

LIFE TERM PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

In the Matter of the Life)
Term Parole Consideration)
Hearing of:) CIN NO. W-8304
)
SUSAN ATKINS.)
_____)

CALIFORNIA INSTITUTION FOR WOMEN

FRONTERA, CALIFORNIA

ORIGINAL

WEDNESDAY, SEPTEMBER 16, 1981

1:00 P.M.

KAROL K. MONCRIEF
Hearing Reporter

MEMBERS PRESENT:

1
2 Mr. Ray Brown, Presiding Officer
3 Miss Peggy Jellison, Board Member
4 Mr. Elmer Neto, Hearing Representative
5

6 MEMBERS ABSENT:

7 None
8

9 ALSO PRESENT:

10 Miss Susan Atkins, Inmate
11 Attorney for Inmate Atkins:
12 ROBERT MOSS, Esq.
13 Mr. Steven Kay, Deputy District Attorney
14 Los Angeles District Attorney's Office
15 Jane Goulding, United Press, Observer
16 Joe Ramirez, KNBC-TV, Observer
17 Mr. Bob Pope, Correctional Counselor I, Observer
18 Mr. Mark Lafer, Law Clerk, Observer
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INDEX

1120

- 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

Proceedings

3

Case Factors

23

Pre-commitment Factors

68

Post-commitment Factors

69

Release Plans

86

Recess

112

Resumption of Proceedings for
Finding of the Board

113

Adjournment

115

Certificate of Reporter

116

CAPITOL REPORTERS
(814) 440-2757

1 in the file before you there is a response dated August 13
2 of 1981 from the Los Angeles County Sheriff's office under
3 the hand of Robert Grim, who is the Captain, dated June 11,
4 1981. Additionally, there's a response from Judge Choate.
5 These two documents will be considered as required by law.
6 Additionally, in the hearing packet there are responses on
7 previous occasions from the police department and the Judge
8 in this case.

9 Let's state at the outset we will make a tentative
10 decision at the hearing today, and the decision will not
11 become final for 60 days. We will tell you what the
12 tentative decision is and give you a copy of that decision.
13 You will notice the hearing is being recorded. You are
14 entitled to a copy of the transcript. That will be sent
15 out automatically. It takes about 30 days for that document
16 to arrive back from the recording company.

17 The hearing is being conducted pursuant to Penal
18 Code §§3041, 3042 and the regulations of the Board of Prison
19 Terms governing parole consideration hearings for life
20 prisoners. The purpose of today's hearing is to consider
21 your suitability for parole. In doing this we will be
22 considering the number and the nature of the crimes for
23 which you were committed to State Prison, criminal history
24 or lack of it prior to this commitment and your behavior
25 since your commitment. We will reach a decision and inform

1 you whether we find you suitable for parole or not and the
2 reasons for our decision. If we find you are suitable for
3 parole, the length of your confinement and specific factors
4 leading to this determination will be explained to you.

5 The hearing will proceed in the following manner.
6 We will consider four distinct areas of concern. The first
7 is the commitment offenses. The second area is the prior
8 record. The third area is your institutional adjustment
9 and the last area is parole plans. All of the members of
10 the panel will participate in the discussion. Our purpose
11 is to make sure we understand the circumstances of your
12 particular case and we explore all factors of the parole
13 suitability.

14 Our questions and interests will be directed solely
15 to the issue of whether you can be released on parole.
16 After this is done we will recess the hearing, clear the
17 room, deliberate. Once we have reached our decision we
18 will resume the hearing with everyone present before and
19 announce the decision.

20 Now, you have certain rights at this hearing, and I
21 want to go over those. First is that you have a timely
22 notice and you are, in fact, ready to proceed?

23 MR. MOSS: Yes, we have.

24 PRESIDING OFFICER BROWN: -- that you have an
25 opportunity for file review at this time?

1 MR. MOSS: Yes, I have.

2 PRESIDING OFFICER BROWN: Miss Atkins, have you
3 also had an opportunity?

4 INMATE ATKINS: Yes, I have.

5 PRESIDING OFFICER BROWN: You're also entitled to
6 an impartial panel. Do you have any reason to believe that
7 the three members that constitute the panel may not give
8 you a fair hearing?

9 MR. MOSS: No, absolutely not.

10 INMATE ATKINS: No.

11 PRESIDING OFFICER BROWN: There is ^{is} no confidential
12 information being used at the hearing today. The decision
13 will be determined on the information given to you and to
14 your counsel. You'll have a right to testify or not to
15 testify today. If you are going to testify I will place
16 you under oath for that purpose. If you want to raise your
17 right hand?

18 (Thereupon Inmate Susan Atkins was, by
19 Presiding Officer Brown, sworn to tell
20 the truth, the whole truth, and nothing
21 but the truth.)

22 PRESIDING OFFICER BROWN: Be seated.

23 Now, the first issue we have is the information that
24 we are using at this hearing. The District Attorney was
25 sent a hearing packet, and you were sent a hearing packet.

1 I received in the mail yesterday from Sacramento a letter
2 from you dated September 14 -- I'm addressing the Innate's
3 attorney -- relative to the participation of Mr. Ponticelli,
4 P-o-n-t-i-c-e-l-l-i. This was relative to a polygraph
5 examination. Normally any document we're going to use at
6 a hearing has to be here ten days prior to the hearing so
7 the District Attorney receives a copy of that document and
8 so we don't have any surprise, everybody knowing what
9 documents will be used. In this case, of course, that did
10 not arrive. The first time I saw the polygraph examination,
11 itself, was within the last hour. I don't know, Mr. Kay,
12 when you saw this.

13 MR. KAY: About 15 minutes ago. I didn't have a
14 chance to read it. The attorney called me yesterday and
15 told me he had these things. I told him I was going to
16 object because it's a little late to bring these in.

