Do you wish to approach the witness?

12 MS. BUCKLEY: Yes. Thank you.

13 THE WITNESS: Yes. Iused these cards 11 years.

14 **BY** MS. BUCKLEY:

15 Q. And where do these cards come from?

16 A. They come from New York.

17 Q. And do they have any special meaning?

18 MRS. STEIN: Objection; irrelevant.

19 THE WITNESS: They are my tools.

20 THE COURT: The witness may answer.

21 **BY** MS. BUCKLEY:

22 Q. They are your tools?

23 A. My tools.

24 Q. I show you Plaintiff's Exhibit Number 3.

25 MS. BUCKLEY: May I approach the witness?

26 THE COURT: You may.

27 **BY** MS. BUCKLEY:

28 Q. Do you recognize the exhibit?

1           A.    Yes, I do.

2           Q.    And what is this?

3           A.    My Aunt Titi (phonetically) gave it to me. This is  
4 Transylvania Folk Art Embroidery, from 'I'ransylvania; happens  
5 to be an heirloom from my family.

6           Q.    And did you bring that from Hungary with you?

7           A.    I had received it through the mail for my birthday  
8 from my aunt.

9           Q.    Now, is there some significance in your use of that  
10 cloth?

11          A.    Not besides that it's beautiful and it  inspires me

12          Q.    Do you recognize this transparent vial with the red  
13 liquid in it?

14          A.    Yes. I made a gift of it  to the officer.

15          Q.    And what is in this vial?

16          A.    It is called Bend over Oil. It comes from  
17 New Orleans where the black community strongly believes in it,  
18 and I happen to like it.

19          Q.    Now, we've been hearing these terms, and we've also  
20 heard the term Bat's Blood; that there was bat's blood in your  
21 shop.

22                   What is Bat's Blood?

23          A.    It's an herb. It's an herb that a solution is made  
24 of, and it is known to break hexes. I have it right over  
25 there. I brought it in, the red one.

26                   That one is the Dragon's Blood, the stick. I  
27 brought in the dragon's blood, too.

28           THE COURT: Well, she's just talking about bat's blood.

1 BY MS. BUCKLEY:

2 Q. This is bat's blood?

3 A. Yes. It has nothing to do with bats.

4 MS., BUCKLEY: May we have this marked Defendant's  
5 Exhibit D?

6 THE COURT: It may be so marked for identification,  
7 Defendant's Exhibit D.

8 Proceed, Ms. Buckley.

9 MS. BUCKLEY: May I approach the witness, your Honor?

10 THE COURT: You may.

11 BY MS. BUCKLEY:

12 O Now, I show you Defendant's Exhibit E for  
13 identification and ask if you can identify that?

14 A. This is an herb called Dragon's Blood.

15 THE COURT: It's a what?

16 THE WITNESS: Dragon's Blood.

17 BY MS. BUCKLEY:

18 O It's an herb?

19 A. It's another herb. The herbs have names given to  
20 them by the people a long time ago, and we just accept the  
21 names afJ:ie. This is how it comes from -- it would look just  
22 like that in a bottle if it was made a solution of. The  
23 purpose fo it is purification, and it's already considered  
24 very highly good charm. It's a good luck charm.

25 MS. BUCKLEY: May I have this marked Defendant's F?

26 THE COURT: It may be so marked.

27 MS. BUCKLEY: For identification.

28

1 BY MS. BUCKLEY:

2 Now, I show you the Defendant's Exhibit marked F  
3 for identification.

4 Can you identify that?

5 A. Yes. This is what we put up in the store after  
6 five months of having no sign. Finally somebody thought about  
7 it and put it up.

8 What does it say?

9 A. It says "tarot readings, complete reading \$10.00."

10 And this, up until today, has been sitting in the  
11 Wicca shop; is that correct?

12 A. Yes.

13 MS. BUCKLEY: Now, I'd like this marked Defendant's G for  
14 identification.

15 THE COURT: It may be so marked.

16 BY MS. BUCKLEY:

17 Now, is there another sign in your shop with regard  
18 to the items that are sold?

19 A. Yes.

20 THE COURT: Do you wish to approach the witness?

21 MS. BUCKLEY: Yes, your Honor?

22 THE COURT: You may.

23 MS. BUCKLEY: Thank you.

24 BY MS. BUCKLEY:

25 I show you Defendant's Exhibit Number G.

26 Would you examine that?

27 A. Yes. This has been put up right at the beginning of  
28 our opening. It says "All items sold as curios only. We make

1 no claims of supernatural, amatory, or therapeutic effects for  
2 spells. They are given as interesting legends only.

3 The management."

4 THE COURT: And this has also been up in the Wicca store?

5 THE WITNESS: Up until this morning when I took it off.

6 THE COURT: Where on the diagram was that sign posted,  
7 the item G, the last item?

8 THE WITNESS: Just over the P for potions, right over the  
9 potions, yes.

10 MS. BUCKLEY: Should I mark that S for sign, your Honor?

11 THE COURT: The record will so reflect.

12 **BY MS. BUCKLEY:**

13 Now, there's been much discussion of the Wicca shop.  
14 That's -- the full name is what?

15 k The Feminist Wicca.

16 And do you own that shop?

17 No, I don't. I'm one of the owners. Four of us own  
18 it. I'm like one-fourth of an owner.

19 And what is sold in that shop?

20 k We sell predominantly books, candles and some oils  
21 and a lot of herbs.

22 Now, is the shop open to the public as well as to  
23 members of your coven?

24 k Yes, yes, definitely.

25 Q. And is this shop where you do your readings of the  
26 tarot?

27 Yes.

28 Q. Do you also do readings of the tarot in other places?

1           A.    Yes, sometimes.

2           Q.    Does your religion require you to read the tarot  
3 cards only for your own membership?

4           A.    No, no. I have to give consultation upon request.

5           Q.    You **have** to give consultation upon request. And do  
6 you expect to be paid for that?

7           A.    There is an exchange. I have read for 75 cents.  
8 I have read for a single rose. I read for nothing. And I've  
9 read for a kiss.

10          Q.    But you ordinarily expect to be paid in something?

11          A.    Yes. Some exchange takes place.

12          Q.    And is that part of your religious beliefs?

13          MRS. STEIN: Your Honor, I haven't been objecting, but  
14 she's really leading the witness.

15          THE COURT: The objection's sustained.

16                You may answer that last question.

17          THE WITNESS: What was the last question?

18          THE COURT: Well, perhaps you can state it again.

19                You may proceed, Ms. Buckley.

20          MS. BUCKLEY: Thank you, your Honor.

21          BY .MS. BUCKLEY:

22          Q.    If someone came to you who could not afford to pay  
23 for the tarot, would you still read their cards for them?

24          A.    Yes, I would and I have.

25          MS.. BUCKLEY: I'd like to mark this H for identification.

26          THE COURT: It may be so marked.

27          MS.. BUCKLEY: Thank you, your Honor.

28                ay I approach the witness?

1 THE COURT: You may.

2 BY MS. BUCKLEY:

3 Q. Now, I show you Defendant's Exhibit marked H for  
4 identification, and ask you if you will describe that picture.

5 A. This picture is my altar in my reading room at the  
6 Feminist Wicca. The center piece shows the great goddess and  
7 her child, and it has been made by my mother. She's a  
8 ceramic artist.

9 Q. Where is this altar set up?

10 A. It's set up right next to my reading table.

11 Q. Looking at the exhibit, that would be where?

12 A. Yes, to my right, it would be to my right.

13 Where would you be sitting if you're at this table?

14 A. I would be sitting at the south side, and it would  
15 be to the east then.

16 It would be here?

17 A. Yes.

18 I'll mark that with an A for altar.

19 THE COURT: It may be so marked.

20 BY MS. BUCKLEY:

21 Q. Now,, what is on this altar?

22 A. On the altar is usually -- there is an image of the  
23 great goddess, and the two candles burning on the side of her,  
24 and I usually burn a seven-layer candle, that I brought along,  
25 in front of her. Every time I read cards I burn my candles for  
26 inspiration.

27 MS. BUCKLEY: Your Honor, may I mark this Defendant's I  
28 for identification?

1 THE COURT: It may be so marked.

2 MS. BUCKLEY: And then may I approach the witness?

3 THE COURT: You may.

4 **BY MS. BUCKLEY:**

5 Would you describe that candle and the function it  
6 performs?

7 This is a very highly valued candle because it -- a  
8 different thought is contemplated while it burns. It burns for  
9 **a week.** The first day the green **is** burning for the life force,  
10 e:voking life force. Then the second one, the red, is for action  
11 that the life force manifests. The yellow is for spirituality  
12 and understanding. And then the blue burns a whole day which  
13 burns for protection. Then the pink one, which is bringing  
14 happiness. And then the purple one which stands for synthesis  
15 and synthesizing all that went above. And then the white burns  
16 for blessings upon the entire wish that this candle was burning  
17 for. I always burn this when I read. I light this candle.

18 And this candle, then, is part of your religious  
19 function and the Feminist Wicca?

20 Yeah.

21 O. Now, taking on a slightly different tact --

22 MS. BUCKLEY: Your Honor, may I approach the witness?

23 THE COURT: You may.

24 MRS\* STEIN: May we approach the bench?

25 THE COURT: You may.

26 (The following proceedings were had at the bench.)

27 MRS. STEIN: She's going to introduce a torn out copy of  
28 the Yellow Pages. It's hearsay. The defendant isn't mentioned

1 in it, and I don't know what it has to do with these issues.

2 THE COURT: Ms. Buckley?

3 MS. BUCKLEY: Yes. It has <sup>do</sup> to/with one of my defenses,  
4 your Honor, which is discriminatory enforcement, because we  
5 are here in the City of Los Angeles and we have these  
6 spiritualist consultants very prominently advertising in the  
7 Yellow Pages, at a cost of \$3,500.00 a year. And obviously  
8 they are not being prosecuted.

9 MRS. STEIN: That isn't true, your Honor. First of all,  
10 this is apparently I don't know what area it is, but perhaps  
11 she advertises in the West Los Angeles phone book. This is  
12 the

13 MS.,BUCKLEY: The City of Los Angeles Municipal Code  
14 covers all of the City of Los Angeles.

15 THE COURT: Not all **these** are in the:City of Los Angeles.  
16 One is in Long Beach or Lynwood that I can see.

17 MRS. STEIN: What probity value can that have?

18 MS. BUCKLEY: That -- if you are talking about something  
19 illegal. And here they are, you know, advertising in the  
20 telephone book.

21 THE COURT: One is in Alhambra.

22 MS. BUCKLEY: That's right. And outside the City of  
23 Los Angeles it isn't illegal to tell fortunes.

24 THE COURT: Well, that may be. But at the moment we  
25 have the Municipal Code that we're involv:ed in.

26 MRS. STEIN: That's right. And it would be highly  
27 prejudicial to introduce this.

28 THE COURT: You said you're introducing it for

1 discriminatory enforcement.

2 Are you offering any other evidence on  
3 discriminatory enforcement?

4 MS. BUCKLEY: Well, no, your Honor, we probably are not  
5 at this point. We may, though, if my witness Louise Huebner  
6 gets here. But, unfortunately, she hasn't appeared so far.  
7 And when I called her home they didn't know where she was.  
8 So -- but I will, your Honor, if she appears --

9 MRS. STEIN: Your Honor

10 THE COURT: Just a minute.

11 MS. BUCKLEY: The thing is, if my witness Louise Huebner  
12 appears -- she is, number one, the official County Witch,  
13 complete with certificate from the Los Angeles County with  
14 County Seal. And in 1968, at a time when L.A. Municipal Code  
15 **was in fact enforced, the Parks and Recreation** Department held  
16 a ceremony or ritual at the Hollywood Bowl, at which time all  
17 sorts of officials of L.A. City and County were present, and  
18 Ms. Heubner, as the official County Witch, read tarot cards for  
19 a large multitude. And I think if she arrives we're going to--  
20 you know, her testimony connected up with this, I think, will  
21 go directly to the discriminatory enforcement issue.

22 MRS. STEIN: This is totally irrelevant to this particular  
23 **case.** This is a Venice case. **And,** as a matter of fact, t.11ere  
24 are three fortune tellers in Venice, your Honor, and they've  
25 all been similarly charged, including her. And this would be  
26 totally prejudicial. What they're doing in Beverly Hills is  
27 one thing.

28 THE COURT: All we're talking about is **what's** happening

1 in the City of Los Angeles.

2 MS. BUCKLEY: This is Western, your Honor, Melrose,  
3 Vermont, Wilshire, Hoover. 2161 is Venice --

4 MRS. STEIN: Your Honor --

5 THE COURT: One at a time, please.

6 MS. BUCKLEY: Excuse me, your Honor. Venice is a part of  
7 Los Angeles.

8 Crenshaw is in Los Angeles.

9 THE COURT: She may testify -- I don't think it adds  
10 anything one way or the other -- other than what I will strike  
11 which is -- we can later strike what isn't in the City. It has  
12 no bearing on it.

13 (The following proceedings were had in open Court.)

14 MS. BUCKLEY: May I approach the witness, your Honor?

15 THE COURT: You may.

16 **BY MS. BUCKLEY:**

17 Q. Ms. Budapest, I show you Defendant's Exhibit J and  
18 ask whether you can identify **tha** .

19 A. This is the Yellow Pages of the Pacific Telephone  
20 and Telegraph Company, 1974 under Spiritual.

21 Q. Do you know what section of the Yellow Pages that  
22 come out of, covering what area?

23 A. Spiritual.

24 Q. **No.** I mean which book did you **take that out of?**

25 A. The Los Angeles Yellow Pages.

26 Q. And on that page there are listed a number of  
27 spiritual consultants?

28 A. Yes.

1 Q. And what otherkinds of advertisements do you see?

2 A. We have palmiststry --

3 MRS. STEIN: Objection, your Honor.

4 THE WITNESS: We have Madame Gray --

5 MRS. STEIN: Object to reading from there on something  
6 that's totally irrelevant. We don't know what happened to  
7 those people.

8 THE COURT: The objecti.on is sustained.

9 It can be viewed by anybody who wishes to read it.

10 BY MS. BUCKLEY:

11 Q. Now, is the Susan B. Anthony Coven incorporated?

12 A. We have started --

13 MRS. STEIN: Your Honor, I believe we discussed this  
14 matter at the bench this morning.

15 THE COURT: Speicfically, does the organization have a  
16 certificate of incorporation at this time?

17 THE WITNESS: We have a certificate of hav.i.ng filed.

18 THE COURT: But do you have a certificate of  
19 incorporation at this time?

20 THE WITNESS: No.

21 BY MS. BUCKLEY:

22 Q. How long has your coven been in existence?

23 A. We have started in 1971, December 21st.

24 Q. And you have been in existence since that time?

25 A. Yes, and growing.

26 Q. Now, does your religion have **any** special places  
27 where you do your worship?

28 A. We worship on a mountain top.

1 Q. Is that literally or figuratively?

2 A. It is literally on a mountain top.

3 Do all of your religious functions take place on  
4 the

5 A. Not all of them, but we prefer to work in nature  
6 since we are an earth religion.

7 Q. Does your organization have a special house or place  
8 that it must be held in?

9 A. No, no. Wherever we are is the temple. ....

10 MS. BUCKLEY: May I have one moment, your Honor?

11 THE COURT: You may.

12 BY MS. BUCKLEY:

13 Q. There was testimony about February 10, 1975 when you  
14 met Officer -- I thought I'd never forget that name.

15 A. Kimberlin.

16 Q. Thank you -- at your place of business.

17 Did you have a familial with you at the time?

18 A. Yes, I had.

19 Q. And who was that?

20 A. Ilona.

21 Q. And who is Ilona?

22 A. Ilona has been my familial for five years. She is  
23 the coven familial as well. She's also our totem animal  
24 because Dianic Covens usually have the dog, the hound, as the  
25 familial, because the goddess Diana is the huntress of the night  
26 and she hunts with dogs.

27 Q. So that was the dog that officer saw?

28 A. Yes.

1 Q. And that is one of familials?

2 A. Yes•.

3 MS. BUCKLEY: I don't think I have any more questions  
4 right now, your Honor.

5 THE COURT: I assume you have lengthy or you have some  
6 cross examination planned, Mrs. Stein?

7 MRS. STEIN: Yes, your Honor.

8 THE COURT: Ladies and gentlemen, at this .point we'll  
9 take the afternoon recess until approximately 3:10.

10 I admonish you during this period you must not  
11 converse among yourselves nor with anyone on any subject  
12 connected with the case or the trial thereof. Also, you're  
13 not to form or express any opinion thereon until the case is  
14 finally submitted to you.

15 (There was held a short recess.)

16 THE COURT: In the matter of Zsuzsanna Bartha, the record  
17 will reflect 12 jurors, two alternates are present. The  
18 defendant is present with both Counsel. The City Attorney is  
19 present.

20 You may cross examine, Mrs. Stein.

21

22 CROSS EXAMINATION

23 BY MRS. STEIN:

24 Q. Do you prefer to be called Ms. Bartha or  
25 Ms. Budapest?

26 A. Miss, Budapest.

27 Q. Miss Budapest, you mentioned Ilona, a familial.

28 A. Yes.

1 Q. Could you tell us what a familial is?

2 A. The familial is a protector of a witch whose spirit  
3 is kindled to the witches spirit, and there's usually some  
4 connection in a previous lifetime between that animal who is  
5 now not a person and that witch. Somehow they met before.  
6 It's a spirit of that animal that's considered my link to the  
7 animal queendom.

8 Q. This is the German Shepherd that

9 A. That's my German Shepherd Ilona.

10 Q. How about the cat?

11 A. I don't have a cat at the Wicca.

12 Q. You don't have a cat?

13 A. No. It was very interesting how the thing happened  
14 under the chair. I think it was my spirit cat cause there was  
15 never a cat in the Wicca, and can't explain how the mess was  
16 made by the cat. It was distinctly made, but how it's  
17 unexplainable. To this day we can't figure it out.

18 Q. You never had a cat in your Wicca?

19 A. No, we never did.

20 Q. Do you recall last Tuesday my coming to your Wicca?

21 A. No. By that time we could have had a cat because  
22 we had two kittens since my bust. And they

23 Q. Isn't it a fact that there was a white cat?

24 A. Yes, belonging to another sister. It's not my cat.

25 Q. In a basket?

26 A. I know since that bust, it happened we acquired  
27 two new kittens. It was spring and a litter happened.

28 Q. Now, this dog which is a spir.it, does that represent

1       somebodies spirit, a departed person, a reincarnation or  
2       something?

3           A.     I named her after my grandmother, but it's not my  
4       grandmother's spirit in my dog, no. But I named her after my  
5       grandmother so I'd be able to call her a name.

6           And whose spirit is it?

7           A.     I don't know. It's a kindled spirit. It's a fine  
8       female spirit.

9           Q.     And you don't know?

10          A.     No. She saved my life.

11          Q.     And she is the spirit of somebody that -- a human  
12       being that died?

13          A.     Well, spirits are spirits. Flower has spirits.  
14       Everything has spirits.

15          Q.     Well, is she

16          A.     Life force is spirit.

17          Q.     Is this dog, this German Shepherd, is it the spirit  
18       of a human being?

19          A.     I'm not sure if she was a human being or whatever.  
20       That is not important to me. It's not a person. I don't  
21       treat my dog as a person.

22          Q.     No. But was it a human spirit at one time?

23          A.     Could have been.

24          Q.     And what else could it have been?

25          A.     could have been a dog in a previous doggie  
26       reincarnation.

27                But it's definitely --

28          A.     Life force expression, yes.

1 Q. -- something else other than just a German Shepherd?

2' A. Yes. It's invested with the life force.

3/ Q. And how do you know **that**?

A. She's alive.

Q. Well, aren't we all?

! 6 A. That's right. So we all have spirits.

/ 7 Q. But are we all **do** you believe that we're all  
8 spirits of somebody departed?

9 A. We are all spirits, and we shall remain spirits.  
10 And this is not the only gig we have as human, either.

11 Q. So this dog is a spirit?

12 A. Dog.

13 Q. German Shepherd.

14 A. Yes.

15 Q. **Now**, you say she is the protector of a witch, is  
16 that correct?

17 A. Yes.

18 Q. Now, why does a witch need a protector?

19 A. Because, when I was coming home one day from work,  
20 I was attacked at the parking lot, and my dog jumped at my  
21 attacker from sleep and tore his clothes off, and I escaped  
22 being raped.

23 Q. Isn't that something that a lot of German Shepherds  
24 do?

25 A. That's right. That's the wisdom in having a dog.

26 So then it's really nothing more than an ordinary  
27 dog to you?

28 A. I **think** highly of her.

1 Q Is it more than just an ordinary --

2 A Yes. To me she represents the animal queendom.

3 Q The animal what?

4 A Queendom, the animal queendom.

5 Q And what is that?

6 A That's all the animals.

7 Q Female-only animals?

8 A No. It's in the queendom.

9 Q What is that?

10 A I speak like that. You must excuse me. I try to  
11 edit my language from kingdom because females give birth to  
12 other dogs, and so I think it's a matriarchy, and I talk about  
13 animals as queendom. It's just a figure of speech.

14 Q But she is definitely a special dog?

15 A Yes.

16 Q Has she done anything else other than save you from  
17 this attacker?

18 A She participates at sabats, represents the animal  
19 queendom, protects the coven from intruders.

20 Q Now, you say that you worship the goddess Diana;  
21 is that not correct?

22 A Yes.

23 Q And do you worship any other goddesses?

24 A We believe that the goddess -- we personalize her  
25 through different names. My tradition calls her Diana which  
26 means holy mother. And all over Europe the map is full of her  
27 name. The Danube was named after her, and the Don River is  
28 Russia is named after her. And the evidence of Dianic worship

1 is written on the map of Europe. So-I like that name myself.

2 Q. Now, you were here when Allison Harlow testified?

3 A. Yes, I was.

4 Q. Now, she is a -- she is a high priestess in the  
5 national organization; is that not correct?

6 A. That's right.

7 Q. And is your -- you are not a national organization?

8 A. Well, I planted a grove in Paris, France, and I  
9 think that makes us international.

10 Q. Now, she testified that your beliefs and her beliefs  
11 are basically the same.

12 A. Yes.

13 Q. Did you hear her say that?

14 A. Yes.

15 Q. Do you remember her testifying that, when I asked  
16 her the question, which goddess do you worship, she said, as  
17 many as there are things.

18 A. Yes, the lady of the ten thousand names. It's the  
19 same.

20 Q. And she did not name, after several questions, any  
21 specific goddess. Now, is that in -- do you disagree with her  
22 on that particular point of witchhood?

23 A. No, I don't. That's perfectly correct.

24 Q. So that she didn't name Diana, did she?

25 A. No. She's a Gardenian high priestess. I'm a Dianic  
26 high priestess. We have two different traditions.

27 Q. So your beliefs aren't the same?

28 A. No. It is the same belief except there are two

1 different traditions. And, besides us, there is also the  
2 Al·exandrians. Thepagan traditions **concentrate on the goddess.**  
3 And the different traditions **practice** slightly differently;  
4 but the **main deity·-is the same**, and **that** is where we draw the  
5 line.

6 Q. But you do **remember** her saying -- not **mentioning** any  
7 of --

8 A. I do, yes.

9 Q. You think she forgot?

10 A. No. She did say the ten thousand names. I just  
11 named two. I can also go on and name Isis, Astarte, Ashera,  
12 Tiamot.

13 Q. Now, you remember her not naming anyone?

14 A. I know. I **can**, though. I love to say the names.

15 Q. And she said as many as there are things in reality,  
16 didn't she?

17 A. Right. That's right.

18 Q. And didn't name anybody.

19 Now, you mentioned that you worshiped on a mountain  
20 top. Which mountain?

21 A. It's in Malibu.

22 Q. **What's** the name of it?

23 A. I don't know.

24 Q. She is also a high priestess, is she not, --

25 A. Yes, she is.

26 Q. -- Allison Harlow? And is your position higher or  
27 lower or about the same as hers?

28 A. **It's thesame.**

1           Q.    Now, this mountain in Malibu that you don't know the  
2 name of, do you go to the same mountain all the time?

3                   Most of the time, yes.

4           Q.    And often do you go?

5                   Eight times a year. Sometimes we also celebrate  
6 Asbat's Day, weather permitting.

7           Q.    And that is the cycles of the moon, the full moon?

8                   Yes, that's right.

9           Q.    Now, can you tell us what you do on this mountain  
10 top to celebrate?

11                   I can tell you certain portions of it.    Certain  
12 portions are protected by secrecy.

13           MS..BUCKLEY: Your Honor, at this point I think what she  
14 is saying is that there are certain mysteries that this Court  
15 and no Court in the United States has a right to ask her about.  
16 I know that one of the reasons we are getting into her  
17 religious beliefs is because that's a central issue here.  
18 But I would point out that this should not turn into a heresy  
19 trial, your Honor, and that what we mainly are looking for are  
20 the broad outlines to see whether she in fact has a religion,  
21 not what the exact tenets of that religion are.

22           THE COURT: Well, we'll see how far we have to go in this  
23 **area.**

24                   But you may continue, Mrs. Stein.

25           MRS.. STEIN: Thank you, your Honor.

26 **BY MRS. STEIN:**

27           Q     What types of rites or rituals are performed on the  
28 mountain top?

1           A.     Every Sabbath has a different theme. We start with  
2 Halloween which is dedicated to the dead. That's the feast of  
3 the dead. And the colors of the candles are different at  
4 that time. We are using different herbs at this time. The  
5 caldron is put in a different direction than usual.

6           Q.     Caldron?

7           A.     Caldron

8           Q.     That's a witches • caldron?

9           A.     **That's right.**     And basically the Sabbath is  
10 dedicated to draw near to the departed's wisdom, ask them for  
11 guidance, and to partake with them in a celebration honoring  
12 our dead.

13          Q.     Now, what are these -- do you do any dances or --

14          11.    Yes, we do.

15                 And are you specially dressed for these occasions?

16          A.     Yes. We are usually wreathed, and we wear garlands.  
17 Like what I'm having on now would be appropriate for this time  
18 of the year. And whatever is in season, we make garlands for  
19 our heads representing the goddess.

20          Q.     Why is it you have secret rites?

21          k     I don't know. That's my tradition. I think it was  
22 because of the nine million women they burned 300 years ago.

23          MRS. STEIN: Your Honor, this defendant has put in issue  
24 her religious beliefs. And how is the jury in any way, shape  
25 or form going to decide the case unless these beliefs are  
26 brought forth?

27          THE WITNESS: I'd be happy to bring forth the beliefs.  
28 I cannot --

1 THE COURT: I think you may be talking about two  
2 different things. You're talking about beliefs, and apparently  
the witness is willing to testify as to her beliefs. So you  
4 may continue.

5 MRS. STEIN: Thank you.

6 **BY MRS. STEIN:**

7 Q. Now, what types of rites do you perform?

8 MS. BUCKLEY: Your Honor, objection.

9 THE COURT: We're talking about two different statements.  
10 You said you wanted to go into her beliefs.

11 MRS. STEIN: Well, I want to go into what happens I  
12 know of no religion, organized, recognized religion in the  
13 United States, that has a s c r e t that has secret rites and  
14 a closed-door policy. The doors to all churches and temples  
15 are open to the public. Now, if this defendant wishes to put  
16 her religion in issue, I think that the jury, in order to make  
17 a fair determination, should know just exactly what's going on.

18 THE COURT: Ms. Buckley?

9 MS. BUCKLEY: Your Honor, may I point out that the  
20 Scottish Rite Masonry, which has many practioners from  
21 professions all over this country, has secret rituals and rites,  
22 and that the fact that this particular religion has secret  
23 rites which are only available to their membership in no way  
24 affects whether or not it is a religion. The Scottish Rite  
25 Masolls were never in any way brought up to answer to their  
26 religious

27 THE COURT: I'm not sure they're a religions That's mor  
28 of a fraternal, based on some underlying religious

1 MS. BUCKLEY: Your Honor, the problem is --

2 MRS. STEIN: Your Honor, --

3 THE COURT: One at a time.

4 MS. BUCKLEY: The courts have held in the United States  
5 under the First Amendment that the State may not set up **a**  
6 church or pass laws that govern the establishment of that  
7 religion. And there is nothing in any of the cases that says  
8 that we have a right to say that a church may or may not have  
9 rituals which are not open to the public. And I would point  
10 out **that** --

11 THE COURT: Just a second.

12 Mrs. Stein?

13 MRS. STEIN: Well, the main point here is that she's --  
14 the defendant has raised this issue. And how can we decide --  
15 if she's raised the issue, how can the jury determine

16 THE COURT: Which issue are we talking about?

17 MRS. STEIN: We're talking about the issue of her  
18 religion, as she calls it, quote, a religion; and she's put it  
19 in issue. It's like, if I might analogize, a patient or a  
20 person in a personal injury action or a patient that sues a  
21 doctor in a medical malpractice case, although --

22 THE COURT: Ma'am, would you please be seated.

23 No notes are to be passed to any of the attorneys  
24 or **any** parties during this case.

25 MRS. STEIN: Although there is a physician-patient  
26 privilege that -- once a party sues a doctor, then the records  
27 are open to the public.

28 THE COURT: I'm sure, Mrs. Stein, defendant's aware that,

1 if she doesn't go into the tenets of her religion, that's  
2 something that is before the Court or something.. If she  
3 doesn't want to go into it, that's something. But I don't  
4 think we have go into all the details of her religion if she  
5 doesn't wish to. And it can be left at that.

6 So you may continue in that area. But she has  
7 stated she will testify as to her beliefs, and, probably, that  
8 has more bearing on the case.

9 MS. BUCKLEY: Your Honor, may I just at this point point  
10 out that, in United States versus Ballard, the Court said that  
11 to permit a court to determine whether the tenets of a sect  
12 make it --

13 THE COURT: I've ruled your way, Ms. Buckley, so let's  
14 not go off on another tangent.

15 The witness has agreed to testify as to her beliefs  
16 and I said if the People wished to go into that they may. But  
17 as to the various rites involved, I don't think we have to go  
18 into all that at this time.

19 You may proceed, Mrs. Stein.

20 MRS. STEIN: Thank you, your Honor.

21 BY MRS. STEIN:

22 Q. Now, on this mountain top, which is what I was  
23 asking you, you perform certain rites and rituals. Is that  
24 not true?

25 A. Yes, **that's** true.

26 Q. And is **that** apart of your religion, --

27 A. Yes, that is definitely.

28 Q. -- witchcraft?

1 Now, can you tell us what those are?

2 MS. BUCKLEY: Objection, your Honor. I thought we were  
3 going into her beliefs, not her rituals.

4 THE COURT: Well, she may explain some of the rituals.  
5 I think she was even willing to do that previously.

6 And you may proceed, Mrs. Bartha.

7 THE WITNESS: The **basic idea about a Sabbath** celebration  
8 is to refuel witches' powers, and at that point -- there is no  
9 **must on this.** There is no such thing that a witch must observe  
10 **Sabbaths.** But the witches who do build **power.** And it **involves**  
11 setting up a sacred circle with stones. It involves a circle  
12 of women. It involves the caldron in certain position  
13 depending on the season of the year we have. It moves around  
14 following the solar system.

15 The dance around the caldron is a dance of  
16 celebration of **life.** And we have a feast involved.. And **that**  
17 celebrates the goddess of plenty. We thank for our food.  
18 We bless our bread and wine. We pass the chalice. We drink to  
19 each other's health. We bless each other. And each different  
20 Sabbath is devoted to a new theme. Like the one coming up  
21 April 30th, May Eve, is going to be about fertility of  
22 imagination, work, food, people. And we are going to celebrate  
23 Persephone rising from the underworld who is bringing the  
24 flowers and the buds and fertility and new kittens are born.  
25 And country people, in particular, are very aware of the tides  
26 in the springtime. And it follows a rule around in ei.ght  
27 different ma.jor stations, ending up again with the feast of  
28 the **dead** which started it all. And **they** are basically designed

1 to -- for the witches to experience mother nature in her  
2 different aspects; when she is primavera, Persephone rising  
3 from the underworld bringing the green above the ground: she  
4 brings the harvest; and when she brings the cold again in her  
5 death aspect.

6 These are basically the outlines of our rituals.  
7 And it just really follows the solar calendar year. The only  
8 thing that's secret about it is the people's names who come  
9 there, the invocations that I might use, and a few other things  
10 that I'm not allowed to divulge.

11 I'd be happy to explain my religion to you  
12 otherwise.

13 **BY MRS. STEIN:**

14 Q. Why are your invocations secret?

15 A. Three hundred years ago they burned nine million of  
16 us, and there were some new rules made., And this was one of  
17 them; don't tell them what you say, because it was heresy.  
18 We talk about the goddess instead of Jesus. And they burned  
19 us for that before.

20 Q. Well, you don't -- if you're found guilty, you  
21 don't expect to get burned, do you?

22 **k** Blessed be, praise the Mother, I certainly don't.

23 **THE COURT:** Excuse me.

24 There will be silence in the audience. Otherwise,  
25 as I stated previously, I will have to remove people from the  
26 courtroom. This is a court of law to which the public may  
27 attend; but there are to be no outbursts or comments.  
28

1 BY MRS. STEIN: '

2 Q. And, as a matter of fact, you stated in the Times,  
3 the Los Angeles Times newspaper, that you only expected to pay  
4 a fine; is that true?

5 MS. BUCKLEY: Your Honor, I think it is irrelevant, what  
6 she expects out of this trial. It's not a matter for the jury,  
7 what her punishment is to be.

8 THE COURT: Well, the subject of penalty or punishment,  
9 **as** the jury will be instructed, is not an issue for their  
10 consideration.

11 MRS.. STEIN: Your Honor, it goes -- I just asked it to go  
12 to her state of mind as to --

13 THE COURT: She may answer that.

14 MRS. STEIN: Thank you.

15 THE WITNESS: Yes.

16 BY MRS. STEIN:

17 Q. So that you only expect to pay a fine; is that true?

18 A. Yes.

19 Q. But you said

20 A. Not burning, no. I don't think you're going to burn  
21 me **this** time.

22 Q. Now, which, incidently, you said you wouldn't pay  
23 a penny of; isn't that also true?

24 A. Yes, I said that?

25 Q. So that -- is/any other reason why you won't tell us

26 your secret rites?

27 MS. BUCKLEY: Your Honor, I object. This has nothin9 to  
28 do with the issue ln this case. And I can give her a perfect

1 example under the Constitution why she shouldn't answer that.

2 THE COURT: Just one moment, please.

3/ I think we've gone into it, Mrs. Stein. And the  
/ Court has indicated with its ruling. And so let us move on.

5 MRS. STEIN: Can she give a reason why she won't?

6 THE COURT: I think she has stated **it** previously.

7 MRS. STEIN: The only thing she said was that because  
8 people were burned at the stake. That's the **only** thing she  
9 said.

10 THE COURT: 'l'hat was her reason. She said it changed  
11 the rules, at least to invocations. And I assume -- you may  
12 ask, you.know

13 Was it agreed also at that time that any other  
14 rituals would not be divulged to the --

15 THE WITNESS; Yes. There are quite strict rules for  
16 Dianic Witches that I must follow.

17 BY MRS. STEIN:

18 Q. Who sets up these rules?

19 A. My ancestors did.

20 Q. &"ld are they in writing?

21 A. Yes, quite a few of them.

22 Q. And where do you get a copy?

23 A. It's in Book Of Shadows in possession of different  
24 witches that's passed down from mother to daughter, which  
25 includes the spells, the rituals, the cures, the words and the  
26 laws.

27 Q. But this is not available to the public?

28 A. To witches it is. If you know somebody and you can

1 get hold of it, I guess it is.

2 Q. And this has all the secrets in it, secret rites  
3 and rituals?

4 A. Yes. You might find it very diverse, though,  
5 because everybody has a different type of Book of Shadows.  
6 It's like a cookbook.

7 So that there is not one universal one?

8 A. **No.**

9 Q. You make up your own?

10 A. Well, you respect what the ancestors passed on.

11 Q. You referred to something called the feast of the  
12 dead. What is that?

13 A. This is our major Sabbath. We honor the souls of  
14 our foremothers, and we have our food set aside so that they  
15 can -- their spirits **can** partake in it, and just symbolically  
16 offer it **up** to them. And we eat **with** the knowledge that **t.h-e-y**  
17 are pleased with our company.

18 / Have you ever seen any of these spirits eat the  
19 **food? I)**

20 A. No, but it's not expected to.

21 Q. Now, you said the purpose of these 9et togethers of  
22 witches at the full moon is to refuel witches' power.  
23 What exactly do you mean **by** that?

24 A. Well, people cannot just declare themselves  
25 witches. They have to observe holidays when the actual  
26 magnetic tides are available to draw near to our goddess, **ajld**  
27 those are our holidays. And witches who observe them are  
28 stronger **t.an** the ones who are not.

O. So that, from time to time, your powers need to be refueled as a witch?

A. To draw nearer our goddess, yes.

O. That makes you a stronger witch?

A. And wise, more wise.

O. And this comes from the moon?

A. The moon is the manifestation of the life force. She governs all waters, and the waters govern the weather, and the weather governs the food.

O. You referred to the moon as a --

A. Manifestation.

O. -- she,

A. Yes.

-- not an it?

A. **No.** In my tradition the moon is a she.

Is the moon, in your tradition, a live person?

A. **No.** We regard the moon as the manifestation of the life force, the great goddess who rules over life and death and beauty.

Now, you stated that all your religious functions are performed on this mountain top. Is that not true?

A. Well, when it's raining we do it indoors.

Q. But other than --

A. Other than that, yes. That's for the worshipping and the holidays.

Q. So you attend these witches' rites, and so on, on a regular basis?

A. Yes.

1 Q. And are you in charge?  
2 A. Yes.  
3 Q. ON this mountain top?  
4 A. Yes.  
5 Q. And how many are there there?  
6 A. Anywhere from 13 to 49, sometimes 50, sometimes a  
7 hundred. Midsummer nights are a conglomeration of many  
8 different covens that can go up to two, three hundred witches  
9 gathering.  
10 Q. And so your powers, since -- you, 're in charge of all  
11 this; is that true?  
12 A. Yes.  
13 Q. So your pCY.-vers are pretty good, then?  
14 A. Blessed be.  
15 Q. And you've had them refueled?  
16 A. Yes, I have.  
17 O. And, by the way, what do you do on Halloween?  
18 A. I celebrate  
19 MS. BUCKLEY: Your Honor, I think that's been asked and  
20 answered, at least twice, in her description of the  
21 THE COURT: Is Halloween the feast of the dead?  
22 THE WITNESS: Yes, it is.  
23 BY MRS. STEIN:  
24 Q. Oh. That's the **feast** of the dead?  
25 A. That's our new year.  
26 Q. Do you dress up special for that or anything?  
27 A. It depends on the weather.  
28 Q. And how do you dress for that?

1           A.     Regular clothes. I don't -- I could -- I have  
2 conducted Sabbaths in what I'm wearing today on the mountain  
3 top.

4           Q.     You don't wear anything special for Halloween?

5           A.     **No.**

6           Q.     By the way, you heard the high priestess, witch  
7 **Harlow, testify that it took her a year and a day to become a**  
8 witch. Now, did you become a witch in a manner different from  
9 **that?**

          A.     Yes, I have

11          Q.     You inherited yours?

12          A.     I inherited my ability, but I had to learn like  
13 everyone else. Ability alone does not make a witch.

14          Q.     And did it also take you a year and a day?

15          A.     **No...** It has taken me about 16 years.

16          Q.     Well, you said it all started when you were three.

17          A.     That was when my first experience happened.

18          Q.     And you remember what happened to you when you were  
19 **three?**

20          A.     I was found in trance by my parents and it's kind  
21 of a legend, what happened to me at three.

22          Q.     So this was told you, then? You don't remember --

23          A.     I have remembrance of it but not quite, as my mother  
24 and my aunt observed it who were not in trance. It's hard to  
25 remember, being in and out of trance simultaneously. It's  
26 either in or out, what you remember. I remember being in  
27 trance. They remember what I did in trance, from observing on  
28 the outside.

1 Q. And it took you 16 years?

2 A. Yes, about.

3 Q. When did you start?

4 A. From the very beginning when I was born, my mother  
5 was teaching me little things., There are certain exercises  
6 babies can do, for instance, and then there are exercises  
7 that's for later on. And, when one is in a family of witches,  
8 one is constantly in training because one is expected to  
9 become part of the family.

10 Q. Are there more in your family than you and your  
11 mother?

12 A. Well, my aunt copped out and she became a  
13 pharmacist. She could have made a great herbalist, but she  
14 got herself a Ph.D, and she works for the State.. But we  
15 traditionally owned a pharmacy which was an herbal shop  
16 before, and the Russians took it away when they came in to  
17 Hungary. And then after that my aunt just worked in the  
18 pharmacy owned by the State. But 800 years, major linear  
19 line of witches I come from, and I'm the last of the line.