17 MR. MOSS: If I may be heard?

18 PRESIDING OFFICER BROWN: Yes.

19 MR. MOSS: First of all, there were substantial time
20 constraints in making the arrangements for the polygraph
21 examination and also for making the arrangements for the
22 independent psychiatric examination. As you're well aware,
23 I have to go through several procedures and make certain
24 requests, which I did. Ultimately the psychiatric examina-
25 tion was conducted on or about September 3rd or 4th, I

1 believe. I have to check my calendar on that, and the
2 polygraph examination was conducted at or about the same
3 time. I think one was the day after the other. That was
4 the earliest date on which I could make those arrangements.
5 In addition, there was some difficulty in finding an expert,
6 and as soon as I got this case, and as soon as I reviewed
7 the central file and determined what I thought were the
8 salient issues in the case, I determined that there was a
9 factual dispute which needed to be reviewed and which hasn't
10 been reviewed in my opinion. So, I tried to find an expert.
11 Now, Mr. Ponticelli has testified in cases that I've handled
12 previously, and I called him up, and I asked him to
13 volunteer his services on a pro bono basis, if he would do
14 this. He said he would and immediately we made those
15 arrangements. Likewise with Dr. Coburn, he volunteered his
16 services on a pro bono basis. There aren't many forensic
17 psychiatrists who would, but he had a particular interest
18 in this case. I went through all the procedures and through
19 the chain of command and made the requests. They were done.
20 I received the report dated September 13th from Dr. Coburn
21 the day before yesterday. I received the polygraph
22 examination affidavit yesterday. That's the first time it
23 ever came into my hands, and I forthwith -- well, prior
24 to that time, as a matter of fact, I called Sacramento and
25 talked to Mrs. Cavinaugh and indicated to Mrs. Cavinaugh

1 that I wanted Mr. Ponticelli to give his testimony at the
2 hearing. Mrs. Cavinaugh indicated to put it in writing.
3 I put it in writing. Since I had no secretary over the
4 weekend, I did it on Monday morning and sent it out on
5 Federal Express Monday morning. I didn't know whether or
6 not I would use Mr. Ponticelli's testimony until I had
7 talked with him after his examination. I didn't know whether
8 I would use the results until I made -- talked to him and
9 subsequently made the phone call to Mrs. Cavinaugh. Other
10 than that, Mr. Kay did have notice through the grapevine.
11 I don't know how he got notice that I was doing a polygraph
12 examination, but he knew that there was a polygraph
13 examination being conducted.

14 MR. KAY: I knew you were contemplating one. I
15 didn't know who was going to do it.

16 MR. MOSS: In terms of other documentation --

17 PRESIDING OFFICER BROWN: We'll stay with this one
18 first, polygraph examination. In the first place, we do
19 not have testimony from polygraph examinations in our
20 hearings. You can submit written documents, and they are
21 weighed as all other things. Normally they have to be ten
22 days ahead of time for the reason I stated before. The
23 reason for the ten day requirement is that we ride circuit
24 throughout the State, and we're not here all the time. So,
25 if we don't have ten days notice, we then have to postpone

1 the hearing at some expense to the State.

2 Now, what do you try, or what did you want to prove
3 by the statements in the polygraph? What's its relevance
4 here?

5 MR. MOSS: Okay. In sum and substance, Mr. Presiding
6 Member, the intent of introducing the polygraph is to
7 resolve a factual dispute, and under the rules it is the
8 function of this Board to hear all relevant evidence and
9 to resolve disputes, if possible, to determine the extent
10 of the prisoner's culpability in the crime. It is our
11 position that the extent of Miss Atkins's culpability is
12 the paramount issue in terms of the offense at this parole
13 hearing. I submit that the results which I believe need
14 to be explained, but in any event, are on the plus side,
15 are on the truthful side. The result is evidence of her
16 truthfulness, and, therefore lends credence to Miss Atkins'
17 version which she initially gave to this Board in 1979 and
18 which we intend to talk in great depth about and about
19 which I intend to corroborate through citing the record
20 and so on and so forth.

21 PRESIDING OFFICER BROWN: We don't have any way of
22 changing the guilt or innocence in this case no matter what
23 the polygraph test says. She was found guilty of certain
24 crimes. She will start the hearing being guilty and will
25 end being guilty.

1 MR. MOSS: I understand. We're not disputing
2 guilt or innocence. We are not denying that Miss Atkins
3 was convicted of the committing offenses both Tate,
4 LaBianca and Hinman. What we are expressing to the Board
5 at this time is that her complicity, the extent to which
6 she participated, her culpability is such a paramount
7 issue. Not guilt or innocence, but the extent of
8 culpability, whether or not she actually dealt a lethal
9 blow to any of the victims in the case through stabbing
10 or otherwise. I don't want to go on and on because I'm
11 going to reserve that for my argument, but the extent of
12 her culpability is the issue, and her credibility is an
13 issue as well. The culpability of all the other Manson
14 family members and the polygraph is relevant evidence.
15 The polygraph results are relevant evidence of the state
16 of her culpability, whether she's truthful in telling
17 this Board that she isn't as culpable as the public has
18 been led to believe. That's why I'm introducing the
19 polygraph. The Board can give it any weight it wants, it
20 can disregard it, it can give it some weight, or no
21 weight.

22 I felt that live testimony could help the Board
23 understand the results because there are different figures
24 in there, and we're not experts. I'm not an expert, and
25 the only expert is the polygraph examiner. He could help

1 explain it to any question the Board might have. I know
2 this is not an adversary proceeding, but I thought it
3 would help the Board in making the underlying determination
4 of the extent of her culpability. I would hope is the
5 alternative that the polygraph documents could be
6 introduced.

7 PRESIDING OFFICER BROWN: Mr. Kay, any comments?

8 MR. KAY: Just the polygraph examination?

9 PRESIDING OFFICER BROWN: Yes.

10 MR. KAY: Well, I think it's highly unusual to
11 get a document this late that the defense attorney
12 apparently is going to rely so heavily on. I mean, I'm
13 not surprised by the fact that his lie detector is
14 Mr. Ponticelli. If I had a dollar for every defendant
15 Mr. Ponticelli has cleared, I'd be a wealthy man. But,
16 we don't have any documentation about his tapes that he
17 used during the examination or the conditions or anything.
18 I mean, I could submit this to my lie detector at the
19 District Attorney's office who has dealt with Mr. Ponticelli
20 many times in the past, and I could submit a document
21 telling the Board about Mr. Ponticelli. I think this is
22 highly unusual to get such a document so late in the
23 proceedings. I don't see what the time constraint is. I
24 don't understand why the attorney was appointed. I
25 thought it was way back like in June or July.

1 PRESIDING OFFICER BROWN: When were you appointed?

2 MR. MOSS: That's not true. I was appointed --

3 PRESIDING OFFICER BROWN: I think there was an
4 initial attorney appointed, and there was a postponed
5 hearing.

6 MR. MOSS: I felt -- I have really felt under the
7 gun on this case because I had to review substantial
8 amounts of documents. I think I've only been on this
9 case 30 days.

10 INMATE ATKINS: If that long.

11 PRESIDING OFFICER BROWN: There's a letter dated
12 August 14. So, that would be about 30 days or thereabouts.

13 All right. Let's turn to the polygraph issue, and
14 I think the Board is familiar with what the polygraph is
15 and what the shortcomings are. Were we to postpone the
16 hearing because of the polygraph examination, because of
17 the notice to the District Attorney's office? Would you
18 be in any better position if we gave you time to read it,
19 to speak to it?

20 MR. KAY: I really haven't had a chance to read it.
21 So, I can't truthfully answer that question. To be frank
22 with you I haven't had time to read it. I got it so late.

23 PRESIDING OFFICER BROWN: Let's hold that document
24 for a moment and then talk about Dr. Coburn's document,
25 Michael Coburn. This is a letter dated September 30, 1981

1 directed to Robert Moss. All this is is an evaluation
2 by an independent psychiatrist?

3 MR. MOSS: Yes.

4 PRESIDING OFFICER BROWN: Paid for by pro bono.
5 Any question about that particular document?

6 MR. KAY: Well, I don't -- the only question I
7 have is your categorization of Dr. Coburn as an independent
8 doctor. Dr. Coburn cried when Leslie Van Houten was
9 convicted. He is very close to these girls. I don't
10 have any objection to Dr. Coburn as long as you realize
11 who he is. He's testified on behalf of Leslie Van Houten
12 at her trial. He took her out to dinner when she was on
13 bail, but I'm not going to object to that. He can hand
14 that in.

15 PRESIDING OFFICER BROWN: Okay. We'll make that
16 document -- let's start out with this and make this
17 document No. 1 which will be in addition to the base
18 document which we'll get to in a minute.

19 Okay. There was another document handed to me.
20 This is one under the title, "Ira Frank, M.D." It is dated
21 February 25, 1973. Evidently it is addressed to Arthur
22 Alarcon, the Judge, regarding a Mary Bruaner, B-r-u-n-n-e-r.
23 What is the purpose of this document?

24 MR. MOSS: The purpose of this document is to
25 corroborate the facts leading up to the incident in

1 question and also that Mary Brunner was the chief
 2 prosecution witness in the People v. Bobby Beausoleil
 3 trial, the Hinman murder. There is a discrepancy whether
 4 or not Susan stabbed Hinman or Beausoleil stabbed Hinman.
 5 Mary Brunner made certain statements that corroborate
 6 Miss Atkins, and also her state of mind. The influence
 7 which Manson had over her corroborates the same state of
 8 mind and the influence which Manson had over Atkins.
 9 Dr. Frank, I found out during my preparation, examined
 10 both Mary Brunner and Charles "Tex" Watson and rendered a
 11 report, and she testified during the trial which is
 12 mentioned in the report, the robbery shoot-out at the
 13 Covina Beer Distributorship. Subsequently Mary Brunner
 14 was committed to this institution for that offense.

15 PRESIDING OFFICER BROWN: This would be a heresay
 16 statement because Dr. Frank doesn't know it happened or
 17 not.

18 MR. MOSS: Dr. Frank examined and took statements
 19 from Mary Brunner. We seek to introduce this, Mr. Brown,
 20 to show the extent of the involvement in the family these
 21 girls had. The extent to which Mr. Charley Manson
 22 instigated these crimes, and also to show the extent to
 23 which they were willing to lie, to aid the Manson family.
 24 It will be shown in this hearing that Mary Brunner
 25 testified during the Bobby Beausoleil trial and implicated

1 Bobby Beausoleil. But, shortly thereafter she -- after
 2 she went back to Wisconsin and Manson again ensnared
 3 her, she came back and tried to testify during the post-
 4 conviction phase of the trial, in a motion for new trial
 5 by Bobby Beausoleil after he had been convicted of the
 6 Hinman murder, recanting her testimony during the trial.
 7 Judge Keene, one of the most able judges in Los Angeles
 8 County, hired a lawyer. Initially they tried to get
 9 Daye Shinn to represent her, and he represented Miss Atkins
 10 during the trial. There's been a lot of testimony about
 11 his conflict of interests. But, in any event, Judge Keene
 12 prevented that from happening, hired another lawyer and
 13 after a recess she got back on the stand again and stuck
 14 by her testimony during the trial.

15 This report shows that these girls were torn
 16 between reality and the influence of their diabolical
 17 leader who forced them to lie.

18 PRESIDING OFFICER BROWN: But, this woman was heard
 19 in court. She testified in court.

20 MR. MOSS: Yes, she was. She was heard in court.

21 PRESIDING OFFICER BROWN: So, there was an
 22 opportunity to cross-examine her at that time.

23 MR. MOSS: I'm not disputing her credibility in
 24 court. This report shows she was manipulated by Manson.
 25 She was so guilt ridden she was willing to lie and also

1 rob a beer distributorship to effect his escape.

2 There's been so much testimony in this case during
3 the last three hearings, 1978 through 1980, that the true
4 account is what Miss Atkins said when she confessed to
5 the jailcell mates in Sybil Grand, Bonnie Howard and
6 Virginia Graham, that the true account is when she took
7 the stand in the death penalty phase and testified that
8 she killed Sharon Tate. That is not the true version,
9 and that report will corroborate that these girls were
10 so manipulated by Manson that they were willing to lie.
11 They were not only willing to lie, but they were willing
12 to sacrifice their lives. They were willing to go to
13 the gas chamber, willing to rob a beer distributorship
14 to effectuate his release.