20 Q. Why are you the last in the line?

21 A. 'Cause I gave birth to two sons, and they are not  
22 continuing the line. I was not blessed with daughters.

23 Q. So that you differ, then, from the high priestess  
24 Allison Harlow, not only in that it took you 16 years but that  
25 her coven allows men to be witches?

26 Yes. That's the Gardenian tradition which is  
27 basically Welsh and Celtic, and mine is Dianic, mid-Europeane

28 Q. Do you hold any certificate of credit or of

1 ordination under any ecclesiastical laws of a bona fide  
2 religion?

3 A. I have an initiation in my tradition.

4 Do you have any certificate in writing of credit?

5 A. We don't have that in my tradition.

6 Q. You mentioned that 30, 49, two hundred, three  
7 hundred people come out.

8 Are these all witches?

9 A. Yes, they are.

10 Q. And do you know how many witches there are in  
11 Los Angeles?

12 A. No, I don't.

13 Q. There are at least two or three hundred?

14 A. Oh, that alone is my coven. There are a lot more  
15 than **that**.

16 Q. So you have some two to three hundred people --

17 A. I would say two hundred.

18 Q. -- under you?

19 A. Two hundred initiates. There are other people in  
20 guidance and in study.

21 Q. And they are all witches?

22 A. **Blessed be.**

23 Q. And is there any\_reason why witch Allison Harlow --  
24 it took her a year and a day, and it took you 16 --

25 A. I think it's because her tradition has a different  
26 way of initiating, and also because she is not a genetic witch.  
27 I had it easier because it came through the mother's milk, so  
28 **to** speak; and I think that's an easier path. One gets lessons

1 every hour of the day. It's a **ltfe** style as well.. '

2 Q. Well, you started, then, at three, or when you were  
3 an infant?

4 , I would think, when I was an infant I was used in  
5 the circle as a spirit, because my spirit was an infant.

6 Q. Well, you're not 16 years old, are you?

7 A. No. I'm 35.

8 Q. So when did you start studying, at 16 or at birth?

9 A. I would say I absorbed a whole lot of unconscious  
10 teachings when I was a **baby** and responded to unconscious  
11 commands, I mean to non-verbal commands. And my education  
12 took as long as I was home. When I was 16 we had a revolution  
13 there, the 1956 Hungarian Revolution, and I had to escape.  
14 And after that my education was self pursued. I have  
15 continued reading and teaching myself. But I had pretty good  
16 foundation **by** then.

17 Q. Now, this is 16 years from before you left Hungary  
18 or after?

19 A. Before.

20 Q. So you're considering, then, the first 16 years of  
21 **your** life

22 A. Yes.

23 Q. yes

24 A. It never stops, actually. We are constantly  
25 one constantly, constantly studies more and more.

26 Q. But you were a full-fledged witch at 16?

27 A. Oh, yes, definitely. I was initiated when I  
28 menstruated for the first time.

1           Q.     You mentioned that the full moon :f.s very important  
2     and it has magnetic tides. Can you tell us     can you  
3     describe for us what those magnetic tides are?

4                     Magnetic tides are all the time. At full moon the  
5     magnetism of the moon is the strongest. The crime rate goes  
6     up, for instance. The ocean wells up with the high tide at  
7     full moon. It's magnetism.

8           Q.     And do you claim to actually feel this or something?

9                     Oh, yes. Everybody feels.it, actually. I'm sure  
10    you feel it.

11          Q.     And it helps refuel your witchy powers?

12                     You said correctly, yes.

13          Q.     But everybody isn't a witch.

14                     Everybody isn't a **witch**, but the moon magnetizes  
15    everybody. Two-thirds of the human body happens to be water  
16    which the moon governs.

17          Q.     Would you be interested to know that it's actually  
18    85 percent?.

19          A.     Oh, it pleases me better.

20                     Now, you discussed a universal calendar that you  
21    follow. What is **that**?

22          A.     The different stations of the earth orbiting around  
23    the sun.

24          Q.     Is this some other type of calendar, other than  
25    January, February, March, April, May, and so on?

26          A.     No. That's the same except the holidays are  
27    different. we are -- the pagan holidays are right on when the  
28    solstice occurs. The Jewish holiday moved it a little earlier.

1 The Christian holiday moved it a little past. But they also  
2 celebrate

3 Q You celebrate eight holidays?

4 A Eight holidays in a year.

5 Q And 30 full moons?

6 A There are only 13 full moons in a year.

7 Q 13 full moons?

8 A Yes, and 13 new moons. <sup>the moon</sup>  
9 moons are also holidays. <sup>the moon</sup> -Our Dianic witches new

10 Q And you celebrate those, too?

11 A Privately, not necessarily with a coven.

12 Q So you celebrate the 13 full moons on the mountain?

13 A That's a lot of holidays. It's a joy-oriented  
14 religion, definitely.

15 Q And eight holidays. And one of them is tile feast  
16 of the dead, right?

17 A Yes, the new year.

18 Q Now, you said that witches are goddess worshippers  
19 that have certain powers, and you said -- well, where do these  
20 powers come from?

21 A From the goddess.

22 Q And how is it that it got to you?

23 A Maybe because I paid more attention to her than you  
24 did. I think these powers can, be gained from the goddess  
25 through focusing upon her, understanding her ways, following  
26 her path.

27 Q Is there such a thing as a distineti on between a  
28 good witch and a bad witch?

1           A.    A good witch, I hope, is everyone. A bad witch  
2 could be somebody who attacks the innocent. We do not believe  
3 **in** attacking the innocent.

4           Q.    A good witch **is** everybody. Is that --

5           A.    Hopefully, all witches have that wisdom, yes.

6           (). Well, when you say everybody, you mean all of us or  
7 just the witches?

8           A.    My witches whom I know personally.

9           Q.    Oh, your witches. And this power comes from the  
10 goddess?

11          A.    Yes.

12          Q.    Now, how is it transmitted to you?

13          A.    'Through rneditation, through evoking her powers,  
14 observing her holidays, following her path.

15          Q.    And is this any different than witch  
16 Allison Harlow's

17          A.    **No.**

18          Q.    -- powers?

19          A.    No, it is not.

20          Q.    And was your grandmother a witch?

21          A.    She was an herbalist.

22          Q.    And that is **different** from a witch?

23          A.    No. That's another specialty. She was a goddess  
24 worshiper, as well, yes.

25          Q.    Is that a specialty in the world of witches or is  
26 it --

27          A.    Yes. Some of us are more talented at one thing or  
28 the other. Some of us are into understanding the herbs and

1 what they are good for, and some of us are more into divination.  
 2 Some of us are more into ideology, philosophy. Some of us are  
 3 into prophecy and trances. Some of us are into working with  
 4 animals. Some of us are into solitude, living alone. Some of  
 5 us are into social work, organizing.

6 Q. Do you have a specialty?

7 A. Yes.

8 Q. What is your specialty?

9 A. I have the gift of speech, and I also understand  
 10 the cards.

11 Q. So your specialty is tarot card reading; is that

12 A. As well as the gift of speech which I use to  
 13 educate and to organize.

14 Q. And you have the gift of speech. Kind of a golden  
 15 tongue?

16 A. Or the silver one.

17 Q. And that makes you able to speak and persuade  
 18 people.

19 A. And inspire.

20 Q. And inspire. So that's -- your specialties are  
 21 tarot cards and the gift of speech.

22 **ny the way, these witches that are specialists in**  
 23 **the animal world, what do they specialize in?**

24 I don't know. I haven't met any lately. I  
 25 understand that they like to raise animals on the farm, and  
 26 they are into breeding dogs or horses or one of these things.  
 27 •they are quite happy living with animals only.

28 Q. Now, you mentioned that you were a Hungarian refugee

1 and escaped, and so on.

2 A Yes, I am.

3 Q There were a lot of Hungarian refugees that escaped  
4 in that war.

5 That's **right**.

6 Q And you are one of them?

7 A Yes.

8 Q Did you have or have you had any formal training in  
9 the fields of psychology, sociology, medicine, psychiatry?

A No.

11 Q So that all your training has come from other witches?  
12 Would that be true?

13 A The best kind, yes.

14 Q And that is the best kind, right?

15 A Yes.

16 Q And why is that the best kind of training?

17 A It is an old tradition and it's a confidential, very  
18 intimate science: and it's best passed on, especially in my  
19 tradition, **within** a family. It also used to be part of the  
20 family function in town. And they safeguarded their secrets,  
21 and they propagated it and maintained it throughout generations  
22 after generations. Europeans do it like that.

23 Q So you have certain specific powers, right?  
24 You said, one, you know the secret of the cards.

25 A Yes.

26 Q This is what you testified on direct?

27 A Yes.

28 Q And you can draw **down** the moon in a sacred circle,

1       you said.

2                       What does that mean?

3               A.     It involves an invocation to the moon goddess for  
4       inspiration and allowing her to speak through the high  
5       priestess or the medium   within that coven.

6               Q.     And have you heard her speak?

7               A.     Yes, I have.

8               Q.     And what did she say?

9               A.     She was proud of me.

10              Q.     And was this in a group or something?

11              A.     Yes.

12              Q.     And you heard a voice?

13              A.     It's the voice of the sister who is the medium.

14              Q.     And this came out of the sky?

15              A.     **No.** It came through the woman.

16              Q.     Through somebody else?

17              A.     Through the goddess.

18              Q.     Did you see a goddess?

19              A.     I don't have to see the goddess. I can listen and  
20       know.

21              Q.     You heard a voice, though?

22              A.     Yes.

23              Q.     And what did the voice say?

24              MS. BUCKLEY: Your Honor, I have been very patient, I  
25       think, but I think this is totally irrelevant. And, as I look  
26       at United States versus Ballard, it sounds more and more like  
27       her -- the tenets of her religious beliefs are being put on  
28       trial. I just -- I see no connection between what the goddess

1 said to her and the issues in this trial.

2 THE COURT: The objection appears to be well taken.

3 Mrs. Stein, I realize you're cross examining, but I  
4 think, you know, we are getting somewhat afield from the  
5 actual issues before the trier of fact.

6 MRS. STEIN: Thank you, your Honor.

7 BY MRS. STBIN:

8 Q. Has this happened more than one time?

9 A. Yes.

10 Q. How many times have you heard the goddess speak to  
11 you?

12 MS. BUCKLEY: Excuse me, your Honor. I believe counsel  
13 is misstating the evidence. She said that the goddess spoke  
14 through the voice of medium, another woman who was present.

15 THE COURT: That's correct.

16 The witness may answer it in that light.

17 BY MRS. STEIN:

18 Q. Would you tell us what that means, speaking through  
19 a medium?

20 A. It means that a woman is in trance, and suddenly her  
21 is voice changes and her metabolism changes, and not herself  
22 anymore. And she starts talking in a different voice and  
23 starts saying things that she, as a person with no knowledge  
24 of --

25 Q. And you have heard this on how many occasions?

26 A. Several occasions.

27 And it's all been about you?

28 A. No, no. It was just the last one that I mentioned

1 to you.

2 Q. And how do you know that this is actually the  
3 goddess talking, or do you?

4 A. I do.

5 Q. **How do you know that?**

6 A. In my tradition, when a sacred circle is created,  
7 purified, and people are consecrated and the circle is sealed  
8 and the goddess is evoked, through centuries and centuries and  
9 centuries of experience, no one else but the evoked goddess  
10 would appear. We certainly were satisfied with her gracious  
11 voice, gracious thoughts; that it was the Lady herself.

12 Q. Do you know which one it was?

13 A. Diana.

14 Q. Now, you said you also had the gift of healing, in  
15 **that**

16 A.  
17 I didn't say that. Some of us do. I do not have  
18 that gift, no, unfortunately. I'd like to, though.

18 Q. **And** are there people in your coven that do?

19 A. Yes. I'm very proud of them, yes.

20 Q. And how many?

21 A. A few.

22 Q. Half a dozen or so?

23 A. Less **than that**.

24 MS. BUCKLEY: Your Honor, I have an objection. I don't  
25 know what the gifts of others in her coven have to do with  
26 either her religious beliefs or the issues in this trial.

27 THE COURT: The answer may stand.

28 But I think, Mrs. Stein, let's get to the issues in

1 the case. And I would hope to finish all the testimony today;  
2 so if we can -- of all the pending witnesses.

3 BY MRS. STEIN:

4 Q. Now, you said there were 10 possible. powers.

5 A. Yes.

6 Q. And you **listed that you have the secret of the cards,**  
7 as one, draw down the moon in a sacred circle is twoi that the  
8 goddess talks to you: and you mentioned, four, healing.

9 What are the other six?

10 A. Well, the healing -- yes, that -- understanding  
11 the voice of the wind, understanding the language of the animal ,  
12 finding hidden treasures, influencing the weather. Some of :!t  
13 that you listed is not one of the original ten. Some of it  
14 was referring I don't knO',v. If you would re ad it, I would  
15 help you make it ten, because I think it's going to end up a  
16 little bit more than that. But they are interrelated.

17 How many have you got?

18 Q. I have nine, influencing the weather.

19 A. Healing, cards, palmistry, understanding the secret  
20 of the hand, finding hidden treasures, understanding the wind,  
21 understanding the **animals, changing the weather. Yeah, that's**  
22 about it. I think you have all ten. If not, I -- I don't have  
23 that gift.

24 Q. So that, you say, there are ten special powers?

25 A. Bestowed **by** the goddess usually upon priestesses.

26 Q. You're not really.sure what they are, though?

27 A. Oh, yes, I am. I am. I mean you have it. You haveE  
28 more than you need, actually.

- 1 Q. I have, the secret of the cards, draw down the moon-"".
- 2 A. The drawing down the moon is a basic function of all
- 3 high priestesses. That's a basic skill. That is not
- 4 necessarily a gift to priestesses.
- 5 It's a high priestess number.
- 6 Q. That's a high priestess number?
- 7 A. That's right.. I'm sorry about my American vernacular.
- 8 Q. That's all right.
- 9 A. I do listen to contemporary speech.
- 10 Q. Well, you have the gift of speech, you said.
- 11 A. Blessed be.
- 12 Q. So that's not included?
- 13 A. That's including -- that's not a common gift. To
- 14 draw down the moon is a special gift.
- 15 Q. And you have that?
- 16 A. I have that, yes.
- 17 Q. And that's one of the reasons you're a high
- 18 priestess?
- 19 A. Yes.
- 20 Q. Is tilat included in the ten special powers?
- 21 A. To the priestesses?
- 22 Q. Of witches.
- 23 A. Yeah. It's one special power for the high
- 24 priestess and ten special powers for priestesses, because
- 25 high priestesses have special powers that distinguishes them
- 26 from priestesses who are going to be high priestesses,
- 27 hopefully. It's a degree.
- 28 Q. I see. Well, just so I have this clear, are there

1     **ten special powers of wltches or - - and then extra povlers that**  
2     goddesses have to have? Is that what it is?

3             **A.**     Goddess has all the powers.

4             **Q.**     **A goddess has all ten. I mean the high priestess.**

5             **A.**     The high priestess would need to have the power to  
6     draw down the moon, and she would probably have one of the  
7     priestess powers, either the cards or the prophecy or the wind  
8     or weather work, or what-have-you.

9             **Q.**     The healing?

10            **A.**     The healings, yes.

11            **Q.**     And that, for instance -- those people that heal,  
12     do they like, can they make somebody that's blind see, for  
13     instance?

14            **A.**     Not in my experience.

15            **Q.**     Have you ever heard of such a thing?

16            **A.**     I heard about it but I did not experience that in my  
17     coven.

18            **Q.**     How about making a sick man well?

19            **A.**     That I did experience, yes; a sick woman -- or heal  
20     faster, because human will influences self formation. That's  
21     a proven fact.

22            **Q.**     And if somebody came to you with this particular  
23     problem, if they had some kind of disease or something, since  
24     you do not have this particular gift, would you send them to  
25     one of your witches that do?

26                    Not necessarily.

27            **Q.**     Have you ever done such a thing?

28            **A.**     No.

1 Q. What would you do with somebody that did?

2 A. I would first send them to a doctor.

3 Q. And then you'd send them to the witch?

4 A. If the ailment is beyond the doctor's help.

5 Sometimes it is.

6 Q. Like, for instance, cancer?

7 A. I wouldn't even come near with an opinion on that  
8 one, absolutely not. I am not that skilled in healers and  
9 healing that I would attempt to make any opinion or make any  
10 move about some person whose health is ill, especially cancer.  
11 My family had cancer. I'm very sensitive about that.

12 Q. Now, these three -- you said there were approximately  
13 three that have that healing --

14 A. Yeah.

15 Q. -- in your coven; and you're proud of them?

16 A. I am. It would be beautiful to develop it more.

17 Q. And you'd like to develop it yourself; is that  
18 correct?

19 A. Well, if I can be so blessed, yes.

20 Q. And you would use them, refer your customers to  
21 them

22 A. I don't have customers. I'm sorry.

23 Q. Or whatever you call them.

24 A. Sisters.

25 Q. Sisters to them when it was beyond doctor's help?

26 A. I would consider that at great length; and I at this  
27 point cannot give you an answer to that hypothetical question.  
28 I have to see the actual thing.

1           Q.    But you have -- these people that have these gifts  
2 of healing

3           A.    Yes, and we are practicing on each other right now.

4           Q.    And you've seen it actually happen?

5           A.    I've seen it happen.

6           Q.    Now, you -- your special-gift with the tarot cards,  
7 you can tell -- these are your tools; is that not true?

8           A.    Yes. It's a tool of divination.

9           Q.    To tell the past, the present and the future; is  
10 that not correct?

11          A.    Yes, probable future.

12          Q.    And you said, particularly, the present?

13          A.    Yes. The present is very well indicated.

14          Q.    And you can tell the future, too, can't you?

15          A.    Yes, I can.

16          Q.    You do have that gift?

17          A.    Yes.

18          Q.    And the past?

19          A.    Yes.

20          Q.    And, other than these cards, do you have any other--  
21 you said you had other tools. What other tools do you have?

22          A.    For divination, no. That's my divination tool.

23          Q.    'I'his is the only thing?

24          A.    Yes. I'm studying others but I have not perfected  
25 them.

26          Q.    What else are you studying?

27                Oh, I'm very much at the beginning with my crystal  
28 ball. I don't understand it at all at this point but I will;

1 much rather like symbols.

2 Q. And so this is it, and you can tell the past, the  
3 present and future?

4 A. Probable future.

5 Q. Future. And you do predict events in the future,  
6 do you not?

7 A. Yes.

8 Q. The present is pretty good. You're pretty good on  
9 that, aren't you?

A. I'm as good on the present as the cards show it.  
11 Sometimes they show more present, sometimes more past.  
12 Sometimes it's all future. Each spread is really vary  
13 different, depending on the state of mind of the person who  
14 cuts it.

15 Q. You said this cloth inspires you, right?

16 A. It's beautiful, yes. Beauty does inspire me.  
17 Not now with the tag on it; I don't know..

18 Q. Now, if you can -- and you're so gifted in telling  
19 the past, the present and the future, particularly the present.

20 Why is it that you didn't know **that Officer** Shelley  
21 was **a** police officer when you volunteered to **tell** tarot  
22 cards for \$10.00, and how come you didn't know that Officer  
23 investigator Rosalie Kimberlin was a police officer when she  
24 came in to have her tarot cards read?

25 A. Had I known that, I would still had to read her cardt3  
26 because she requested a consultation. And I do not have, in mi,,  
27 own tradition, the power to refuse consultation. Even had she  
28 worn her badge, I still would have had to read her cards. The

1 fact that I did see that she was engaged in audacious activity,  
2 which was a thought form, and she was represented by the Fool,  
3 I think it says a lot.

4 Q. You did not know she was a police officer?

5 A. No. I'm unassuming about that. I look at a woman  
6 and I relate to her as a sister. And if she busts me later,  
7 that's not really my problem.

8 Q. How about Officer Shelley?

9 A. I didn't read his cards.

10 Q. No. But you offered to, didn't you?

11 A. No, I didn't, or to read his cards, especially.

12 Q. You didn't?

13 A. No. I never **offered** to read **anybody's** cards.

14 Q. Didn't you tell him **that** you got good vibrations  
15 from him?

16 A. No. He made that up.

17 Q. Now, this sign, where has it been hanging?

28 18 A. Over **the** so-called potions which are actually  
19 essences of herbs and oils. They are nothing mysterious;  
20 **right** above.