15 I think this Board should know that all the relevant
16 evidence bearing on this issue under the Rules,
17 Rules of Evidence, don't apply. Mr. Kay is familiar with
18 his report. He prosecuted the Bobby Beausoleil case,
19 and he's familiar --

20 PRESIDING OFFICER BROWN: Let's stay with this
21 case. This is the Atkins hearing, not the Beausoleil
22 hearing. Directly relate this hearing to this document,
23 and I think you said it corroborates.

24 MR. MOSS: Corroborates our point, that to
25 reiterate, Miss Atkins was telling the truth to the

1 grand jury and has been telling the truth to this Parole
2 Board since 1977 or '78. This report substantiates the
3 kind of influence and the kind of machinations and the
4 state of mind that these girls went through at that time.

5 PRESIDING OFFICER BROWN: Okay. There's other
6 documents in here and testimony before the Court regarding
7 the Hinman killing where there's an admission of what
8 happened.

9 MR. MOSS: Yes. That was a statement by Miss Atkins
10 pursuant to a plea of guilty which was orchestrated by
11 Charles Manson and suggested by Charles Manson after a
12 nine month trial. It was another lie, and this report
13 substantiates the extent to which they were willing to
14 lie.

15 PRESIDING OFFICER BROWN: For that purpose, Mr. Kay,
16 you have any comments on this document?

17 MR. KAY: Yes, I object to that. There is a whole
18 bunch of evidence that I could have brought in to combat
19 Dr. Frank. Dr. Frank testified in the Watson case which
20 I also prosecuted and I didn't prosecute Beausoleil for the
21 Hinman murder. I prosecuted Bruce Davis for the Hinman
22 murder. Dr. Frank was thoroughly discredited at the
23 Watson trial, and, of course, Watson testified at his
24 trial that the girls did everything and the girls were
25 responsible for all the killings. So, it would be

1 interesting -- I haven't read Dr. Frank's report for a
2 long time, but I think that that's a very selective bit
3 of gathering evidence by Mr. Moss to bring these old
4 reports of Dr. Frank who was one of 11 psychiatrists
5 involved in the Watson case. In the Brunner case that
6 was not a beer distributor, that was a beer surplus store
7 in Hawthorne that the members of the Manson family tried
8 to steal guns, and they were going to capture a plane at
9 the L.A. Airport and kill a passenger every hour until
10 the governor released Manson. But, I have file cabinets
11 full of documents that I could bring in and I have
12 absolutely no notice about this Dr. Frank. I really
13 don't see the relevance to this hearing about the
14 psychiatric reports on Charles Watson and Mary Brunner.
15 If you are talking about Watson's hearing, fine, that's
16 relevant. Mary Brunner is out on parole now, and what's
17 relevant to her? These don't contain any cross-examina-
18 tions as the trial testimony would. It's just --

19 PRESIDING OFFICER BROWN: Neither of the statements
20 would establish the truth. They're heresay statements
21 that somebody else told him.

22 MR. MOSS: In terms of Mary Brunner, are we
23 addressing ourselves to the Mary Brunner report?

24 PRESIDING OFFICER BROWN: Watson would be the same
25 thing. He did the same thing. He did a psychiatric

1 evaluation, and, of course, something that is said to
2 him doesn't establish the truth.

3 MR. MOSS: Rules of hearsay and evidence do not
4 apply. I've handled many lifer hearings and that is a
5 fundamental precept that the rules of evidence don't
6 apply. In the past, since Mr. Kay started participating
7 in these hearings, he has had carte blanche with due
8 respect to Mr. Kay, to relate in detail each and every
9 fact. But, he has not supported in every detail the
10 source of his information. I'm here trying to show the
11 Board that there's another side to this story, that there
12 were other statements made, that Watson testified that
13 he didn't say the girls did it in his trial. I would
14 represent that to this Board. Watson said that he went
15 crazy, that he stabbed everybody else.

16 MR. KAY: Huh-uh.

17 MR. MOSS: Okay. Mr. Kay is at liberty to dispute
18 what I say, but I read the record. In terms of Watson,
19 I talked to the psychiatrist who examined him, and I
20 talked to his counsel. I've read newspaper accounts of
21 what he said in trial, and I have the newspaper account
22 to back me up. He did not, to the best of my knowledge,
23 he didn't say the girls did it. He said he did it, and
24 he didn't see them stab any of the victims there, including
25 Sharon Tate which has been attributed to my client. The

1 who was the attorney for Mr. Watson, Maxwell Keith -- they
2 both assured me that the reports were provided to the
3 District Attorney. They were used to cross-examine
4 Dr. Frank on the stand so that any privilege which may
5 have existed at the time was waived.

6 MR. KAY: Well, that's true as far as the Watson
7 report. I don't know if that's true as far as the Brunner
8 report.

9 REPRESENTATIVE NETO: I was thinking of a more
10 recent law. This, of course, goes back nearly ten years.
11 But if Mr. Kay is satisfied that that is not an issue.

12 MR. KAY: I don't know about the Brunner report
13 because I'm not aware that this psychiatrist testified in
14 her trial.

15 PRESIDING OFFICER BROWN: What we do here today is
16 public record. If there's no doubt in your mind -- you're
17 the one introducing the document, and you will suffer the
18 penalty.

19 MR. MOSS: I've talked to Dr. Frank, and in my
20 view there was no privilege. This was a matter of public
21 record which was, according to Dr. Frank, testified to
22 during the trial of Mary Brunner. He said he wasn't sure
23 whether it was during the guilt phase or sentencing phase.
24 He said he did testify, and he did relate to Judge
25 Alarcon the facts within this report.

1 PRESIDING OFFICER BROWN: Okay. We're going to
2 take a recess. You have a chance to review that.

3 We'll ask at this time for Miss Atkins and her
4 attorney to leave first while everyone is in their seat.

5 Okay. We'll ask that everyone else leave the room.
6 We'll reconvene when we're ready to start up again.

7 (Whereupon a recess was taken for

8 Mr. Kay to review the documents.)

9 PRESIDING OFFICER BROWN: Okay. Let the record
10 note the time is now approximately 2:24 P.M. All those
11 present at the start of the hearing are present in the room
12 again. At this time, Mr. Kay, are you ready to proceed?