21 Oh, now, that one, that one above my head over  
22 there -- I think it's indicated, one of the crosses.

23 Officer Kimberlin did a wonderful job on that.

24 Q. Right **here**?

25 A. Yes, the next

26 Q. That's where this card was hanging?

27 A  
Yes.

28 THE COURT: For the record, **that's** the sign **that** says

1 "tarot card reading".

2 BY MRS. STEIN:

3 Q. Was it hanging in there last week?

4 A. No. It was in my room, though.

5 Q. When did you take it down?

6 A. After I got busted I took it down. I put it in my  
7 room.

8 Q. Now, this sign in here, isn't it also a fact that  
9 **you** put this sign up after you were arrested?

10 A. No, that's not a fact. That sign was put up after  
11 the Wicca opened, and that sign was taken off this morning **by**  
12 me on my way to the courthouse. I had to rip off those back  
13 things, which still shows the rips. It was on the wall firmly.

14 Q. And isn't it a fact that it was not there on  
15 February 10 --

16 A. It sure was.

17 Q. 1975?

18 A. It's not a fact. That sign was there February 10th.  
19 In fact, the sister who was there with me called the officer's  
20 attention to take a photograph of that, as well. And they  
21 said yes, we did. Of course, they did not -- or they did and  
22 didn't show it to you.

23 Q. Now, you are a quarter owner in this business?

24 A. Yes.

25 Q. How many fortunes do you read in a day?

26 A. It's very, very different each day; sometimes none.  
27 Sometimes days go **by** and no requests. But it is not -- always  
28 upon request for consultation.

1 Q. Yo1..1 read anybody's fortune that comes in?

2 A. If I get a request for a consultation with the  
3 tarot, I would.

4 Q. And you say you would have read Officer Kimberlin's  
5 fortune even though she had a badge?

6 A. I read a police woman's tarot cards who came there,  
7 noi.: to bust me but for my gift. And we had a wonderful  
8 consultation. And did come with her badge, and, yes, I did.

9 Q. What's her name?

10 A. I can't tell you. Besides, it happened quite a few  
11 months ago.

12 Well, then why is it you took that sign down after  
13 you were arrested, if you're so brave and --

14 A. I'm not that brave.

15 MS. BUCKLEY: Your Honor, the City Attorney is arguing  
16 with the witness.

17 THE COURT: Objection sustained.

18 **BY** MRS. STEIN:

19 Now, Iis Bat's Blood that you sell, that -- it is  
20 known to break hexes; is tilat true?

21 A. It's traditional belief. It comes from New Orleans.

22 And do you believe that?

23 A. Yes, I do. I go by my sisters' tradition in  
24 New Orleans. They have pretty good magic down there.

25 And so it's known to break hexes?

26 A. Yes.

27 Q. And what do you have to do with it to break hexes?

28 Well, you use it on your doors you use it upon your

body; and you put it in your bath water; you bathe in it, so to speak.

Q. Do you consider this trial a hex --

& No, I don't.

Q. -- on you?

& No. I think this is a confrontation.

Q. You think that this trial would go away if we threw some of this stuff around?

& No; absolutely not.

Q. By the way, what do you charge for this bottle of Bat's Blood?

I think that's a \$2.00 bottle. It's uncut oil. **It's** completely essence.

Q. It's \$2.50; is **that** --

& **No, it's** not. It's \$2.00.

Q. **HO'il** about the **Dragon's** Blood. **That's**, you said, for purification and a good luck **charm**?

& Yes. It comes from the Islands.

Q. And do you really believe that that works, too?

& Yes, I do.

Q. And how much does that cost?

& That wreath there would be \$2.00. It's a lot of Dragon's Blood. You don't need that much. It's enough for an **army**.

Q. And how much do you need?

Very little. A very little piece is carried around in a purse, for instance, or it is made a solution with a little bit of it in the bath tub.

1 Q. And that brings --

2 A. These are traditions.

3 Q. -- good luck?

4 A. Yes, it brings good luck.

5 Q. And what does it purify?

6 A. It purifies -- we usually think about purification  
7 as cleaning the vibrations from one face to the next.

8 When I, for instance, asked Officer Kimberlin to  
9 use the Van Van Oil on her hands which is a lemon verbena, and  
10 **it** smells like lemon -- by the way, it only meant to the street  
11 vibrations from her hands before she touched my cards.

12 Q. And does that work, too?

13 A. Yes.

14 Q. And you **sell** that?

15 A. Yes, I do.

16 Q. These cards are somewhat worn, and some of them, I  
17 notice, are marked on the edges or worn down on the edges.

18 A. 11 years of use. I've loved that deck.

19 Q. This deck isn't any different from any other deck,  
20 is it?

21 A. Well, it's investive of my experience.

22 Q. Well, do you know which cards --

23 A. From the back, no.

24 Q. -- there are that have the marks on them?

25 A. **No.**

26 Q. For instance, the Queen of Cups  
27

28 Q. No. I never pay attention.

-- has a worn edge.

1           **A.**    We don't read the cards from the back. We read the  
2 cards from the front where the symbols are.

3           **Q.**    You shuffle them, though?

4           **A.**    And so does the person I'm reading with.

5           **Q.**    And do you ever read them upside down?

6           **A.**    No. That's a later development. I don't follow  
7 that..

8           **Q.**    What happens if a card comes up ups.i.de down?

9           **A.**    Well, since I don't follow it, I don't believe in iti,  
10 you know. Whatever happens       upside down card comes upside  
11 down. I turn it back.

12          **Q.**    By the way, are you eating that?

13          **A.**    Yes, I am. I love it.

14          **Q.**    And what is that?

15          **A.**    It's verbenä, sacred >to Venus, and it tastes good.

16          **Q.**    What does that do for you?

17          **A.**    I feel mother nature in my mouth. Witches eat  
18 herbs.

19          **Q.**    Do you sell that oil, and so on, that you just  
20 mentioned?

21               THE COURT: 'tlhich oil are we talking about? Van Van Oil?

22               MRS. STEIN: The Van Van Oil.

23               THE WITNESS: Van Van Oil. I didn't make up this name.  
24 I thought it was funny, too.

25                       Yes, I do sell it.       We sell it.

26               BY MRS. STEIN:

27                       And what does that cost?

28                       That's a dollar.

1 Q. And that works, too?

2 A. Yes.

3 Q. Do we have one here?

4 A. No.

5 Take a look at it. I brought three different ones.

6 **BY MRSe STEIN;**

7 Q. It says Nan Van.

8 A. Well, it's Van Van. I don't know whose handwriting  
9 you are looking at. Maybe mine.

10 Q. Is this incorrect?

11 MRS. STEIN: May I approach the witness?

12 THE COURT: You may.

13 MS•.BUCKLEY: Your Honor, I believe it looks like a pen  
14 may h,lve gotten wet or something.

15 THE WITNESS: Yeah, it does -- yes. It got smudged.  
16 It's Van Van, yes, lemon verbena.

17 **BY MRS. STEIN:**

18 Q. And this works, too?

19 A. Yes.

20 Q. Now, getting down to People's 7, this potion that  
21 you gave to Officer Kimberlin

22 A. As a gift.

23 Q. Well, it was included in the \$10.00, wasn't it?

24 A. No, it was not.

25 Q. Oh. It was a free gift?

26 A., Her cards looked bad.

27 Q. So you figured she needed this real bad, huh? And  
28 this is very strong stuff?

1           A.     Pretty good.

2           Q.     And do you really believe **that it bends** people your  
3 way?

4           A.     We had wonderful feedback on **that.**,    It's been used  
5 in many cases.

6           Q.     What is it   called?

7           A.     It's called Bend over Oil, and it   comes from  
8 New Orleans.,

9           Q.     So that makes people bend over to your way? ·

10          A.     I guess that's where the name came from.

11                   Did you smell it?

12          Q.     How much do you sell this for?

13          A.     That would be a dollar.

14          Q.     How long does this potion last?

15          A.     It's supposed to influence an immediate situation;  
16 and as long as you wear it.    It's like -- it• s worn H.ke a  
17 perfume.

18                 MRS. STEIN: May I approach the witness, your Honor?

19                 THE COURT: You may.

20                 **BY** MRS. STEIN:

21                 Q.     Now, referring to People's 7, could you open that  
22 and smell it   and see if it's still -- it's still good.

23                 A.     Yes, it's still fine. You see, you.anoint your  
24 forehead and the name of your head, and you anoint your wrists  
25 with it, and that's about it.    That's how you use it so it can  
26 last a long time.

27                 Q.     And so that now you are sitting there between me and  
28 the **Judge**.    And if   that really worked, why wouldn t we::dismiss

1 your case?

2 A. You want to make a prediction?

3 ,THE COURT: If you wish, you may.

4 'THE WITNESS: I don't wish. I'll be satisfied with the

5

6 THE COURT: Proceed, Mrs.. Stein.,

7 **BY MRS. STEIN:**

8 Q. could you please give us the -- your readings last  
9 about a half hour?

10 No. An hour usually. And so did Officer  
11 Kimberlin's.

12 Q. And on a busy day, how many would you read?

13 A. Two, maybe.

14 Q. Two is the most you've ever read in one day?

15 A. Well, there were special days, maybe once or twice,  
16 it was more than that. But I would say on the average, when  
17 I read at all --because there are days when I don't read.

18 Q. So two a day was the most that you ever read, in  
19 one day?

20 A. On an average, yes. There were some special days  
21 when people came from far away.

22 Q. Now, these things are supposed to really work, right?

23 THE COURT: What things are we talking about?

24 MRS STEIN: Those potions.

25 THE WITNESS: Oils.

26 **BY MRS. STEIN:**

27 Q. Right?

28 A. Yes.

1 Q. Well, isn't it strange that you ha,,e a sign up --

2 A Yes, that's

3 Q. -- that says that they are curios only, and they  
4 don't work, in effect?

5 A. We had to put that up because -- that's really the  
6 sign of my oppression as a religious leader. I mean that's  
7 the manifestation how I am forced to deny something that I  
8 absolutely believe in .And it's there for protection of the  
9 manc3g3--uent. It does not represent my personal beliefs at all.

10 Q. So then you did, in fact, put it up after you were  
11 arrested?

12 A No, we put it up as soon as we opened the Feminist  
13 Wicca, the very day.

14 Q. And did you feel --

15 A. Oppressed.

16 Q. -- oppressed at: that time?

17 A. Very much, yes.,

18 Q. What oppressed you?

19 A. That I was forced to agree to put up something that  
20 I don't believe in.

21 Wno forced you to do that?

22 A. My partners made an agreement that we are going to  
23 protect ourselves; and this was following the advice of our  
24 lawyer.

25 Q. But you had the "tarot,cards, \$10.00" sign up there,  
26 didn't you, at the same time?

27 A. The tarot sign came about four months later. I read  
28 for donations, as I still read for donations., The tarot stg-n

really is there for a suggestion, and it was -- it crune about.  
four months later.. We've been open a year.

Q. So hOW' long have you had the tarot sign, card up?

A. What does it make now? What is it now?

We opened a year ago February 22nd So four months afterwards is what? Last summer sometime.

Q. Did you attend this function, this Witchy Dance, on February 22nd?

A. Yes.

Q. Can you tell us what goes on at a Witchy Dance?

A. Yes, I can. I created a circle with candles. We wanted to make the experience different from other dances women go to. And in the church we created a circle, and we burned our caldron. We had a statue of Diana wreathed in herbs and flowers in season; and we taped ritual music from around the world, some from Africa, some from the Island, some from just good dance music. And we had a goddess slide show in the back which showed the different representations of the goddess around the world.

We have a slide show that consists of about five hundred different slides portraying the great goddess as she was perceived by the ancients. And that• a Witchy Dance.

Q. Was it all females?

A. Yes, it was, except for the police who came later on

Q. Was it \$2.50 a head?

A. I was a donation.of \$2.50. We let people in for 25 cents We let people in for nothing, for labor. Some people just simply helped out with the decorations. We didn't

1 turn anyone awayo

2 Q. You were not arrested on that night, were you?

3 A. No, but I knew the police would come, and they did\$

4 Q. Was it

5 THE COURT: Please wait until the attorneys have  
6 finished.

7 Anything further?

8 BY MRS. STEIN:

9 Q. Was it any of these officers?

10 A. No. It was a different set.

11 Q. And does People's Exhibit 10 -- that does say  
12 \$2.50, does it not?

13 A. Yes.

14 Q. Now, what happened to the \$10.00 that Officer  
15 Kimberlin paid you? Did you keep that?

16 A. No. That went to the W.i.c.ca.

17 Q. Of which you are the high priestess?

18 A. The Feminist Wicca, I mean. I'm high priestess of  
19 a religion, not but I'm the high priestess, I suppose, all  
20 the way around.

21 Q. Now, if the State of California or the City of  
22 Los Angeles prohibited a charge for telling fortunes, would  
23 that in any way affect the practice of your witchcraft?

24 A. I would still have to give consultations with the  
25 cards as I understand how to do it.

26 Q. So that such a prohibition would not in any way  
27 affect the exercise of your witchcraft in any manner or --

28 A. Regretfully so. I would have to follow my tradition

1       regardless.

2               Q.     Now, you **gave** a press conference, did you not --

3               A.     Yes, I have.

4               Q.     -- that appeared in the 'Times; and you said in that  
5       "I don't usually deal in hexes."

6               Do you deal in hexes?

7               A.     No, I don't.

8               Q.     Have you ever put a hex on anybody?

9               A.     I have reversed a hex. I know how to reverse a hex.

10       I would never put a hex on anyone. It's not a choice that I  
11       take. I have many choices. And my choices would involve  
12       working around the problem upon myself more than upon another  
13       person. It works just as well and it's a wiser course.

14              Q.     How did you know ~~that~~ a hex had been placed on a  
15       hexed person?

16              A.     Well, I somehow -- I can tell when I've been hexed.  
17       I have been put upon a hex about six years ago, and I returned  
18       **that.**

19              Q.     You put a hex back?

20              A.     I returned a hex. I don't know what happened, but  
21       my hex stopped.

22              Q.     Do you feel that this trial is a hex?

23              A.     No. I think this is a confrontation.

24              Q.     What are in those bags you're wearing?

25              A.     Herbs, roots, stones, mother nature's things.

26              Q.     And is that supposed to do something?

27              A.     Makes me feel good.

28              Q.     Is it supposed to create some kind of special power

1 or something?

2 A. No. It just makes me feel good.

3 Q. All the bags have the same thing in them?

4 A. Slightly variation but --

5 Want to see them?

6 I think we've seen.enough.

7 Now, you said you would put a spell on yourself to  
8 make you victorious, didn't you?

9 A. Yes. We prayed for victory.

10 Q. And you were going to put a spell on yourself?

11 A. That's the way we call prayer in my tradition.

12 A spell is a prayer.

13 Q. And is it successful?

14 A. I don't know yet.

15 Q. Well, that's -- later on, you say -- you made a  
16 prediction, gazing into the future. It says you made only one  
17 prediction; if I am found guilty, "I won't pay a cent of my  
18 **fine**".

19 A. Well, a slight variation.

20 Q. Excuse me. I haven't finished my question yet.

21 Doesn't that indicate that your spells are no good?

22 A. No, it doesn't. Being the high priestess of the  
23 Susan B. Anthony Coven -- Susan B. Anthony was busted for  
24 voting a hundred years ago in this country. And that trial  
25 was just as absurd. And when she was fined unfortunately,  
26 she was -- she came out with a speech that she will not pay  
27 the fine, and never did. And women today have the vote.

28 I think that, in this day and age, I be allowed to

1 practice my religion according to my tradition, and the  
2 American people wi.ll not fine me for it.

3 Q. And that includes, of course, ripping off the public  
4 for that which you can't do.

5 MS. BUCKLEY: Your Honor, I object to the use of the  
6 language by the City Attorney.

7 'THE COURT': Objection is sustained.

8 BY MRS. STEIN:

9 Q. That includes charging a fee for predicting the -  
10 future, doesn't it?

11 A. I take a donation. And, if you don't want my tarot  
12 reading and my service, you don't have to get it.

13 Q. And you will, of course, take anybody that calls  
14 you?

15 A. Unfortunately, that has been my practice.

16 -----  
MRS. STEIN: I have nothing further.

17 THE COURT: Any redirect?

18 MS. BUCKLEY: I just have a few questions, your Honor.

19 THE COURT: You may.

20

21 REDIRECT EXAMINATION

22 BY MS. BUCKLEY:

23 Q. You were asked about how many readings you gave a  
24 day.

25 Does reading the tarot cards in any way affect you  
26 physically?

27 Yes. It drains me.

28 Q. How do you normally recover from reading or after:

1 reading the tarot?

2 MRS\* STEIN: Objection, your Honor; beyond the scope of  
3 the direct and the cross examination.

4 THE COURT: I think it -- objection's overruled.

5 The witness may answer. .

6 THE WITNESS: I take a break. I take a break. I do  
7 something else, occupy my mind with something else.

8 BY MS. BUCKLEY:

9 Now, does your coven have any tradition as to --  
10 in writing, creating witches or high priestesses?

11 MRS. STEIN: Your Honor, that's been --

12 MS. BUCKLEY: Your Honor, she asked

13 THE COURT: Objection overruled.

14 You may ask the question.

15 BY MS. BUCKLEY:

16 Q. Does your coven have any tradition about giving  
17 written certificates to its high priestesses or to its witches?

18 A No, neither does my tradition.

19 Now, you stated that, on cross examination, all of  
20 your worship functions took place on the mountain.

21 Are there other functions which you have as a high  
22 priestess and as a witch which take place in other areas?

23 A. Definitely.

24 MRS. STEIN: Objection. Well, I -- asked and answered.

25 THE COURT: This is on redirect.

26 You may answer.

27 THE WITNESS: Yes, there are other functions besides  
28 leading the rituals that I have. I have requests to purifying

1 homes, in which case I go to the houses of people.

2 I have requests for trysts to bless friendships.  
3 I also have requests for consultations in homes as well as at  
4 the Wicca. And I also teach, which is one of my functions.

5 **BY** MS. BUCKLEY:

6 **Q.** Now, the City Attorney characterized one of the ten  
7 gifts of the goddess as reading the cards.

8 Isn't there another way of describing that?

9 *k* Knowing the secrets of the cards.

10 **Q.** And is that function described as divination?

11 *k* Yes, it is. It's a divinationc

12 **Q.** And so the cards are a tool that you use in that  
13 particular

14 *k* Yes.

15 **Q.** Now, if someone came to you who needed the Bat's  
16 Blood or Dragon's Blood or any other herbs, and you felt after  
17 counseling them that they needed them and they couldn't afford  
18 **to** buy one of these, would you just give them one?

19 *k* Yes, I would. I have.

20 And is that what you in fact did to Officer  
21 Kimberlin?

22 **A.** Yes. That's what happened. I felt great compassion  
23 for Officer Kimberlin, in fact. She was a great undercover  
24 agent.

25 **THE COURT:** Don't volunteer any statements.

26 **MSc BUCKLEY:** Your Honor, I would like to have this vial  
27 marked Defendant's K for identification.

28 **THE COURT:** It may be so marked.

1 MS. BUCKLEY: May I approach the witness?

2 THE COURT: You may

3 **BY MS. BUCKLEY:**

4 Q. Is this the oil which you identified as the Van Van  
5 Oil?

6 A. Yes. That's my favorite oil to read the cards with.

7 Q. That was what you used to purify Officer Kimberlin's  
8 hands?

9 A. Yeah.

10 Q. All right. Thank you.

11 MS. BUCKLEY: I have no further questions.

12 MRS. STEIN: I just have one question.

13 THE COURT: Recross? You may.

14

15 RE CROSS EXAMINATION

16 **BY MRS. STEIN:**

17 Q. The ten powers -- the one we left out as bringing  
18 back the spirits of the dead isn't that one of the ones?

19 A. Not the priestesses. That would be a high priestess  
20 function.

21 Q. And isn't that one of the ten?

22 A. I don't think so. To bring back spirits, that's  
23 heavy work. That would definitely have to be somebody very  
24 qualified and definitely a high priestess.

25 Q. And you heard -- that is one of the powers, though,  
26 isn't it?

27 A. Of a high priestess, yes. I personally do not do  
28 that..

1 Q. You've **seen** it done, though?

2 A. Yes. My mother did it.

3 MRS. STEIN: I have nothing further.

4 THE COURT: You may resume your. seat.

5 Anything further from the Defense?

6 MS. BUCKLEY: Could we check to see if Louise Huebner  
7 has arrived yet, please?

8 'l.'hen, your Honor, I have no further witnesses.

9 THE COURT: Do you want to offer any items in evidence?

10 MS. BUCKLEY: Yes. At this point, your Honor, I would  
11 like to offer in. evidence iterns --

12 'l'HE COURT: Why don't we start with A on down.