13 MR. KAY: Yes. I have read the report of
14 Mr. Ponticelli, and I wish the defense attorney would have
15 told me what he concluded. He said that it's inconclusive.
16 He can't determine one way or another. So, I don't have
17 any objection.

18 PRESIDING OFFICER BROWN: Let's make the polygraph
19 report No. 2 for the record.

20 Let's take the letter, and we've made Dr. Coburn
21 document No. 1. Dr. Frank's letter which is dated
22 March 28, 1971, any objection to that?

23 MR. KAY: Well, as long as the Board realizes that
24 the jury rejected Dr. Frank's findings, I mean he did
25 testify pretty much in accordance with his report, but

23
1 they were rejected by the jury. Other than that, I don't
2 have any objections.

3 PRESIDING OFFICER BROWN: Document No. 3.

4 Then, Dr. Frank's report of February 25 relating
5 to Mary Brunner?

6 MR. KAY: Yes. I fail to see the relevancy.
7 Counsel said this was somehow going to corroborate Miss
8 Atkins about the Hinman killing. But, on page 3 -- I
9 quote page 3 of the report, "Miss Brunner did not talk
10 about this killing because she feels she may be brought
11 to trial sometime in the future." So, she didn't say
12 anything about the Hinman killing, and there's nothing
13 in the whole report.

14 PRESIDING OFFICER BROWN: No. 4, for whatever weight
15 is given to it.

16 MR. KAY: Okay.

17 PRESIDING OFFICER BROWN: And then, I'd like to
18 make document No. 5 -- counsel, each of your packets
19 should have a front page listing the documents in the file.
20 I split out on my Board reports the day of these reports,
21 psychiatric reports, the dates of these reports. Other
22 than that, would you look and see if that's the same as
23 what you have? We'll have a record of all the material
24 that we've looked at. Please pass it over to Mr. Kay and
25 see if it matches his.

1 MR. KAY: I assume it is but just to verify. Yes,
2 it is.

3 PRESIDING OFFICER BROWN: All right. Mr. Kay?

4 MR. KAY: That's fine.

5 PRESIDING OFFICER BROWN: Okay. That will become
6 5.

7 Okay. Let's resume then the preliminaries. Do
8 you have any initial objection, Mr. Moss, before we
9 proceed?

10 MR. MOSS: No.

11 PRESIDING OFFICER BROWN: Okay. Let's read into
12 the record what the commitment offenses are and there are
13 a variety of commitments and recommitments.

14 The inmate was received on the standing commitment,
15 first commitment, on 4/23/71 for murder in the first
16 degree, Seven Counts, and One Count of conspiracy to
17 commit murder which was Count Eight, which arose from
18 Los Angeles County Case A-253156. At that time a death
19 penalty was imposed. Subsequent to that the inmate was
20 received on 12/18/72 for the same offenses, but the term
21 was discarded on 4/23/71, and that was again for Seven
22 Counts of murder in the first degree and One Count of
23 conspiracy to commit murder which was stayed by the Court.

24 Subsequent to that the inmate was received on
25 June 3rd of 1971 term to start on May 26 of 1971 for

24
1 additional count of murder first degree, Los Angeles
2 County Case 267861, Count No. One. Minimum eligible
3 parole date on that offense was 10/6/76, and that is the
4 controlling minimum eligible parole date.

5 I'd like to, for description of the offenses,
6 incorporate by reference from the hearing of last year,
7 the decision of last year pages 2 and 3. Look in your
8 packet of prior decisions of last year. We incorporated
9 by reference from the 1979 decision the description of
10 the offenses, and then give both attorneys leave to make
11 any comments they'd like to make on the commitment offenses
12 themselves. If you have any problems with that, Mr. Kay?

13 MR. KAY: No.

14 MR. MOSS: No problem.

15 PRESIDING OFFICER BROWN: We shall do that. All
16 right.

17 MR. MOSS: Excuse me. Before we do that, do we
18 have a ruling on the testimony of, profert testimony of
19 Mr. Ponticelli?

20 PRESIDING OFFICER BROWN: I'm not going to accept
21 that. We'll accept the written document he prepared.

22 MR. MOSS: He's here. May it be communicated he
23 may leave.

24 PRESIDING OFFICER BROWN: Mr. Pope, would you do
25 that, please?

25
1 Go ahead, take a minute.

2 (Whereupon Mr. Moss excuses himself
3 to indicate to Mr. Ponticelli he may
4 leave.)

5 PRESIDING OFFICER BROWN: Okay. Let's turn then
6 first to Mr. Moss. Is there any comments -- let's take
7 the Case Nos. -- I guess the easiest way, let's take the
8 initial reception date, the Seven Counts of murder and
9 conspiracy. On that Case No., any comments you'd like to
10 make relative to these crimes?

11 MR. MOSS: Would you prefer that I speak first or
12 Mr. Kay?

13 MR. KAY: Go ahead. I'll defer to you.

14 MR. MOSS: I do have lengthy comments. In contrast
15 to Mr. Caballero who twice appeared before this Board
16 representing Susan Atkins, 1978 and 1980, who was the
17 original lawyer for her in 1969 prior to her Grand Jury
18 testimony and apart from Mr. Kay who assisted in the
19 Tate-LaBianca murders' prosecution and prosecuted other
20 members of the Manson family in the crimes arising out
21 of these surrounding circumstances, I, prior to my
22 appointment by the Board of Prison Terms, had no personal
23 knowledge whatsoever about the Manson case; and, in fact,
24 I must admit to this Board that I was -- all I knew was
25 based on newspaper accounts. In other words, I had formed

1 certain impressions, and I believe these were misconceptions.
2 I believe the public shares the misconceptions that I had
3 before I started my preparation.