13 You want all of them offered in evidence?

14 MS. BUCKLEY: Yes, your Honor.

15 THE COURT: Any objection, Mrs. Stein?

16 MRS. STEIN: No, your Honor.

17 THE COURT: Defendant's A through K previously marked  
18 for identification will be received in evidence.

19 Defense **rests**?

20 .MS. BUCKLEY: Defense **rests**, your Honor.

21 THE COURT: Anything further from the People?

22 MRS. STEIN: We just have a couple of things on  
23 rebuttal.

24 THE COURT: You may offer them at this time.

25

26 REBUTTAL TESTIMONY

27 MRS. STEIN: Officer Falkenberg.

28

1                                   CARL FALKI'NBORG,  
2   called as a witness by the plaintiff in rebuttal, having  
3   been previously duly sworn, testified as follows:

4           THE COURT: You're advised that you're still under oath.

5  
6                                   DIRECT EXAMINATION

7   BY MRS. STEIN:

8           Q.   Officer Falkenberg, when you went back to the  
9   defendant's shop and you and Officer Shelley took the pictures  
10   and you made certain observations, did you notice a sign like  
11   this?

12           MRS. STEIN: May I approach the witness?

13           THE COURT: Yes..

14                   For the record, that is defendant's --

15           MRS. STEIN: Defendant's G.

16           THE COURT: Defendant's G.

17   BY MRS. STEIN:

18           Q.   Did you see this sign, defendant's G, anywhere at  
19   **all** in the northern area where the potions were sold?

20           A.   No, I did not..

21           THE COURT: Did you see it anywhere in the location the  
22   day you were there?

23           THE WITNESS: No, I didn't notice it.

24   BY MRS. STEIN:

25           Q.   Officer Falkenberg, did you recover the \$10 that  
26   Officer Kimberlin spent?

27           A.   I can't recall. I have to refresh my memory with  
28   the report.

1 MS. BUCKLEY: Your Honor, excuse me. Could I have that  
2 question repeated?

3 THE COURT: Did the officer recover the \$10..00 that  
4 Officer Kimberlin paid.

5 MRS. S'I'EIN: May I approach the witness?

6 THE COURT: You may.

7 MS. BUCKLEY: Your Honor, excuse me. I really believe  
8 this is a part of their case in chief and not in rebuttal.

9 THE COURT: I think it's -- I assume it's in response to  
10 the testimony of the defendant that the money went to the  
11 Wicca. If not, it will be subject to a motion to strike.

12 MS. BUCKLEY: Well, but there wasn't any testimony as to  
13 that exact \$10.00. It was: Where did the money go that she  
14 took in, not the money that Officer Kimberlin gave her.

15 THE COURT: I believe the answer of defendant was, it  
16 went to the Wicca or the Feminist Wicca.

17 MS. BUCKLEY: I'm sorry, your Honor. I th:i.nk I  
18 misunderstood the question having been asked.

19 THE COURT: You may answer the question, Officer.

20 THE WITNESS: We did not recover the money.

21 MRS. STEIN: Nothing further, your Honor.

22 THE COURT: Do you have any questions?

23 MS. BUCKLEY: I have no questions.

24 THE COURT: You're excused.

25 People may call their next witness, if any.

26 MRS. STEIN: May I just have one moment, your Honor?

27 Yes, Officer Shelley, for one question.

28 THE COURT: You're advised you're still under oath.

1                   Would you resume the witness stand, please.

2

3                   LARRY B. SHELLEY,

4                   called as a witness by the plaintiff in rebuttal, having  
5                   been previously duly sworn, testified as follows:

6

7                   DIRECT EXAMINATION

8                   BY MRS. STEIN:

9                   Officer Shelley, when you picked up your initial  
10                  **visit** to the defendant's place of business at 442 Lincoln  
11                  Boulevard and you picked up the tarot reading card that's in  
12                  evidence as People's 9, and -- did the defendant offer to read  
13                  your tarot cards?

14                 A.     Yes, she did.

15                 Q.     And how much did she tell you it would cost?

16                 MS. BUCKLEY: Your Honor, I believe that he testified  
17                  to this on direct.

18                 THE COURT: I believe he did.

19                 I'm not sure it's proper rebuttal at this point,  
20                  Mrs. Stein. We did have it on the People's case in chief.

21                 BY MRS. STEIN:

22                 Q.     And did you mark the date of your appointment down  
23                  on the back of this card?

24                 A.     Yes, I did.

25                 MRS. STEIN: Nothing further.

26                 THE COURT: I assume you have no questions?

27                 MS. BUCKLEY: Your Honor, I just have one question.

28                 Inasmuch as this evidence is being repeated, we  
29                  might as well get one more piece of evidence repeated, and that

1 is

2 BY MRS. STIUN:

3 Q. Officer Shelley, you asked for a consultation; is  
4 that correct?

5 A. Yes, I did.

6 Q. Thank you.

7 THE COURT: Well, now, to clarify what has been raised  
8 several times, who first suggested a tarot card reading?  
9 In other words, did you say to the defendant, "I would like a  
10 card reading" or did she just, out of the blue for no reason,  
11 say, "Would you like a tarot card reading?"

12 THE WITNESS: Yes. I asked her what a tarot card reading  
13 was, your Honor. And then I asked if I could obtain one.

14 THE COURT: Thank you.

15 Anything further, Mrs. Stein, of this witness?

16 You're excused, Officer.

17 Anything further from the People?

18 MRS. STEIN: No. People rest, your Honor.

19 THE COURT: Ladies and gentlemen of the jury, we **will** be  
20 in recess until 9:15 tomorrow morning.

21 I admonish you during this period you must not  
22 converse among yourselves nor with anyone on any subject  
23 connected with the case or the trial thereof. Also, you're  
24 not to form or express any opinion thereon until the entire  
25 cause is finally submitted to you.

26 As I've stated previously, please do not read any  
27 newspaper accounts of the case; do not listen to any television  
28 accounts of the case or any radio accounts of the case.

1           Tomorrow at 9:15 we will begin arguments, and then  
2   you will be instructed and will deliberate. We will see you  
3   here tomorrow morning.

4           (Whereupon an adjournment was taken until  
5   April 15, 1975 at 9:15 a.m.)

1 LOS ANGELES, CALIFORNIA, TUESDAY, APRIL 15, 1975; 9:00 A@M.

2 --000--

3  
4 (A discussion was held in chambers  
5 regarding jury instructions.)

6 THE COURT: In the matt.er of Zsuzsanna Budapest Bartha,  
7 let the record reflect 12 jurors, the two alternates are  
8 present. Defendant's present with both counsel. The City  
9 Attorney is presente

10 Ladies and gentlemen,.. now is the time for argument  
11 in the case. I advise you that argument is not evidence but  
12 is the statements of the attorneys and should be taken in that  
13 **light.**

14 A few prelim:i.naries before we begin the argument.  
15 Because the burden of proof is on the People to prove the  
16 defendant guilty beyond a reasonable doubt, the People are  
17 **permitted to argue twice; that is, M.rs. Stein will present her**  
18 opening argument, Hs. Buckley will respond, and then the  
19 People may respond to that.

20 I again **advise** you argument is not evidence but  
21 merely a statement of the attorneys and should be taken in that  
22 **light6**

23 One other preliminary. Many times in the midst of  
24 argument because attorneys may be thinking ahead of what they•r  
25 going to say, there may be a misstatement of the evidence.  
26 Obviously, it's not intentional but just is a slip of the  
27 tongue or a **misstatement of the evidence.** If one of the  
28 attorneys misstates the evidence or does not state the evidence

1 as you recall it, you should recall the evidence as you heard  
 2 it, as you are the triers of fact and you are the ones who  
 3 apply the facts to the argument.

4 We will now begin argument on both sides and then'  
 5 have instructions.

6 And, again, argument is merely what the term says,  
 7 arg, :ment. It is not evidence and shouldn't be ta'l<en in that  
 8 light.

9 Mrs. Stein?

10 MRS. S'TEIN: Thank you, your Honor.

11 Ladies and gentlemen of the jury, it now becomes my  
 12 opportunity to present, as the Judge told you, closing, final  
 13 argument. I usually make three arguments; one that I make  
 14 when I prepared my argument the night before; the second one  
 15 that you will be hearing here, today; and the third one that  
 16 I'll be making tonight about everything tllat I forgot to tell  
 17 you.

18 However, this is argument number two. We have heard  
 19 a lot of testimony, and so on, in this case., Hmlever, to  
 20 clarify things for you, as to what I believe ti.lle i.s.sue is and  
 21 what I **believe** the Judge **will** instruct you is the issue in this  
 22 case, somewhat simple. The issue, taking away everything else,  
 23 and **so** on, and muddy up the waters, and **all** that the issue  
 24 is plain and simple. Was the defendant engaged in fortune  
 25 telling in a business or commercial context? That is it, periotl;  
 26 fortune telling in a business or commercial context.

27 Now, let's look at the first point, fortune telling.  
 28 The Judge will define fortune telling for you as we heard it on

1 the stand from Sergeant Alcantara. Fortune telling is the  
2 prediction of future events in the life of another, and so one  
3 'I'hat's fortune telling.

4 Now, we had Officer Kimberlin testify. She said,  
5 in regard to the fortune telling - first of all, I would like  
6 to remind you that Officer Shelley testified that the defendant  
7 on a previous occasion, offered to read his tarot cards; that  
8 he made that appointment down here, Thursday, 2:00 o'clock.  
9 And you will see that in the jury room. And why would he write  
10 that down if he didn't have that appointment made? So  
11 **there's another thing.**

12 But, getting back to Officer Kimberlin, she called  
13 and made an appointment to have her fortune told. She was  
14 told a dark-eyed man in the past would turn up again\$ Number  
15 two, she was told there would be a divorce because the Queen  
16 card showed her to be single. Three, she was told she would  
17 **make a move out of State to F'lorida. Four, she was told her**  
18 **daughter wouldn't be able to attend vet school. Five, she was**  
19 **told that her mother would not leave the State with her. And,**  
20 **six, she was given People's 7, this potion, to bend people her**  
21 **way and to wave it around in front of her husband to make**  
22 **things go raore smoothly. Okay. That's six items. Now, what**  
23 **do all these things mean?**

24 Sergeant Alcantara testified for us. He is an expert  
25 and testified to hypob etical questions that obviously applied  
26 to the defendant and on those points which I just read to you.  
27 And he has been a police officer for 13 years. He's been six  
28 years with bunco, forgery. He's had five years in fortune r

1 telling work. And he has had -- handled or been involved in  
 2 some two hundred to three hundred fortune telling cases. He's  
 3 testified before the Criminal Complaints Committee of the  
 4 Los Angeles Grand Jury, and so on.

5 Now, what did Sergeant Alcantara tell us **all** these  
 6 thing meant?

7 He said, just like the Judge is going to tell you,  
 8 this is a prediction of future events, events which will take  
 9 place in a person's life, fortune telling. He also told us  
 10 that the portion represented to do something that cannot be  
 11 supported by any fact or reason. And I won't belabor that  
 12 point because I think that you ladies and gentlemen of the jury  
 13 -- if this thing **worked**, we wouldn't even be having a case.  
 14 -----  
 And I wouldn't --

15 Now, Sergeant Alcantara also told us why this is  
 16 wrong and what the problems are, the dangers of fortune  
 17 telling. He told us, told us that very often **fortune** tellers  
 18 prey on people who have mental and **physical** problems and take  
 19 their money. That's **why it's the law**. Now, people are  
 20 victimized. And who are the people that do the victimizing,  
 21 and why is **it's** against the law? These are untrained,  
 22 unqualified people with no background in the natural arts **or**  
 23 **in** psychology, psychiatry, marriage and family **counseling**, and  
 24 so on. They are -- we didn't have one person testify that  
 25 said they had any training other than as witches by other  
 26 witches. Now, you can -- as a **matter of fact**, there -- even  
 27 in their own testimony, and in their training as witches, we  
 28 had a little bit of conflict. It took High Priestess Allison

1 Harlow a year and a day, you will recall, to become a witch.  
 2 It took the defendant 16 years. Now, none of that training  
 3 relates to anything that qualifies that person in any  
 4 recognized healing art, medicine, psychology, sociology,  
 5 psychiatry, marriage and family counselingc

6 That person is not trained in that. They are  
 7 trained in some mysterious manner, one for a year and a day,  
 8 the other self taught for 16 years as a witch.

9 Now, mind you -- keep in mind the dangers, because  
 10 out of the defendant's own mouth came the words that one of the  
 11 ten powers of witchcraft was healing. And she had three  
 12 witches under her that had this power, healing the sicko  
 13 Therein lies the reason for the rule, one of the reason.si but  
 14 that's a pretty strong one. And those persons are not doctors,  
 15 and so on, but they can heal. And the defendant was very  
 16 proud of them. Moreover, I'll get into these ten powers a  
 17 little bit later because -- or maybe I'll just say now, the  
 18 defendant said there were ten powers. But, when I asked her  
 19 what they were, there was some confusion as to which powers  
 20 belonged to witches and which ones were to high priestesses  
 21 and what the ten were, if you will recall. We didn't really  
 22 get a list off the top of her head as a trained exp rLfH19 .d  
 23 witch what exactly those ten powers were, but they did include  
 24 the things that I'll talk about in a minute.

25 Moreover, who are these people? Well, the High  
 26 Priestess Allison. Harlow was a witch. And she didn't seem to  
 27 have any more powers than probably any one of us. She wasn't  
 28 very good, she said, at reading the cards. And she slowed

1 down her car if she was going too fast to avoid an accidente  
2 And she could look into a bowl of water and medi.tate and maybe  
3 come up with a solution to a problem, and so on. But -- and  
4 she's a high priestess. But she didn't seem to have -- profess  
5 to be able to do anything that anyof us probably could do.  
6 But we did have her testimony, strange as it may seem, that t."le  
7 defendant was a witch, and she knew that after one letter.  
8 You can give that. what weight you want to give it. One letter,  
9 and she knew it. And, as I recall, it was the same type of  
10 **letters** that she receives from a .lot of people in her  
11 correspondence and scope as a high priestess.

12 Now, we heard Sergeant Alcantara discuss with us  
13 some of his two or three hundred cases which, as you **will**  
14 recall, all involved -- he said, when asked the question by  
15 defense counsel, that they all involved fraud. Okay. Now,  
16 what are the some examples? Cancer. Let's say a person  
17 healing, one of the powers. Let:'S say a person, woman goes  
18 to a doctor, and the doctor says, "Mrs. Jones, you need a  
19 radical mastectomy, and you have cancer, and your breast has to  
20 come off." And Mrs. Jones doesn't want to believe this so  
21 she goes to another **doctor**. "Mrs. Jones the same thing.  
22 "You need a radical mastectomy." A third doctor, "Mrs. Jones,  
23 **you** need radical mastectomy."

24 Mrs. Jones, still not convinced, goes to a fortune  
25 teller. "Hrs. Jones, you're in good health." And three  
26 months later Mrs. Jones dies. This is a real case. Okay.

27 Now, other things that were testified, that  
28 Sergeant Alcantara told us about; promises to bring back lost

1 lovers, baldness, cures for baldness, and multiply money and so  
2 on.

3 Now, you can see the danger. A person with a  
4 problem, whether it is a medical problem or an emotional  
5 problem -- let's say a person is -- the testimony was in our  
6 case -- had a marital problem. That person should go to a  
7 psychologist, a psychiatrist, a licensed marriage and family  
8 counselor, and not to an untrained and unqualified person who  
9 is going to give her advice upon which she may rely. And that  
10 is very dangerous not to a person who to solve her problems  
11 by giving her this. A person may need help. And that's why  
12 we have psychologists, psychiatrists, licensed marriage and  
13 family counselors. And we have code sections on how a person  
14 becomes licensed to do that, and go to school, and so on, and  
15 get your license, and so on. You can't just make yourself a  
16 self-styled prophet and a cure-all. And that is the danger;  
17 because people do in fact fall prey to this.

18 Now, this all -- I'm dealing with the question of  
19 fortune telling now. I don't know if you remember, but the  
20 defendant's own witness, this honorary doctor, George Peters,  
21 he got his honorary doctor from some theology school in  
22 Chicago, he said. He told us that tarot card readers "operate  
23 by guess". Guess; treating people with problems. Okay.

24 Now, we have also, if you will recall the defendant  
25 saying on the stand to us -- this is really an admission.  
26 She said she does in fact predict the future. She reads the  
27 tarot cards, and she tells the past, the present and the  
28 future; fortune telling. She has admitted to the offense on

1 the stand to us in the courtroom. She came right out and said  
2 it. "I do it."

3 I never had that happen before in a case where the  
4 defendant comes right out and admits to the charge. But she  
5 did. You will also -- and this goes along with the business  
6 part of it. When arrested, she said, "I'm glad you arrested  
7 me. You're going to make me famous and rich." Business. Rich,  
8 Okay. You may also recall Officer Falkenberg and Officer  
9 Shelley, when they went to the place of business that they  
10 after Officer Kimberlin crune back that another person was  
11 having their fortune told at this time that the defendant was  
12 arrested. Now, that doesn't seem to go along, just  
13 parenthetically, with her story that this takes so much out of  
14 her that she needs a long rest and that she can only do two  
15 a day. Because, when they went there, there was another person  
16 having their fortune told. Now, at this point, I would like  
17 to say to you, where are the witnesses -- that admission was  
18 not denied by the defendant about being rich and famous.  
19 And the defendant didn't bring in anybody to deny that. She  
20 said it. She didn't deny that she said it, and she didn't  
21 bring in any of the people that were **there**. You recall t.."l.ere  
22 were two other people there at the time that Officer Kirr.berlin  
23 arrived. Where are those percipient witnesses in the case?  
24 They did not come in and testify as to what was there on behalf  
25 of the defendant.

26 Now, let's get into the second issue. There's no  
27 doubt she was fortune telling. She admitted it, and so on.  
28 She's going to get rich, famous, so on. This is the business

1 aspect of the defendant's conduct. Okay.

2 Now, is this a business? Well, first of all, you  
3 have her admission about getting rich. And some of these  
4 people apparently are, according to that one witness, worth  
5 millions, fortune tellers. But let's look at: Was this a  
6 business or commercial context? Was this fortune told in a  
7 business or commercial context? Well, we have the store at  
8 442 Lincoln Boulevard, right on the street. Anybody can walk  
9 in there. I did myself. It's open to the public for business.

10 By the way, there is no sign or mention of religion  
11 in the store. Okay. It wasn't testified to. And you will see  
12 a picture of -- in the pictures, a picture of the outside of  
13 the store. You will see that it is obviously a business. Okay.

14 On entering said business, what do we find? We find  
15 all kinds of potions and candles and vials for sale. You will  
16 note on their own exhibit. They didn't take the price tag  
17 off. It's \$2.00. We find vials for sale, Bat's Owl, for  
18 instance -- Bat's Blood, I mean. That's supposed to be an  
19 herb. That's for sale. All the items in the store are for  
20 sale. It is a business. The fact that -- seems to me -- I  
21 almost bought one of those bottles to bring here. I'm glad  
22 they brought it, of the Bat's Blood. I thought it said \$2.50,  
23 and I thought, that's pretty -- ;that's a lot of money for a  
24 little thing like that, and I decided I wouldn't.

25 Now, you will see in these pictures these various  
26 items that are for sale, and so on. And you will see the  
27 defendant's room where she tells the fortunes, and so on.  
28 And the blow-up on what they are supposed to do, the potions

1 that she sells --

2 Now, there was a tarot sign. This is also -- we  
3 have the store. We have the potions for sale. We have the  
4 sign, "tarot readings \$10.00". No mention of religion. It's  
5 "tarot readings \$10.00". That's a business. We have -- the  
6 defendant brought in a sign which said, these are curios only,  
7 and so on and so forth, in effect saying these things don't  
8 work, that she says she had up all the time.

9 Now, we heard Officer Falkenberg tell us quite out  
10 **and out that there was no sign to** that effect when he came in.  
11 There was the tarot card sign for \$10.00 that she took down  
12 after she was arrested. But there was no sign about this stuff  
13 being no good. And, as a matter of fact, the sign, in and of  
14 itself, shows that it's a business. She's telling these things,  
15 in a business context.

16 Now, what else do we have to indicate that it's a  
17 business? The store, the stuff she sells, the sign; she's  
18 reading the cards for \$10.00. How about this brochure that  
19 Officer Shelley picked up that -- you'll get to see all these  
20 things and examine them in the jury room -- and his card with  
21 the appointment. That's another thing; brochures and business  
22 cards that the defendant has. Now, if this is not a business,  
23 what is it? Somebody that has business cards, advertising  
24 tarot readings, spells, and so on, and other magical things  
25 it's a business. She's got business cards.

26 Lastly, we have the advertisement in the newspaper.  
27 No mention of religion. It says, detailed tarot readings, the  
28 defendant's place of business, and a phone number to call.

1 It's an advertisement **l.n** a newspaper that was appearing  
 2 regularly. And you will **see** that. It's in evidence.

3 So, taking all of these things together, is there  
 4 any other reasonable interpretation that you can draw, ladies  
 5 and gentlemen of the jury, that this is a business?

6 Now, reasonable is a principle **that runs through the**  
 7 law, reasonable doubt, reasonableness. We hear that all the  
 8 time. And I once heard a judge say, if you asked 25 legal  
 9 scholars what the word "reasonable doubt" meant, you'd get 25  
 10 different answers. However, **the Judge** will give you a jury  
 11 instruction as to what the meaning of reasonable doubt is.

12 And this was somewhat covered on voir dire, because reasonable  
 13 doubt does not mean beyond any possible doubt, because anything  
 14 relating to human affairs and depending upon moral evidence is  
 15 open to some possible or imaginary doubt.

16 And, as far as this being a business, it's even  
 17 beyond any possible doubt which the People do not have to prove.  
 18 She is running a business, selling **j ; , , .t. lling** fortunes for  
 19 money, professing to do that which she cannot do **by** fact or  
 20 reason. This vial -- this is a business.

21 was Officer Kimberlin told, when she was having her  
 22 fortune read, that this was a religious activity? Was there  
 23 any sign in the store that said, "This is a religion." Is  
 24 there anything in this ad which says this is a religion? No.  
 25 It is a business.

26 Now, we had one on this particular point -- the  
 27 defendant, if you will recall, stated that all her religious  
 28 activities took place -- at one point in her testimony --

1 I think it was even on di:r.-ect -- that all her religious  
2 activities took place on this mounta.:Ln top in Malibu where they  
3 performed all their religious activities, if you will recall  
4 that. Then her attorney tried to rehabilitate her after she  
5 **made that statement and said, "Well, don't you. do it elErnwhere,**  
6 **too?"** And, of course, then, you know, they had caught it, and  
7 so on.. But she did make that original statement, that all her  
8 rites and rituals of religious activities are performed on this  
9 mountain top\* That was out of her own mouth.

10 Moreover, we had two of their witnesses -- that  
11 Ms. Barbara Chesser. Do you remember when she referred to  
12 people that go to fortune tellers, tarot card readers, as  
13 customers? Slip of the tongue maybe but very true. Customers,  
14 customers of a business. And I asked her if she ever heard of  
15 any priest or minister refer to his parishioners as customers,  
16 and she said no.

17 We also had the defense witness, that Reverend Conn,  
18 who rents out his pla.ce, his church, to the defendant. He said  
19 that he did not refer to his parishioners as customers. This  
20 is a business, ladies and gentlemen

21 Now, when you go to that jury room and deliberate,  
22 after you hear all this argument and instructions, final  
23 argument and instructions, you are not supposed to leave your  
24 common sense behlnd you in the jury box. You're supposed to  
25 take it with you. And, please, it's very important in this  
26 case that you use your common sense. What does all this mean?  
27 Is it reasonable? Reasonableness was explained to me in school  
28 as being -- acting as the average reasonable man would do in

1 the same or similar circumstances.

2           Itnd that -- taking the letters from each of those  
3 terms, the average reasonable man, we come up with the word  
4 tarm. Now, each of you sitting in that jury box is a symbol  
5 of the average reasonable man. You are tarrns, each one of you,  
6 in decidin9 this case.

7           Now, while we're discussing legal principles, I  
8 would like to -- the Judge will also tell you -- and since we  
9 have discussed some of th( defense witnesses -- the Judge will  
10 tell you that you as jurors are the sole and excluslve judges  
11 of the credibility of the witnesses. And in deciding -- that's  
12 the credibility, believability of the witnesses. And, in  
13 determining the credibility of a witness, you may consider  
14 anything which tends in reason to prove or disprove the  
15 truthfulness of his testimony, in reason, his conduct, attitude  
16 and manner while testifying, whether

17           Now listen to this one -- whether the facts  
18 testified to by him are inherently believable or unbelievable,  
19 and so on.

20           Then: Whether or not there was any bias, interest  
21 or other motive for him not to tell the truth; bias, interest  
22 or motive.

23           Now, let's look at we discussed a couple of the  
24 defense witnesses. Every one of these defense witnesses were  
25 here. They either knew the defendant or they're here because,  
26 as admitted by Reverend Conn finally, they do not want to see  
27 her found guilty. That is why they are here. They have a  
28 bias, interest and motive to get on the stand and testify in

her favor.. On the otherhand, we have the police officers who testified. Now, Officer Kimberlin was on the force for almost 11 years; and Sergeant Alcantara 13 years. I don't recall what the number of years was for the other officers. What bias, motive or interest could those officers have for not coming here and telling -- taking an oath to tell the truth under penalty of perjury and not tell you just exactly what they saw and exactly what happened?

I am reminded of a -- in the downtown courthouse in Los Angeles -- in this particular inscription on credibility of witnesses, I'm reminded of a statue that is outside of that courthouse depicting justice, the symbol of justice.

Now, justice is usually depicted as being blindfolded, with the scales, carrying the scales and the sword.

It's very interesting, ladies and gentlemen, that that statue of justice has no blindfold\* And I have often thought that the reason that that statue of justice has no blindfold is because you as jurors and symbols of justice also, in addition to being reasonable people -- you are symbols of justice without a blindfold because you are supposed to look here and look at those witnesses on the witness stand, as jurors, and decide, as symbols of justice without a blindfold, who is telling what is inherently believable

And I again submit to you that, after you look and examine all this evidence, and so on -- that it is more than inherently believable that this is a business. And you will have this to take in and examine.

1           Now, let's take a quick look at what the defense is  
2 going to raise. Is this a religion? I might remind you, we  
3 saw no document, nothing in writing of any kind whatsoever, to  
4 support the contention that this is a religion. But I would  
5 like to forewarn you, first of all, that this is not the issue  
6 in the case. It is an attempt by the defendant to perhaps  
7 throw a lot of stuff in that caldron to muddy up the waters.  
8 But this is not the issue in the case.

9           And, although it's very interesting, though the  
10 defendant would like to think that she is on trial for her  
11 religious beliefs -- I don't care if she believes that there  
12 are powers in that board over there or that clock. She's not  
13 being tried for her religious beliefs, ladies and gentlemen.  
14 She is being tried for fortune telling in a business context.

15           I don't believe what she believes in, and neither  
16 should you. That's her own business. The fortune telling is  
17 when -- in a business context is when -- as I tried to tell  
18 you, the danger is in the face-to-face confrontation, and the  
19 danger to the public. That is why it's regulated.

20           When she steps out of her role in her own beliefs,  
21 then what she believes in, and starts doing things which affect  
22 other people, members of the general public who may fall prey  
23 to her, that is what is in the Municipal Code Ordinance that  
24 she's charged with; fortune telling in a business context.  
25 ) She is not on trial as a witch.       Okay.

26           Now, I would like to add, and the Judge will tell  
27 you, and you might listen to his instruction on this point,  
28 **that** -- let's say you -- well, first of all, **let's** take a quick

1 look at her religion. And, as reasonable people, let's look at  
2 it that way, and a quick look, because we really di.dn'tget a  
3 full look, because a lot of it-- the rites are secret, and  
4 they weren't brought here. They're secret. Okay.

5 Now, is the dancing around a caldron on a mountain  
6 top at the full moon, healing the sick, predicting the future--  
7 we heard witch Allison Harlow say, bringing back the dead  
8 spirit, someone's spirit in a dog or something hearing a  
9 goddess speak to you, magnetic tides with the moon, and potions  
10 with power, potions with real power.

11 Now, the defendant herself -- there was some  
12 confusion as to what these ten powers were, which ones related  
13 to witches, just pl-ain witches, which ones related to goddesses,  
14 But, if you note, not only was there not any documentary  
15 evidence but there was not one witness who testified, who came  
16 in here and testified on that witness stand, that **they** had  
17 seen the defendant in action. Not one witness came in and said  
18 they had seen her practicing any of her religious rites.  
19 A total absence of that testimony. The only thing we had was  
20 Allison Harlow saying she wrote one letter to her, and she  
21 knew immediately she was a witch.

22 Now, there is a principle in- law, and it's fol.lowed  
23 by the courts and it's a long line of principles, and you'll  
24 be able to see the reason -- you cannot use the cloak of  
25 religious authority or religion to do an illegal act. You  
26 cannot say, this is a part of my religion and therefore I can  
27 **break the law.**

28 Let's look, for instance, at the Aztec religion.

1 'They believed in human sacrifice.. 'That's against the law.

2 Now, you can't -- that's one example.

3 Adolph Hitler is another example, who used -- that's  
4 ,the reason you cannot use the cloak of religion -- and the  
5 Judge will tell you -- to do an illegal act. In this case,  
6 it's fortune telling in a business context. And that is  
7 illegal. And you can't base your defense on the fact that it  
8 is part of your religion, because you cannot use the cloak of  
9 religion to do an illegal act, period.

10 And, ladies and gentlemen, the Judge will tell you  
11 that. And you have promised -- all of you have promlaed to  
12 follow the law. And that is the lawo

13 Fortune telling in a **business** context is against the  
14 **law**. If you -- now, it• s **goi.ng** to be argued, **this** reli.gion.  
15 I m:i.ght, in this regard -- the defendant -- the defendant's  
16 own witness, that Ms. Sherna Gluck -- she did not believe that  
17 the defendant had supernatural powers. She does not believe in  
18 witchcraft and does not believe that potions have any power.  
19 Now, she doesn't -- and I submit to you, ladies and gentlemen,  
20 as reasonable men and women and as symbols of justice, if their  
21 own witness doesn't believe that it's a religion, should you?

22 But, nevertheless, she can have -- don't forget  
23 this. She can have any religious beliefs that she wants. She  
24 can think that.she has two heads or whatever. I mean she can  
25 think anything she wants. 'I'hat's her own personal beliefs.  
26 We don't care about that. But she cannot use her own personal  
27 beliefs to violate the law.

28 **Fortune telling is a business. And it's assimple**

1 as that.

2 And, ladies and gentlemen of the jury, she was  
3 **fortune telling. Shewas-- in a business context.** And she  
4 is guilty of violating the Municipal Code Ordinance.

5 THE COURT: Thank you, Mrs. Stein.

6 Ms. Buckley?

7 MS. BUCKLEY: Your Honor, ladies and gentlemen, I feel  
8 like a female Hercules getting ready to clean the Augean  
9 stables. Fortunately or unfortunately, the tools that I have  
10 to use are the witnesses and you.

( 11 You are the magic that is going to clean the Augean  
12 stables that this trial has turned into. And, although  
13 **Mrs. Salem has said that this is not a witch trial, that this**  
14 **is not a trial of the defendant's beliefs, that has been all**  
15 **it is. That has been all it is.**

16 And one of the first things I want to say -- because  
17 it really has disturbed me, and I keep telling myself I  
18 shouldn't allow it to. But I sat through three days of it,  
19 and I have become a little disturbed by the testimony of the  
20 City Attorney in connection with the witnesses.

21 Now, she says my client testified that all of the  
22 functions and rituals took place on the mountain. And, when  
23 that question was asked, I very quickly made a note to make  
24 sure that on redirect I pointed it out and got my client to  
25 testify as she really believes. Because she's not a Princeton  
26 lawyer. She didn't hear the City Attorney say, all your  
27 functions are done up there. She wasn't listening to every  
28 word.

1                   Obvlously , her most important ri.tuals, those rituah1  
 2   **which she says re--power her, those things are done on the**  
 3   mountain. But she testified that there are other parts to her  
 4   **religion. There are other functions; hElr counseling. Her**  
 5   counseling which she does by means of tarot cards is obviously  
 6                   on  
 7   not done/a mountain top. She testified they•re done in people's  
 8   homes; they're done in the Wicca; they are done where people  
 9   **are.**

9                   And she sees that as counseling.. In fact, her  
 10   **testimony, when the City Attorney asked her, "Well, how come**  
 11   **you didn•t know she was"** -- you know -- "a. police officer, and  
 12   refused to read her cards?" And she said, because her religi01  
 13   requires her to answer every request.

14                   And I must say I think that the officers in this  
 15   case testified honestly, because when Shelley was asked, did  
 16   she request you to get your cards read or did you ask her, he  
 17   was honest and said, "We talked about the tarot, and I asked  
 18   her for a reading." And, although she doesn't really like to  
 19   read for men, as she said on the stand, she did it because her  
 20   religion requires her to.

21                   Now, I had a lot of problems -- I had a lot of  
 22   problems about the length and sqope of the questions on  
 23   religi.on, because in the United States of America the  
 24   Constitution protects our rights to religious activities.  
 25   And it doesn't make any difference whether you believe in  
 26   witchcraft, and it doesn't make any difference whether  
 27   Sherna Gluck believes in witchcraft; because one of the tllings  
 28   sho pointed out on that stand to you was that, even though she

1 doesn't believe in it, she understood Z Budapest's right to  
2 believe and practice what her faith and her beliefs tell her  
3 are her true religion.

4 rt doesn't matter whether you believe in witchcraft\$  
5 It doesn't matter whether you believe in spiritualism. It  
6 doesn't matter whether you believe in the Pentacostal. It  
7 doesn't matter whether you believe in the Catholic religion,  
8 because Sherna Gluck also said! if you will remember, that she  
9 didn't believe in Catholicism or Protestantism OR Judaism.

10 Does that mean they don't exist? Does that mean  
11 other people don't have the right to believe in them? Of  
12 course not. That's one of our finest traditions.

13 And, while I had some very deep qualms -- and  
14 perhaps with another def ndant I would never have permitted it.  
15 I would have been screaming all over the courtroom.

16 In this case, Z was willing to share with you her  
17 religious beliefs, not so you could judge them as to whether  
18 t.Hey're rational or reasonable or any of that kind of thing  
19 but so that you could understand a little bit about where she  
20 was coming from and why, she believes this -- in this religion  
21 with such ardor and such faith.

22 And the whole magic that you will bring to this  
23 trial, and help to clear away all this manure that's been piled  
24 up, is that you are going to be able to cut through to the  
25 issues. And there's one issue here.

26 The Los Angeles Municipal Code makes fortune telling  
27 a crime, fortune telling, not the sellng of potions, not the  
28 selling of candles, not the selling of occult books, which,

1 incidentally, those lovely officers who had all that film  
2 somehow forgot to take picture of

3 They could take double pictures of some very  
4 peculiar shelves with

5 MRS STEIN: Excuse me, your Honor. Counsel is  
6 misstating the evidence. The evidence was that these were  
7 blown up at a later time.

8 THE COURT: Objection's overruled. Ms. Buckley's  
9 statement is -- you may proceed, Ms. Buckley.

10 MS. BUCKLEY: Thank you.

11 I don't know where to start in this thing. Maybe I  
12 should start with the fact that we do not deny any of the  
13 evidence about the reading of the tarot cards. We deny that  
14 we are involved in fortune telling as it is defined for you.  
15 And we also say that, even if you come to the conclusion that  
16 what she is doing is fortune telling -- that she has a defense  
17 provided for her by the same Municipal Code, because otherwise  
18 it would be totally unconstitutional. And that provision is  
19 that there is an exemption for fortune telling. There is an  
20 exemption for fortune telling for bona fide religions.

21 Now, bona fide religions do not mean established  
22 religions. In fact, just recently in San Francisco a Court  
23 recognized a Satanic church --

24 MRS. STEIN: Your Honor, I would object to that --

25 MS. BUCKLEY: Your Honor,

26 THE COURT: Just a minute. Let her finish.

27 MRS. STEIN: -- as improper argument, arguing some case  
28 that was decided. It's not applicable to --

1 THE COURT: This is merely argument. And there may have  
2 been argument on the other side which is outside the record.

3 Ladies and gentlemen, as I stated previously,  
4 argument is not evidence. It's merely the statements of the  
5 attorneys. Argument is the argument of the attorneys as to  
6 what they believe the evidence shows, the inferences that can  
7 be drawn from the evidence. And they are telling what they  
8 believe the evidence shows. But it is not evidence. And, if  
9 something is said about something that didn't occur in this  
10 courtroom, it's not to be considered -- it's merely as  
11 argument, as -- to be analogized or presented in view of the  
12 testimony you have heard. The only thing you consider in the  
13 jury room is the testimony from this witness stand and the  
14 instructions given you by the Court.

15 You may proceed, Ms. Buckley.

16 MS. BUCKLEY: Thank you, your Honor.

17 I'm glad for the interruption for one reason.

18 I meant to discuss one other thing which struck a note, a sour  
19 note, with me, and that is the discussion that the City  
20 Attorney has made with the use of "customer". And, as the  
21 Judge will instruct you, what I remember or what the City  
22 Attorney remembers is not important. What you remember as to  
23 the testimony is what is important. And I trust that your  
24 memory will be the same as mine on this, because it is my  
25, memory that the word "customer" was first used by the City  
26 Attorney, not by the witness, and that the witness responded  
27 to that term.

28 Now, there's also another kind of thing to this word

1 "customer", and it goes back to the point I was trying to make  
2 before I was so rudely interrupted, and that was that Z  
3 Budapest is not on trial for running a bookstore, a candle shop  
4 a potion shop. There is nothing in the law that makes any of  
5 those things illegal. And she is not charged with that. She  
6 is charged with having read the tarot cards, which, in the fine  
7 opinion of the expert witness Alcantara, is in fact fortune  
8 telling. But also he has said is fortune telling is the  
9 reading and predicting of future events, not conduct. And he  
10 said there was a case that said that.

11 Well, let me ask you to really search, into yourself;  
12 and ask how often it is if you say If I  
13 say, you're going to brush your teeth tomorrow morning, is that  
14 an event or is it conduct?

15 If I say, because you tell me you're thinking of  
16 going out of State to Florida -- and I say, "Oh, you'll go out  
17 of State to Florida," and I say that because I've maybe looked  
18 at these cards -- because I've looked at a card, the Knight of  
19 Wands, which, in my expertise, in my experience and learning  
20 and dealing with the tarot cards -- because my experience tells  
21 me that card means that kind of thing, plus I have picked up  
22 from you in whatever way -- in whatever way, I have picked up  
23 from you some kind of emanations that tell me you are in fact  
24 going to make that trip -- you are the one that raised the  
25 question about it; you're the one that asked if I was going to,  
26 go to Florida, so obviously it's something you're concerned  
27 with. And somehow I pick up from you, not directly said, "Do  
28 you want to go?", but because, as one of the witnesses --

1 I believe it was Reverend Conn -- said that his experience  
 2 was **that this kind of thing was learning from .:indirect**  
 3 knowledge, not something directly through the senses, bu.t  
 4 something throu rh intuition or some otJler means which you have  
 5 picked up; so you go ahead and you say it.

6 But is that conduct or is it an event? I mean, I  
 7 tJlink **that's a ridiculous kind of distinction.** And, you know==  
 8 and I really think that maybe one day they' ll come up with some  
 9 kind of good distinction.

10 But right now I think that that one is meaningless..  
 11 If you examine the words, it's meaningless. But, secondly,  
 12 **the tarot cards we have had evidence from have a long tradition..**

13 Now, we had an expert on fortune telling by the  
 14 name of Sergeant Alcantara. But what kind of an expert was he?  
 15 Because, you see, the point of whether or not he's an expert  
 16 and whether you have to listen to his expert opinions is a  
 17 question of fact. And the Judge will tell you, give you an  
 18 instruction, about expert witnesses.

19 And **two** things happen. First of all, it's up to  
 20 you to decide whether he really is an expert. And, secondly,  
 21 even if he is an expert, **then** you have a right to decide  
 22 whether the hypotheti.cal question which he was asked, which  
 23 theoretically is based on the evidence in this case  
 24 whether in fact they proved all of those elements.

25 If they didn't, you can forget what his opinion was.

26 Now, **let's talk about this expert.** I think that  
 27 Sergeant Alcantara is an expert. I think he's a bunco expert\$  
 28 I think he is an expert at arresting people who are

1 fraudulently taking money from other people., And I will  
 2 agree -- I will agree, and I'm sure my client will agree, that,  
 3 for those people who go out and bilk people of their money and  
 4 obtain great sums or talk them into not going to doctors and  
 5 instead coming and taking your good-tasting or evil potions,  
 6 whichever they are -- that those kinds of people should in fact  
 7 be prosecuted.