4 Well, my preparation included -- and I want to give
5 to the Board, because I think it's important, the sources
6 of my information. I started out with reviewing the Tate-
7 LaBianca prosecution, the committing offense in this
8 instance in which Susan Atkins together with Patricia
9 Krenwinkel, Leslie Van Houten and Charles Manson were
10 prosecuted for Seven Counts of murder and One Count of
11 conspiracy. They were ultimately convicted. The trial in
12 that case is the longest trial in American history, and
13 it consisted of a hundred volumes, more or less, of a
14 court reporter's transcript. I didn't read them all, but
15 I read a lot. What I felt were the salient features.

16 MR. KAY: 209 volumes.

17 MR. MOSS: 209 volumes. I guess I missed the last
18 100. But, anyway, there were a lot of volumes, and also
19 two volumes of Grand Jury transcripts.

20 In addition, I reviewed the -- incidentally, there
21 was a published opinion. That's a Court of Appeal
22 record. The Supreme Court did not decide that case,
23 published opinion from the Court of Appeal after it was
24 remanded under People v. Anderson when the death penalty
25 was deemed unconstitutional at that time. Secondly, the

1 Court of Appeal record in the prosecution of People v.
2 Robert Beausoleil which was the Hinman murder, Gary Hinman,
3 an interview with Dr. Ira Frank who was the psychiatrist
4 who personally examined and reported his findings and
5 conclusions to the courts, various courts, Judge Alarcon
6 in the Mary Brunner matter, and he also testified in the
7 Charles Watson matter, Charles "Tex" Watson. After that
8 Watson was later prosecuted for the same crimes that we
9 -- the Tate-LaBianca crimes, but I realize I'm going to
10 talk about Hinman first.

11 I also interviewed Maxwell Keith. He represented
12 Watson in his trial and Leslie Van Houten in the second
13 and third trials. That was after her matter was reversed
14 for ineffectiveness of counsel. That was -- as you might
15 recall, Mr. Hughs was found missing, later dead. It was
16 later discovered that he was killed perhaps during the
17 trial by perhaps Manson family members. I also had an
18 interview with Richard Caballero, who, as I said, initially
19 represented Miss Atkins, and I reviewed the transcripts
20 of the parole hearings in 1976, '79 and '80 from which
21 we incorporated the facts in this record in which Miss
22 Atkins, beginning in 1977-78, recounts her version which
23 we seek for the Board to believe as true and in which
24 Mr. Kay in 1978 gave his longest account, in detail,
25 very comprehensive in-depth analysis of what went on of

1 which I will point out in my view many particulars were
2 misstatements, not intentional misstatements, but misstate-
3 ments nevertheless.

4 I interviewed Dr. Coburn who initially examined
5 Miss Atkins in 1971 at this very institution as a Fellow
6 from the USC Institute, Dr. Pollock's Institute, and he
7 was on staff at that time through the fellowship. He
8 examined Miss Atkins, and he made certain findings. These
9 findings are in his written report in the central file.
10 His findings were unfavorable. His findings were that
11 Miss Atkins, among the three, was the most mentally
12 disturbed at the time. When I called him to ask him if
13 he would be interested in coming back and seeing Miss Atkins
14 again, he was very interested in doing that to see what
15 changes she had made. I thought it would be very important
16 to have that kind of testimony at this hearing. He agreed
17 to, and he saw her, and I discussed his findings with him.
18 He did also examine Leslie Van Houten and I don't know
19 whether he took her out to dinner or cried after the
20 verdict, but I wouldn't be surprised. People do become
21 involved in the cases, and perhaps he was trying to
22 establish some rapport with her to elicit the truth.

23 In addition, I reviewed certain newspaper accounts,
24 and I read the book Halter-Skelter by Mr. Bugliosi in which
25 he talks about the Grand Jury testimony of Susan Atkins,

1 her confessions and her death penalty testimony, three
2 different and separate versions, based upon his review. I
3 feel I'm thoroughly familiar with the facts, and I believe,
4 based on my review, since I didn't personally participate,
5 I feel I'm objective. I feel I can give the Board a
6 detached summary and abstract of the true facts during
7 those cases. Not as an adversary, but merely to report
8 to this Board, comment on evidence in a non -- in an
9 unbiased manner.

10 I think I can truly assist the Board pursuant to
11 Rule 2236 to discharge your ultimate, the Panel's ultimate
12 decision making or ultimate decision which is to bear out
13 the facts in this case.

14 Incidentally, I called Dr. Frank to verify my
15 conversation with him yesterday, and he is on the phone.
16 May I just have a minute to confirm that he did testify
17 during the trial so we don't have any confidentiality
18 problems with his report?

19 PRESIDING OFFICER BROWN: Okay. Time is 2:38 P.M.
20 Let's take a short recess. Everybody else can remain here.

21 (Whereupon Mr. Moss excuses himself to
22 receive a telephone call.)

23 PRESIDING OFFICER BROWN: Time is now 2:39 P.M. We
24 are reconvening the hearing. All those present at the
25 start of the hearing are present again at this time.

1 Continue counsel.

2 MR. MOSS: Thank you. Dr. Frank does verify that
3 he testified in the Mary Brunner prosecution in 1971 or '73
4 and that the report is not confidential.

5 PRESIDING OFFICER BROWN: Okay.

6 MR. MOSS: I feel I can assist the Court in
7 discharging the responsibility to determine the extent of
8 culpability of Miss Atkins. We know that the offense is
9 a -- is one of the most serious crimes in American history.
10 The offense is too severe to imagine. It was heinous and
11 incomprehensible, but Miss Atkins' involvement within the
12 offense, her complicity is much less than the Board has
13 been led to believe and the public has been led to
14 believe. It is important because the extent of her
15 culpability is an issue, as I said, most paramount issue.
16 The Hinman murder, I'd like to take unequivocally three
17 facts: ultimate statements of fact, gray areas of fact
18 that I intend to support.

19 First of all Susan Atkins did not stab Hinman at
20 any time during the three day period. Secondly, Susan
21 Atkins did not hold a pillow, based on the evidence, over
22 Hinman's face to suffocate him or for any other purpose.
23 Third, and this is probably a conclusion, but the murder
24 as not a classic or essentially a torture kind of murder.

25 Okay. First of all with respect to the stabbing,

1 in my review of the Bobby Beausoleil trials--

2 MR. KAY: Can I ask a question? I hate to
3 interrupt, but my understanding has been in these hearings
4 we have to base what we say on the records we have in front
5 of us. Apparently this attorney is going through a lot
6 of extraneous things which we don't have and I wonder
7 what's appropriate?

8 PRESIDING OFFICER BROWN: If you're going to talk,
9 we need the evidence on which you are basing your state-
10 ments; otherwise your statement is just that.

11 MR. MOSS: I'll support my statements by stating
12 to the Board the source of my statements. Mr. Kay has
13 been at liberty to comment on his personal knowledge of
14 the facts; and I think I should be at liberty to do that
15 too.

16 PRESIDING OFFICER BROWN: Okay. We have to
17 separate what you're saying from what was substantiated
18 by some document.

19 MR. MOSS: If what I said was it wasn't a torture,
20 I didn't mean to upset Mr. Kay. I admit that is a
21 conclusion.

22 MR. KAY: I'm saying that where are the documents?
23 In other words, if you relate to the testimony of the
24 Hinman trial, where are the transcripts? The Board has
25 to have the transcripts for you to go through. That's all

1 I'm saying.

2 PRESIDING OFFICER BROWN: I think we can comment
3 upon the evidence. As I said before, we're not going to
4 retry the case. You stand convicted of the murders that
5 sent you to prison. You can comment upon the evidence,
6 but statements of facts supported by documents as opposed
7 to statements are different.

8 MR. MOSS: Let's comment on the evidence that Miss
9 Atkins stabbed Gary Hinman. No. 1, the stabbing. Mary
10 Brunner was the chief prosecution witness in the Hinman
11 murder case. She testified for prosecution under immunity.
12 She stated during that trial, No. 1, that there was an
13 initial fight between Bobby Beausoleil -- and incidentally,
14 as I said, this is during the trial -- there was an
15 initial fight between Bobby Beausoleil and Gary Hinman
16 over a gun. The gun was taken from Gary Hinman. Bobby
17 Beausoleil then proceeded to strike him over the head with
18 the gun. No. 2, there was a second altercation over the
19 gun which stemmed from Susan Atkins being ordered by
20 Bobby Beausoleil to guard Mr. Hinman. Mr. Hinman said
21 something to her about the gun. She backed up, not in an
22 aggressive manner, but she backed up. The gun was then
23 taken from her by Gary Hinman. Beausoleil rushed in,
24 took the gun -- actually Gary Hinman gave the gun back.
25 At that point in time the altercation involving the gun was

1 over. Because it was robbery and all on and so forth,
2 Charley and another individual then came to the house to
3 coerce Hinman into turning over his pick slip. Hinman
4 ordered him out of the house. At that time Charley struck
5 Hinman on the side of the face with a sword causing a
6 deep gash in his face and partial severing of the ear.
7 At that time Susan went to the store. This is according
8 to Mary Brunner's testimony. Susan went to the store.
9 She obtained medical supplies. She obtained food, purchased
10 these items, went back to the house. She then fed Mr.
11 Hinman. She then assisted in suturing his ear. Mary
12 Brunner actually did the suturing. They used ice,
13 apparently to deaden the pain. Thereafter, Bobby
14 Beausoleil, the next day or so, was in the living room
15 with Mr. Hinman. Mr. Hinman, of course, was in a very
16 vulnerable position at that point. Mr. Beausoleil at that
17 time -- according to Mary Brunner, she was in the kitchen,
18 and Susan Atkins was in the bathroom. Bobby Beausoleil
19 stabbed Gary Hinman outside of the presence of Miss Atkins
20 and Mary Brunner. At that point in time that was the
21 fatal stab wound. He was dying. They left the house.
22 They then heard sounds from inside. Whether it was a
23 death rattle or not, I don't know. According to Mary
24 Brunner, she went back inside the house with Bobby
25 Beausoleil and Susan Atkins. At this time Bobby Beausoleil

1 took a pillow and put it over his face. Next, he gave
2 the pillow to Mary Brunner, and she put it over his face.
3 Then according to Mary Brunner, they both went into the
4 kitchen. They gave the pillow to Susan and she said
5 during the trial she did not see Susan put the pillow over
6 Gary's face. After that, they left. They cleaned up and
7 left. Bobby Beausoleil wrote the words "political pig"
8 or whatever at the residence.

9 Bobby Beausoleil testified during that trial that
10 it was Manson that killed Gary Hinman. The jury found
11 Beausoleil guilty. Interesting enough -- now, Susan
12 testified during the penalty phase of her trial, not the
13 guilt phase, but the penalty phase after she had already
14 been found guilty of these, of the -- we're now referring
15 to the Tate-LaBianca, in which she testified regarding
16 the Hinman murder. That's the only testimony she ever
17 made regarding the Hinman murder, and that's on what
18 Mr. Kay is relying to convince you that she stabbed Gary
19 Hinman. She's testified that she repeatedly stabbed
20 Gary Hinman. This is what she said: there was a fight
21 between Charley and Gary Hinman at the residence. Hinman
22 grabbed the gun from Charley. Charley ran out of the house
23 or started running out of the house. Hinman was about to
24 shoot Charley, and Susan, at that point, interceded to
25 protect her love, as she called him at that time, and

1 stabbed Gary Hinman repeatedly. There were four stab
2 wounds, no more than four stab wounds.

3 Now, I ask this Board which is the more plausible
4 account? Isn't it antithetical that the prosecution,
5 relying on the testimony of Mary Brunner in the Bobby
6 Beausoleil prosecution, used her testimony to convict
7 him, that Bobby Beausoleil stabbed Gary Hinman; that he
8 did this, and he did that, and Charley did this and
9 Charley did that. Susan wasn't present during these
10 periods of time. Then, they turn around, and through
11 Mr. Kay, they come to this Board and they ask the Board
12 to believe that Susan stabbed Gary Hinman which is
13 contradictory of the basic thrust of their prosecution of
14 Bobby Beausoleil. They do that based on Susan's very
15 own testimony during the death phase and which I will
16 comment about and which is totally incredulous and
17 totally outside of the truth. It is a fabrication to
18 come here through Mr. Kay and to argue against parole
19 based on a statement she made which should be viewed
20 with caution. I find it contradictory that they can do
21 that.