8 But where's the evidence that my client ever  
 9 defrauded anybody?

10 Officer Kin erlin asked for a reading. She crone in.  
 11 She was not asked if she had \$10.00 before her cards were read.  
 12 She said her cards were read. After it was read, she said,  
 13 "What do I -- " and Z said, "\$10.00." There was no indication  
 14 that, if she had not paid that \$10.00 -- that Z would have  
 15 chased her down the street. Maybe she would have sicced her  
 16 familiar German Shepherd on her. There was no evidence that  
 17 her cards would not be read if she did not have the money.  
 18 She walked in and she had her cards read.

19 Officer Shelley requested a reading. There has been  
 20 no evidence that t...t...be on:l 'p...eople who complained about  
 21 Z Budapest is ad)anonymous pho a jcall and two officers.

22 Where is the poor little old widow whose life  
 23 savings had been bilked from her by Z Budapest? Where is the  
 24 man dying of cancer who has been kept from medical care because  
 25 he came to Z Budapest, who, on the stand, although she said she  
 26 was proud of her witches who were able to heal -- that they  
 27 only practiced on :me another, and that, if somebody came in to  
 28 her that she thought was ill, she'd send them off to a doctor.

1 Does this sound like the kind of fraud that  
2 Alcantara's talking about? There's been no frimd heree In  
3 fact, I tell you, really, one of the things that disturbs me no  
4 end as a tax payer is what we're doing, you know: spending the  
5 tax payer's money and taking all of this time and all of the  
6 time of the court at a time when the courts are so jammed up,  
7 and three officers sat here for three days, you know, when we  
8 got crime running rampant on the streets.

9 And here we are **with** a woman that -- the only people  
10 who are testifying against her are officers, one of whom had  
11 nothing to do with her. Alcantara never had anything to do  
12 with this. He came in as an expert witness. He's an expert  
13 witness on fortune telling who took one class at U.CeL.A.. on  
14 gypsies, at which time there was a portion devoted to card  
15 reading **by** gypsies.

16 Yet my -- there was an attempt to get some  
17 information out about the difference between gypsy fortune  
18 telling and other fortune telling, and we weren't able to get  
19 that in.

20 But Sherna Gluck, who has -- no. Exc'use me --  
21 Barbara Chessser, the anthropologist, who has a background in  
22 both physical anthropolgy, which is a physical science, and  
23 cultural anthropology., which is a social science -- she  
24 testified t.tt-iat the fortune telling as done **by** the witches is an  
25 integral part of their religion. It's part of their divination,  
26 It is a religion that does not just prophesy in great terms, as  
27 in the Judaic and Christian religions some of the great  
28 prophets did, but it comes down to the ordinary parishioner.

1           They participate closely in their religion. And,  
2 as such, they do divination.

3           N N, let me also remind you that, in the Book of  
4 St Matthew and Mark in the Christian religion, which is the  
5 Bible of the Christian religion, Jesus also prophesied on an  
6 ordinary level about individual people who came to him. And He  
7 healed. And it's part of the Christian religion to have  
8 healing.

9           Witchcraft is not unusual in that. I mean, you've  
10 all       what about Kathryn Kuhlman who is on T V.?

11           MRS. STEIN: Your Honor, I object. to Counsel's arguing  
12 outside the evidence now. It was excluded from --

13           THE COURT: From what?

14           MRS. STEIN: I believe the Court ruled about Jesus  
15 Christ, and so on, and that evidence was not --

16           THE COURT: I believe Ms•.Buckley even inquired into that  
17 after you cross examined one of the defense witnesses.

18           But, again, ladies and gentlemen, argument is merely  
19 argument. It's not testimony. Kathryn Kuhlman is not the  
20 issue in this case. Any of the arguments made of the Aztec  
21 indians are not the issue in this case. The issue is the  
22 testimony you heard and the instructions that you will hear  
23 given you by the Court. And that is all you are to consider.  
24 Argument is merely argument.

25           You may continue, Ms. Buckley.

26           MS. BUCKLEY: Thank you.

27           All right. Yes, Aztec ,\_ndians. Let's get on to  
28 another -- I really want to make this short. I really want to

1 make this short., But I al.so feel that I have to discuss some  
 2 of this with you because t;.b!\_s\_ia an issue th9't; j,s much greater  
 3 than lny client. This is a whole question of whethe:t· people  
 4 are allowed to practice their religion when it doesn't fall  
 5 \_w.i-thi-n--1::he\_!!ormati ve kinds of standa::ds31-.bi\_gh see. And- .  
 6 that's what I'm going to talk to you about right now, because  
 7 she talked to you about the Aztec Indians. And it's true, in  
 8 itself, if an Aztec Indian or a descendant of an Aztec Indian  
 9 wanted to have a sacrifice to the Gods and wanted to chop off  
 10 somebody's head, that would be unconstitutional -- that would  
 11 be a crime.

12 Excuse me. It wouldn't be that it's  
 13 unconstitutional. It would not be ruled unconstitutional if  
 14 you stopped him or if you tried him for murder.

15 But, if an American Indian or a believer in the  
 16 native church uses peyote in their religio'll.s activities, that's  
 17 against the law. That's against the law. You're not allowed  
 18 to get high and do these kinds.-of\_things. But an American  
 19 I\_n\_d\_i\_a\_n, Irlayuse.peyote and c::arino't be prosecuted for it.

20 And in Wisconsin it's required that all children  
 21 go to school until they're 16, except that the old-order Amish  
 22 do not have to send their chil\_dren to school because their  
 23 religion requires them to be home tilling the fields and  
 24 studying non-secular things between the ages of 12 and 16.

25 Now, that's against the law, to keep your kids home  
 26 when they're under 16. But if you're Amish and it's a part of  
 27 your religion, even though it's not a part of an established  
 28 religion as we know the tenn, it is permissible. And,

1 likewise, tarot card reading -- and you heard our witnesses,  
 2 **about the long history and the basis of the tarot cards --**  
 3 the tarot cards are not just fortune telling cards. 'l.hey are  
 4 based on a long history. The cabala, which was the ancient  
 5 Jewish Book Of Ageless Wisdom, the secrets, the secrets that  
 6 not everybody could know -- and they a.re put into **cards**. And  
 7 **not** everybody can know what those cards mean. Some of us are  
 8 called upon to be able to do one thing; others another.

9 I couldn't possibly pull a car engine apart and put  
 10 it back together again; but I, on the other hand -- I'm not  
 11 sure a mechanic could do these kinds of things I do.

12 I **couldn't play** a violin. But does **t. a. t** mean that  
 13 a person who does have that ability shouldn't be allowed to use  
 14 it 'cause I can't?

15 And, particularly,.when we get to religious  
 16 practices, **healing** is done by so many groups. Why pick on the  
 17 witches? Because you don't **like** the words? Because the term  
 18 immediately brings to mind a hag with a pointed hat, and  
 19 they're all crouching around. You remember Shakespeare's  
 20 three hags around the caldron?

21 She doesn't look much like a hag. But it's part of  
 22 our tradition to see the old witches. And now we're being  
 23 forced to take a look at them through different eyes, begin to  
 24 understand that there is a difference. Okay.

25 Now, we gotta get to the problem of: Is she  
 26 conducting a business? I will say she is conducting a businessE  
 27 6f selling candles. I will admit she is conducting a business  
 28 in a partnership of selling books on the occult and on the

1 mysteries, some of which she believes in, some of which she  
2 doesn't. I will admit that she is selling some  
3 beautiful-smelling potions. And, I think, when you get in the  
4 jury room, one of the first things you will want to do is take  
5 a whiff of all of these potions. Take a whiff of the Van Van  
6 which is based on the lemon verbena and is used to purify your  
7 hands before you touch the sacred cards.

8 And, incidentally, I am distressed that the police  
9 could take the tools of my client's religion, her cards, which  
10 she even required the officer to wipe -- you know, to put  
11 special oils on her hands before she was allowed to touch them.  
12 And they pasted them up to make an exhibit. I'm offended.  
13 I'm offended.

14 Now, -- but I will not -- I will not agree that the  
15 evidence shows that she is in the business of fortune telling  
16 or of tarot card reading. She has testified that the tarot  
17 card reading is a part and parcel of her religious function of  
18 counseling people who come and ask her. The tarot card  
19 readings, She says, are readings of the past, the present and  
20 the future; and the present very largely because it looms very  
21 largely in all of us. And she said different spreads will have  
22 different kinds of interpretations.

23 If you're more worried about, you know, moving out  
24 of the State, maybe your cards will be affected, so more of  
25 them come up relating to the future. If you're more worried  
26 about your present -- or it may be that she picks up from the  
27 people who are with them what it is they're worried about.  
28 Okay.

1           Now, let's get to the question of the fact that she  
 2 doesn't have a license. She is not a psychiatrist. She is not  
 3 a marriage counselor. She is not a psychologist, nor is  
 4 Reverend Conn, nor is necessarily any minister. And yet any  
 5 minister or any Rabbi has the right to counsel their  
 6 parishbners; and the State cannot require licenses of any  
 7 minister, Rabbi, priest or any "Accredited representative of a  
 8 religion."

9           A high priestess cannot be required to go down to  
 10 City Hall and apply for a license to talk to her parishioners.  
 11 The State cannot do that. And, as to the fees, Jim Conn who is  
 12 a reverend in the Methodist Church, spoke truly, and, I'm sure  
 13 in your own experience, what he talked about rang a bell.  
 14 In poor parishes, particularly where the minister or the priest  
 15 may have his living provided for him out of what the -- what  
 16 is brought in in donations -- they will sometimes be able to  
 17 get the little extra in life by virtue of doing weddings, for  
 18 which a charge is always made. And he's not in the business of  
 19 doing     no matter what was asked to him: on cross examination,  
 20 he's not in the business of doing marriages outside of his,  
 21 you know, profession as a minister. And even to suggest that  
 22 gives me a pain. I hope you all felt the same way. If not,  
 23 ignore me.

24           **All** that **Z** is doing in the way of her tarot card  
 25 reading is to perform her function, to obtain an offering or  
 26 fee OR charge for it. But she testified that, if the person  
 27 didn't have anything -- that her religion requires her to  
 28 obtain an exchange. And in most religions we have the idea of

"

1 tithing, you know, the ten percent -- you know, when Jim Conn  
2 mentioned that he got ten percent of the Witchy Dance, I sort  
3 of thought -- you know, it sort of had a slight meaning,  
4 because the Church always asks for ten percent. That's  
5 tithing. That's the way you give honor to your God or goddess,  
6 as the case may be, and you may get an offering or a -- you  
7 know. And, just as a priest would not refuse to give you holy  
8 communion just because you hadn't put money in the bucket this  
9 time, so Z has said she wouldn't refuse to read tarot cards if  
10 they had no money. She has also said she read for a kiss, a  
11 rose or a hug if the person could not afford the money. She  
12 has read for a quarter, if that was what they had. And the  
13 idea is that, when you are pursuing a gift which the goddess  
14 has given you, then somehow you must show some honor to that  
15 goddess. You don't just take the gifts and use them in a  
16 vulgar way. And some of the writers who were mentioned, and  
17 whom Sergeant Alcantara had never read, make that point very  
18 eloquently; that those who misuse the powers which are given  
19 to them Edgar Cayce who once tried to use his powers, his  
20 ability to give consultations while he was asleep and his  
21 spirit was out -- and one time he tried to use that for money  
22 and he lost his powers for a whole year, because he misused  
23 them.

24 This is again a tradition in all of the religions.-  
25 SO that, when the City Attorney tries to say these are  
26 unusual kinds of things and this makes it, you know it's  
27 not. It's to be found in the religious traditions, as our  
28 anthropologist said.

1           Now, another point was made, that nobody has ever  
2 seen Z -- nobody of the people who crone on the stand ever saw  
3 Z performing. We prepared this case hoping that it would be  
4 very short. But we felt: we had to get certain things to you  
5 so we brought you important people. We brought you an  
6 anthropologist who could tell you of the long history of  
7 witchcraft so that you would understand that it is a bona fide  
8 -- it's not something that people run around on Halloween and  
9 play games with. But it's a serious bel.i.ef and has been held  
10 down through the centuries for thousands and thousands of years

11           An interesting thing happened with Barbara.  
12 Barbara was asked if she was a witch, and her answer was  
13 equivocal. She really was equivocal. And there's a question,  
14 why would somebody be equivocal. And I suggest to you that I  
15 think I understood part of what was,going on within Barbara  
16 Chessser, and I think maybe you do, too.

17           First of all, the term "witch" today *is* not accepted  
18 so that for a woman who is teaching at a university, to  
19 publicly acclaim that she is a witch is a different kind of  
20 thing. And, in fact, Allison Harlow pointed out to you that  
21 she was coming out of her closet, so to speak, for the first  
22 time, because she felt the issues here were so important: that  
23 her job was very important; and that the problem that happened  
24 was that she felt, if she were known as a witch, it might  
25 affect that position she has at the Stanford School Of Medicine  
26 But she felt it was important enough to come out.

27           Now, Barbara Chessser, on the other hand, is a woman  
28 who probably hasn't gone into it yet. Now, she said she had

1     **second sight. But second sight is what we're** "- the  
 2     parapsychologists, according to Dr. George Peters, are today  
 3     studying -- that's part of ESP, extrasensory perception. That's  
 4     part of ~~tern~~ things that normal people have but perhaps in less  
 5     **degree then the so-called abnormal people, people such as t11e**  
 6     witches, the clairvoyants, **people** like Peter Hurkos --

7             THE COURT: There will please be silence in the audience  
 8     during arguments so that **both** sides may be heard.

9             You may continue, Ms. Buckley.

10            MS. BUCKLEY:     just as, you know, Peter Hurkos, if he  
 11     came to California, to Los **Angeles**, to help the Los Angeles  
 12     Police Department, would **immediately** be **prosecuted** under the  
 13     statute or the Municipal Code that Zin being charged with.  
 14     And he couldn't get over, you know, **why**, because his beliefs  
 15     are not religious. He understands that his powers in locating  
 16     dead people, and particularly people who have been the victim  
 17     of horrible crimes, murders, is an extrasensory perception  
 18     **talent** and not -- to him it's not a religious talent. So he'd  
 19     be found **guilty** the minute he walked into Los **Angeles** to help  
 20     with an unsolved murder.

21            Z, at least     now, that's the question. You saw **Z**  
 22     on that stand. Nobody has **seen** her perform that was on that  
 23     **stand** -- I was going through that -- I'm sorry.

24            The point I was making is, we had an **anthropologist**  
 25'     to let you know what the **history** was, and **that** was what she  
 26     was designed for, and that's what I think she pointed out to  
 27     **you.** She was vecy capable. That's her field. And she had  
 28     **questions about whether or not she belonged wit.'l-ii.n that**

1 particular category. But the knowledg<:1 which she gave to you  
2 has in no way been disturbed. It's good knowledge, comes from  
3 her expertise. It doesn't matter whether she's a witch or not,  
4 because as an anthropologist you learn certain things.

5 The second woman was a high priestess who also was a  
6 mathematician and computer analyst. And she cai"ne in because /  
7 she discovered the depth of Z's Z Budapest's religious  
8 theology and background through a series of letters over a  
9 year. Now, she said she got the feeling after reading her  
10 first letter, but she pointed out to you that she had had at  
11 least 10 to 15 letters, exchanges of correspondence, in which  
12 they discussed their theology, and that and it must have  
13 been questioned because she was willing to come out in the open  
14 and expose herself as a witch to help defend Z Budapest in this  
15 court. So she obviously believes in the reality of Z's  
16 religion and Z's practice of it.

17 The third witness, Sherna Gluck, was a woman who's  
18 involved in research and who has been in the women's movement  
19 and has seen Z'.Budapest over a period of three years lecturing  
20 and as an expert in tarot card readings and as a high  
21 priestess. And her testimony was designed to let you know that  
22 Z's reputation in the community as a witch goes beyond just  
23 the people in her own coveni that, in other words, she does  
24 have a reputation in the whole community, the larger community,  
25 the women's community, primarily; that she has seen her  
26 lecturing in universities.

27 Again, it goes to the bona fides of what she is, the  
28 reality of her religion and her beliefs.

1 Doctor Peters was an unexpected witness, and he was  
 2 brought on because he has a doctorate in psychology and because  
 3 he has a degree in divinity which he earned after four years at  
 4 a school in -- a Methodist School Of Religion in Chicago.

5 Despite everything that the City Attorney tells you  
 6 about that honorary degree,, let me remind you that his  
 7 testimony was that, after he received his Bachelor in the  
 8 divinity, he then worked with the Greater Chicago Ministers  
 9 Board, and, as a result of his work, he was awarded an  
 10 **honorary doctorate**, and that he **then** went to the University of  
 11 Toronto where he did a thing which perhaps is unknown to the  
 12 City Attorney's office but certainly is known to many of us who  
 13 have youngsters in college, the experimental college where,  
 14 instead of going in and going to classes, you actually  
 15 participate and then you go to lectures. And he testified that  
 16 he developed a program he earned his doctorate **by** developing  
 17 a program that was set up in 552 institutions across Canada and  
 18 the United States.

19 Now, that's not a phony doctorate, **by** any means.

20 And his research and programs depended upon  
 21 measuring endocrinology in people.

22 Now, I don't want to go into any of that except to  
 23 say the reason we put him on was to point out to you **that** the  
 24 kinds of powers which Z believes she has are the kinds of **things**  
 25 that are being investigated in this new field of  
 26 parapsychology. And Doctor Peters has his doctorate in  
 27 psychology, and he is in fact, as he said to you, going to be a  
 28 guest lecturer on extrasensory perception at a conference this

1 summer in which the United States, Russia and China will  
2 participa.te.

3 Now, he didn't say that the findings showed that  
4 these things -- he said he only looked at one tarot card  
5 reader, and that was part of a broader program involving  
6 astrologists. And, since we don't have an astrologer here, /  
7 we don't have any of the evidence about that, so you can't  
8 speculate on it.

9 But what you can get from his testimony is that, in  
10 fact, these are the things being investigated by  
11 parapsychologists today. And parapsychologists are just those  
12 psychologists who are willing to get up and say that those  
13 things which have been pooh-poohed for many centuries by  
14 scientific people -- we are now beginning to understand that  
15 there might be something to them, and especially when the  
16 Russians are doing experiments of telepathy between their  
17 cosmonauts and the ground which is going to be faster than  
18 electricity or whatever else we use to, you know, communicate  
19 with our space ships.

20 Then it's about time our psychologists begin to take  
21 a look at whether or not that's possible, because we don't  
22 want to be left behind in the space race, right?

23 So that's what he was put on for. And he didn't  
24 know Z. And he doesn't have to know her; and he's not here  
25 to see that she gets off. He's here because he's got his axe  
26 to grind which is the whole idea of parapsychology and the  
27 validity of the studies that are being done now. And that's  
28 all we put him on for.

1 Reverend Conn was a clergy person who testified that  
2 he knEM and recognized Z Budapest as a clergy person.

3 Now, he never saw her perform a rite, but, as he  
4 **said, he doesn't have to see a minister or a priest do a**  
5 ceremony, either, or a ritual either. He doesn't have to see  
6 a priest perform a mass in order to know that that is a priest. ;  
7 **He can talk a.bout theology, do all sorts of th:i.ngs, but it**  
8 doesn't take -- he doesn't say to a priP.st, "Let me see your  
9 certificate." And he recognizes her as a clergy person, a  
10 **woman whose beliefs are different than his own but whose**  
11 beliefs he recognizes just as he does that of a Catholic or a  
12 Jew or a Mohammedan or a Buddhist.

13 And then we had Z Budapest. And I -- there's  
14 nothing I can do to convince you, I think, that Z Budapest told  
15 you **where she was and what she believes in.** And I'll; don't  
16 believe, although I may be wrong -- but I don't knO"w' how  
17 anybody could watch her on that stand, go th.rough the kinds of  
18 cross-examination that she did, and not come away believing  
19 **that this is a woman who believes very deeply in her religion**  
20 and in the practice of her religion.

21 Now, if you'll excuse me just half a minute, I --  
22 **I'm try to keep this short, but I** also v. ant to make sure I  
23 don't lose something that makes you go hack in and say, well,  
24 she didn't talk about that.

25 The City Attorney has said my client. has no  
26 credentials. And one of the problems with the section of the  
27 Code is that it does talk about credentials. And to, perhaps,  
28 some people that might mean if my client doesn't have a piece

1 of paper then that means she isn't bona fide But, if her  
2 religion, as she testified, doe m•t give pieces of paper, can  
3 the State require them? I don't think that they can.

4 And what the Judge will instruct you is that an  
5 accredited representative of a religion is defined as a person  
6 who has been acknowledged by the constituency of that religion.  
7 Whether the defendant .i.s in fact an accredited representative  
8 is -- of a religion is for your determination. And I suggest  
9 to you that whether she has that piece of paper or not is not  
10 the important thing. The important thing is whether she is  
11 recognized in her community and the broader community as a  
12 high priestess.. And I submit to you that all the evidence  
13 shows that that is how she is seen.

14 Furthermore, there has been some statement about,  
15 there is nothing in writing about this religion called  
16 witchcraft, thereby, to my way of thinking, immediately putting  
17 witchcraft back on trial, but be that as it may.

18 I draw your attention to our Exhibit C. This is a  
19 magazine of the Nemeton organization which is a national  
20 organization of pagan and earth religions. And in it there  
21 are descriptions of and articles about the theology of  
22 witchcraft and other pagan religions.

23 I think I'll do just one more thing that's  
24 important, and that's Z's comment about "I'm glad you're  
25 doing this. You're going to make me famous and rich."

26 There is nothing that says that ministers and  
27 religious people cannot be rich. In fact, if you'll remember  
28 Dr. Peters' testimony as to various religious leaders who are

1 seen as religious leaders, there are many who became very rich.  
 2 In fact, who is the -- Maharishi Ji, the 15-year-old wonder  
 3 who, for two years, graced the front pages of our newspapers  
 4 but whose mother has just kicked him out of the position  
 5 he, you know, just ran around collecting monies all over the  
 6 place.. And nobody ever said that that was an irreligious thing /  
 7 or that it was a business kind of thing. I don't think that  
 8 the money aspect is one that you, use to determine whether or  
 9 not this is in fact a ritual that is being performed as part  
 10 of the religion.,

11 And, secondly, I ask you to think about what that  
 12 statement means. Here are some police running in and arresting  
 13 a woman for her religious practices.

14 MRS. STEIN: Your Honor, I object to that statemente  
 15 That's not what she was arrested for.

16 THE COURT: It's merely argument, and that's what the  
 17 jury

18 That's the argument of the defense. It's up to the  
 19 trier of fact to determine --

20 MS. BUCKLEY: I'll amend that statement.

21 Here's a woman who thinks she has been arrested for  
 22 her practices of her religion. And I'm sure that one of the  
 23 things that pops through her mind is, wow, I'm going to sue the  
 24 police for this violation of my rights, or, secondly, this is  
 25 one way that people are going to be able to understand that we  
 26 really have this religion.

27 There could be all sort of reasons why she said  
 28 that, but it obviously wasn't that she meant t.l-iat: Your

1     arresting me ls part of the business I'm in. It certainly  
2     **didn't mean that; although, on the other hand, it's possible**  
3     that all of you will now go over to her shop and want to buy  
4     some of that lovely stuff, after you smell it and use it in  
5     your bath· oil.

6             The Judge is going to instruct you that, if you find  
7     that the defendant was an accredited representative, as we said  
8     a minute ago, of a bona fide religion and read the tarot cards  
9     as a part of her spiritual or religious functions and not as a  
10    business, you must find her not guilty of the charge in this  
11    case.

12            And I'd sort of like to end with a spell or prayer  
13    that Allison Harlow gave me and that I really thought I would  
14    share with you because I think it expresses what has to come  
15    out of your deliberations.

16            Let my worship be in the heart that rejoices  
17            For behold, all acts of love and pleasure  
18            are my rituals.

19            Therefore, let there be beauty and strength  
20            Honor and pride, power and compassion  
21            Mirth and reverence within you.

22            And you who think to seek for me  
23            Know that your·, seeking and yearning  
24            **will** avail you not.

25            Unless you know the mystery:  
26            That is that which you seek you find  
27            not within you  
28            You will never find it without.

1 For behold, I have been with you  
2 from the beginning.

3 And I am that which is attained at  
4 the end of desire.

5 •hank you.

6 THE COURT: Thank you, Ms. Buckley.,  
7 Mrs. Stein?

8 MRSe STEIN: Thank you, your Honor.

9 I find it very interesting and unusual but it did  
10 happen. My worthy opponent, the Defense Counsel, opened her  
11 argument with the statement "you are magic" and runplified on  
12 that later and ended her argument by reading a prayer or a  
13 spell given by Allison Harlow.

14 Now, that's never happened to me in the course of  
15 a trial. Trials are not made up of magic, or juries are not  
16 magic or spells and prayers, and so on, no matter what they  
17 would like to believe.

18 Trials are made up of evidence and law It's also  
19 very interesting that in the defense argument there wasn't one  
20 word said to rebut, the evidence that I presented to you that  
21 this was a business -- very strange -- because there isn't  
22 anything to say about it. It is a business, and you may  
23 conclude it a.s such.

24 Now, on that point, there are -- listen carefully  
25 to the instruction that the Judge gives you, because you cannot  
26 use the cloak of religious beliefs that you have -- and the  
27 whole trial was devoted to what her -- the whole argument was  
28 devoted to what her beliefs are.

1           Let me remind you again that I don't care what har  
2       belic}fs are. None of us should. She's entitled to her own  
3       beliefs., The issue here is fortune telling in a business  
4       context..

5           Now, I find it very strange, and I don't know if  
6       Defense Counsel believes it or not, but she told you that this  
7       stuff smells good. Well, she may have a different sense of  
8       smell than I do.,

9           It is not Elizabeth Arden or whatever. And it's  
10      also interesting -- magic, and ending with a prayer or spell  
11      that she says to you, the first thing you do when you go in the  
12      jury room is open this up and put it on you. I strongly advise  
13      the men not to do it. And I don't think any of the women will  
14      want to wear it either, let alone go in there and buy it.

15          But -- and, as a matter of fact, it is -- I wouldn't  
16      even suggest that you go into that store and do it, buy  
17      anything, because I'll tell you something.

18          If I did not have a police car waiting for me  
19      outside, I would have been plenty scared to do that by myself.

20          But the point I wanted to make is that -- put this  
21      on you, she said, the first thing; you're magic.

22          MS. BUCKLEY: Your Honor, I didn't want to do this but I  
23      did not say "put it on". And this is a complete example of  
24      what's been happening in this entire trial.

25      THE COURT: Objection is sustained.

26          I believe Ms., Buckley stated to open it and smell it  
27      and I believe she said the Van Van Oil would be very good to  
28      be used as a bath oil.

1 MRS. STEIN: I'm sorry, your Honor.

2 Open it up and smell it. That's the fir.st thing  
3 you were supposed to do. Maybe she really believes that this  
4 is going to bend you all her way. That's \•Thy the first thing  
5 you're supposed to do is open it up and smell it And, if  
6 that was true, you'd be out of that jury room after one whiff.

7 The evidence is gone and the law is gone, and so on  
8 and so forth. It hasn't worked so far. And it's not going  
9 to work on you. I can't believe it.

10 Counsel read you a portion of an instruction that  
11 said something about being a recognized -- being recognized by  
12 a member of her constituency. There wasn't a.ny member of her  
13 constituency that came up and testified that she was a  
14 recognized member of a constituency. But let me backtrack a  
15 little bit and tell you -- the Judge will tell you that: the  
16 People of the State Of California, who I represent, do not have  
17 to prove that she is a member of a bona fide -- representative  
18 of a bona fide church or religious organization. She has that  
19 burden of proof.

20 Has she proved that to you, lad:i.es and gentlemen,  
21 beyond a reasonable doUbt?

22 What is the reason that she has that burden of proof  
23 under the law? Well, it's on the next line in this instruction  
24 Whether or not such is the case is a matter particularly within  
25 the defendant's own knowledge. The burden is therefore upon  
26 her to prove that she is a bona fide representative and that sh,  
27 holds a certificate of credit, commission or ordination under  
28 the ecclesiastical laws of a bona fide religious organization.

1           The burden of proof is on her to prove to you beyond  
2   a .reason,ihle doubt that she is a member of a bona fide religion.

3           MS. BUCKLEY: Your Honor, may I say that I believe that  
4   she's misstating the law to the evidence? It's nota  
5   requirement of proving beyond a reasonable doubt on our defense.,  
6   It is only the State which has the burden of proving beyond a  
7   reasonable doubt that she is guilty of a crime.

8           She has the burden of proof but that's not beyond a  
9   reasonable doubt.

10          MRS. STEIN: I'll withdraw that statement, your Honor.  
11   It doesn't matter anyway.

12          THE COURT: Since it's been raised, it probably should be  
13   clarified as to what --

14          MRS. STEIN: The instruction speaks for ltself..

15          THE COURT: You may proceed.

16          MRS. STEIN: In any event, the burden is on her to prove  
17   bona fide

18          THE COURT: The jury is admonished to disregard the last  
19   statement of the attorney, as to what the burden of proof is.

20          As indicated by the defense, the burden is on the  
21   defendant to prove what you will later be instructedi but the  
22   burden is not beyond a reasonable doubt.

23          MRS. STEIN: Thank you. Whatever.

24          Now, she can do this by, as you will be told,  
25   members of her constituency. Well, we didn't have any. The  
26   closest we came was Allison Harlow, a high priestess who  
27   belonged to another group and who made the determination, she  
28   said, after one letter. That was when she formed the opinion

1       tha.t the defendant was a witch.

2               Now, she's in a different group.. Hl'. Wholt procedure  
3       are dif'ferent. They allow men in her 9roup. It only t.ook her.  
4       a year and a day. It took the defendant, apparently, 16 years,  
5       and so on. 'J:he whole thing is different.       And she --

6               When it came down to it, she really didn't have too  
7       many powt1rs hc-:rsel.f other than that whi.ch is ordinary, and yet  
8       she is a high priestess.. So we really had **no** one from the  
9       consti tu.ency to es tab li sh       no one. 'l'he defense. That's the  
10      end of it.       And it<sup>1</sup>s the -- the burden is on the defendant.

11              Defense Counsel started out, after she said that you  
12      were magic, with say:l.ng that this was a trial of the  
13      defendant's beliefse It is not, ladies and gentlemen, a trial  
14      of the defendant's beliefs That whole issue is irrelevant.  
15      You may or may not believe that this is a religion. I can't  
16      swallow it .. I don't know. Maybe some of you do. But, even if  
17      you do, nobody can tell fortunes in a business context.  
18      A minister can't tell fortunes in a business context. A priest  
19      can't. A Rabbi can't. Nobody can tell fortunes in a business  
20      context. And the religion is totally irrelevant to the issues  
21      in this case. Nobody can do it. It's against the Municipal  
22      **Code, and that is it** , in a business contexto And that is the  
23      issue.

24              It is not a trial of the defendant's beliefs.

25 ,       THE COURT: Anything further, Mrs. Stein?

26       MRSe STEIN: Yes, your Honor.

27              Now, the defendant -- the defense lawyer tried to  
28      get around the statement made, her reli9ious functions being

1 performed on a mountain top, by saying the defendant is not a  
2 Princeton lawyer. But she did tell us, I think -- she was  
3 pretty articulate. She did tell us that she had the gift of  
4 speech, remember? I asked her if she had a golden tongue, and  
5 she said, I think it's a silver tongue you're referring to.  
6 And she did.,

7 And her lawyer made a note of it and then  
8 rehabilitated her. Statement made by defense lawyer. She was  
9 counseling this is by the defense attorney herself  
10 counseling by the tarot cards. She sees it as counseling.

11 She is not a counselor, ladies and gentlemen. She  
12 is not a psychologist., She's not a psychiatrist.. She's not  
13 a licensed marriage and family counselor She may see it as  
14 counseling. She is not a counselor. And that's what the very  
15 danger is; that she sees herself as a counselor when she is  
16 not.

17 She's unqualified and untrained to treat people  
18 with problems. And that brings me to the -- well, her religion  
19 requires her to tell -- to read the cards.

20 Well, that's getting back to the point that you  
21 cannot use the cloak of religion to do an illegal act, which is  
22 fortune telling in a business context.

23 You cannot say, that's part of my religion, if it's  
24 illegal. And that's as plain and simple as that.

25 Fortune telling, business context, which wasn't  
26 refuted by the defense, is against that Municipal Code Section

27 Now, she did not mention anything about religion to  
28 officer Kimberlin. All she did was predict future events.

1 She told us about some of her religious beliefs, but she did  
2 not tell us about her secret "rites".

3 Now, I know of no religion which has secret rites  
4 that's not open to the public where you can't walk in.

5 Moreover, I know of no religion, bona fide religion,  
6 which has a sign on the door that says \$10.00 to get in or  
7 \$10.00 to hear the service or whatever.

8 They're open to the public. They're not secret, and  
9 so on, a bona fide religion. There is no reason for anything  
10 bona fide to be secret.

11 Counsel said, cut through the issues with magic in  
12 this case. Ladies and gentlemen, I again submit to you, cases  
13 are testimony and the law as given to you by the Judge.,  
14 There's no magic at all involved And it's almost degrading on  
15 the judicial system and on us here to have that word used in  
16 a legal courtroom context. It's the first time I've ever  
17 heard it.

18 She never saw Officer Kimberlin before. She didn't  
19 know her. And yet she told her that she was going to get a  
20 divorce, going to Florida, and so on and so forth.

21 I don't have to go over all that. And that is an  
22 event as told to you by Sergeant Alcantara. And only one of  
23 these things has to be proved.

24 As the Judge will tell you, advertising of or  
25 telling fortunes or so on -- and there's more than that here.  
26 There's advertising. There's Officer Kimberlin's fortune.  
27 There's the offer to tell Sergeant Shelley's fortune. There's  
28 no defense hereof entrapment. You can put that out of your

1 minds. rhey tried to :raise it --- she tried to raise it in the  
 2 c.l.rgument. 'lhat is not a defensee You will not x.eceive any  
 3 instruction on that.

4 This is perfectly proper police procedure. There' E:4  
 5 no defense here raii::ed at all.. And the Judge will not tell  
 6 you anythi.119 about the issue of something that wasattempted  
 7 to be alluded here of entrapment.

8 Now, she is charged with doing it in a business  
 9 context. Never defrauded anyone. · How do we know?

10 Number one, she had the sign up there for the \$10e00  
 11 charge. Now, this particular ordinance it's the Los Angeles  
 12 Municipal Code -- is not designed to punisli somebody who tells  
 13 fortunes. The purpose of it is to prevent one of the more  
 14 serious things from happening.. Now, maybe nothing happened  
 15 back there in -- with anything serious, let's say..

16 But telling somebody they're going to get a divorce  
 17 -- I think that's pretty serious. They might start worrying,  
 18 and so on. That, in and of itself, is serious and might start  
 19 somebody thinking or worrying, and so on, and thinking that  
 20 works. And they may need a marriage and family counselor or  
 21 a psychologist or something like that.

22 But the Statute, ladies and gentlemen, is not  
 23 designed to punish. The Statute is designed to prevent the  
 24 more serious things from happening and to stop this kind of  
 25 conduct.

26 And the only way that that can happen is for you to  
 27 find the defendant guilty of the charge. It's a preventive  
 28 measure. Different things were alluded to by the Defense

1     **Attorney., That's not the issue., Kathryn Kilhlman isn't t.htl**  
 2     issue. The lillllish religion is not the issue here&

3             The issue is whether the defendant was telling  
 4     fortunes in a business context.

5             Now, just one brief comment on those points that  
 6     Defense Counsel raised, and so on, about bats, so on, Jesus.

7             Now, the Mormons at one time practiced polygamy.,  
 8     **And that's against the law, right? 1'hey made them stop doing**  
 9     it.     You couldn't have more than one wife. But that was part  
 10    of their religious beliefs. Okay?

11            You can't use the cloak of religion to do an illegal  
 12    act.

13            Fortune telling is a business. I'm not going into  
 14    detail, although I did take some notes about the defense  
 15    witnesses.

16            I think that, ladies and geltlernen, you have  
 17    enough common sense to evaluate how those witnesses appeared  
 18    to you on the stand, and so on and so forth, and what you can  
 19    consider was their bias, motive and interest for testifying in  
 20    **this** trial.

21            Reverend Conn gets paid for the use of his place,  
 22    and so on.

23            Now, the State -- there's a comment that -- can the  
 24    State require a certificate? Well, the State does --

25            MS. fU LEY: Your Honor, --

26            **THE COURT:** The Court is going to \_i,nstruct o that,  
 27    M.rs. Stein. I don't want to cut you off, but I think you know  
 28    the argument has gone on quite some time.

1           MRS.. S'I'EIN:     Now, there was a comment made that the  
2 defendant in this whole thing can perhaps go down and get a  
3 business permit.. She could not do that. 'The defendant cannot  
4 get a business license to tell fortunes' as a business. It is  
5 against the law, ladies and gentlemen.

6           If you clear away everything, that is the issue in  
7 this case. Plain and simple as that. Nobody can tell fortunes  
8 minister, priest, rabbi -- in a business context.

9           That evidence of being a business has not been  
10 refuted.

11           And, really, ladies and gentlemen, although this has  
12 been a long and involved trial., it should not take you very  
13 long to decide that this defendant is guilty of violating this  
14 Municipal Code ordinance.

15                               --000--  
16  
17  
18  
19  
20  
21  
22  
23  
24  
2  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8 STATE OF CALIFORNIA     )  
                                  )  SS.  
9 COUNTY OF LOS ANGELES)

10           I, JOSIE GARDNER, CSR, Official Court Reporter of the  
11 Municipal Court of Los Angeles Judicial District, County of  
12 Los Angeles, State of **California**, do hereby certify that the  
13 foregoing 459 pages comprise a true.~~and r:orrect.~~ partial  
14 **transcript on appeal of the proceedings** hC.Ld and     the   testimony  
15 taken in the matter of the **People of the State of California**  
16 vs. Zsuzsanna Emese Bartha, case No. 812709, on April 10, 11,  
17 14 and 15, 1975 in Division 94 of said court.

18           DATED this 7th day of July, 1975.  
19  
20  
21  
22  
23

24                           JOSIE GARDNER ls  
25                           --z>ffim."al Court Reporter  
26  
27  
28

WE HEREBY STIPULATE that the foregoing 459 pages comprise a true and correct transcript of the designated record on appeal in the within-entitled matter.

Dated this \_\_\_ day of \_\_\_\_\_, 197 .

\_\_\_\_\_  
Attorney for the Appellant

\_\_\_\_\_  
Attorney for the Resp

#### JUDGE'S CERTIFICATE

I HEREBY CERTIFY that the foregoing transcript on appeal is true and correct, and the same is hereby settled, allowed, and made a part of the record in this case.

Dated this \_ day of \_\_\_\_\_, 197 .

\_\_\_\_\_  
Judge.

*Signed  
transcript  
with those  
corrections*

1 MARIE E. COLANERI  
8155 Van Nuys Blvd., Suite 908  
2 Panorama City, Calif. 91402  
Telephone: (213) 781-1503

3 BUCKLEY & SIEGEL  
4 1253 7th Street  
Santa Monica, Calif. 90401  
5 Telephone: (213) 451-8833

6 Attorneys for Defendant  
7

8, APPELLATE DEPARTMENT OF THE SUPERIOR COURT  
9, OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

10  
11 PEOPLE OF THE STATE OF CALIFORNIA ) Superior Ct. # CR A 13284  
12 )  
Plaintiff ) Municipal Ct - L.A. Judicial  
13 vs- ) District# 812709  
Zsuzsanna )  
Emese Bartha ) CORRECTIONS ON TRANSCRIPT  
14 ZSUZSANA EMESE BARTHA ) FOR SETTLED STATEMENT  
Z BUDAPEST, . )  
15 )  
16 )

17 Page 16 Line 1 "Goddesses"  
18 Line 10 comma after "coming out"  
19 Page 87 Line 13 "Money Oil iuring''  
20 Line 16 "annoint- anoint"  
21 Line 19 "annoint - anoint" controll  
22 Line 20 ''attact - attack"  
23 Line 27 "annoint - anoint"  
24 Page 88 Line 4 "annoint - anoint"  
25 Page 90 Line 13 "annoint "  
26 Page 94 Line 6 "annoint"  
27 Page 129 Line 1 "for - should be " from"  
28 Page 165 Line 18 "institution" should be intuition.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15:  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page 292 Line 15 "Huston" should be "Houston"  
Page 352 Line 27 "is" should be "in"  
Page 372 Line 8 "four" should be "for"

Respectfully submitted

---

MARGUERITE M. BUCKLEY

11 - 9, printed instead of permitted