22 Now, regarding the pillow incident, again, Susan
23 Atkins said that during her penalty phase that she held
24 a pillow over Gary Hinman's face. Again, Mary Brunner
25 said she didn't. They all went back in. Now, there was

1 some material, some immaterial discrepancies between
2 Mary Brunner's testimony and Susan Atkins' testimony
3 inasmuch as who went back into the house after he was
4 fatally stabbed. Mary Brunner said that they all went
5 back in. Susan said she waited outside with Mary and
6 Bobby went back in. Now, those are discrepancies, but I
7 don't find them material discrepancies. I think what is
8 material, what is the important part is that Susan did not
9 have, did not according to Mary Brunner and according to
10 her testimony before this Board, hold a pillow over his
11 face.

12 Regarding the torture: now, granted Gary Hinman
13 was the victim of harm through nondeadly force prior to
14 his demise, prior to the infliction of deadly force on
15 his person. But, I don't think the evidence supports the
16 theory that it was a torture type of murder. Certainly,
17 if we remember Susan Atkins' testimony about that, about
18 how she went to get medical supplies which is corroborated
19 by Mary Brunner's testimony. They sutured up his wounds,
20 so on and so forth. They didn't take him to the hospital
21 granted. There was an act of murder committed. But, I
22 don't think it was a torture type murder within the
23 mitigating, within the meaning of the word in terms of
24 mitigating circumstances or within the matrix. Now, the
25 Tate-LaBianca murder.

1 PRESIDING OFFICER BROWN: Let me stay with Hinman.
 2 You realize in the packet in front of you there is a
 3 transcript on the sentencing on Case 267861 on which
 4 Miss Atkins testified the opposite on what you said?

5 MR. MOSS: It wasn't testimony. It was a statement
 6 made pursuant to a plea of guilty, that's correct.

7 PRESIDING OFFICER BROWN: You're saying that's not
 8 true?

9 MR. MOSS: That is not true. She was an aider and
 10 abettor to the murder of Gary Hinman, and she probably
 11 knew he was going to be murdered. We're talking about
 12 culpability if I might repeat that word.

13 PRESIDING OFFICER BROWN: For what?

14 MR. MOSS: Extent of participation.

15 PRESIDING OFFICER BROWN: Extent of participation.
 16 She said she held the pillow.

17 MR. MOSS: That's true. I'll explain why she said
 18 that, why she lied at the death penalty phase, why she
 19 exaggerated her role. Remember, it was 1971. I mean,
 20 1969 through 1971 during which time Susan Atkins was
 21 extremely mentally disturbed. I might point out that
 22 there is an interesting quote by Judge Older during the
 23 Tate-LaBianca murder. He said after all these girls
 24 paraded on the stand and tried to exculpate Charley and
 25 inculpate themselves, he said: "In my opinion all these

1 girls are borderline mental cases." He went on to say
2 that he wasn't sure which side of the border which I
3 found amusing. But, the fact is they were mental cases.
4 They didn't know what they were doing. They weren't
5 acting on their own free will and accord. They were acting
6 as a result of a diabolical, malevolent leader orchestrat-
7 ing this whole event. Once again, even though we
8 incorporated the record, I must remind the Board that
9 Mr. Caballero did comment extensively on his involvement
10 in the case at the time Susan Atkins was testifying before
11 the Grand Jury, at the time she made her statements of
12 Mr. Vincent Bugliosi." Mr. Bugliosi did interview Susan
13 before her testimony at the Grand Jury. Mr. Caballero
14 did state as an officer of the Court, as an officer of
15 the State of California, as an attorney at law, he stated
16 that in his opinion she was telling the truth at the
17 Grand Jury. Incidentally, I find it ironic that the
18 prosecution relied on Susan Atkins' testimony at the Grand
19 Jury to indict each and every one of these family members
20 and to form the basis of their Helter Skelter theory of
21 these murders.

22 PRESIDING OFFICER BROWN: We're getting way out in
23 left field. Let's stay with the facts of this case. We're
24 looking at parole suitability, and you're wandering now.

25 MR. NOSS: I think I was starting to talk about

1 the Tate-LaBianca murder.

2 Now, Tate-LaBianca is two statements of fact.
3 Susan did not deliberately stab Frykowski to death. Too,
4 I think this is the most important aspect of the entire
5 hearing because the public believes that Susan committed
6 atrocious crimes to the person of Sharon Tate. She did
7 not stab Sharon Tate. Now, Mr. Bugliosi said in his book
8 that they, even though she testified to the Grand Jury she
9 didn't stab Sharon Tate, he believed she stabbed Sharon
10 Tate. Well, conjecture is not evidence. The Court of
11 Appeals in their opinion in the Manson trial specifically
12 stated, and Mr. Bugliosi has his opinion, that Susan
13 Atkins stabbed Sharon Tate. All of this is conjecture
14 and opinion, and there's no basis for it.

15 Now, backing up, putting the Frykowski victim
16 because even though Susan was convicted of Seven Counts
17 of murder and One Count of conspiracy, there's no dispute
18 that she didn't stab Folger, and she didn't shoot --
19 there's no dispute that she didn't stab Folger and she
20 didn't shoot and stab Sebring, and she didn't shoot
21 Parent. There's no dispute about that. What we are
22 disputing is whether or not she stabbed Frykowski and
23 whether or not she committed those atrocious acts
24 purported --

25 (Whereupon the reporter asks for spellings,

1 and Mr. Moss indicates he will provide
2 those later.)

3 MR. MOSS: Now, in the Frykowski murder, Tex
4 Watson corroborates Susan completely that she didn't
5 deliberately stab Frykowski. He stated that -- now, I
6 know that there's been reference made to his book, but I
7 didn't rely on the book. The primary source I'm relying
8 on is his testimony, the news accounts of his testimony
9 during the trial, conversations with his lawyer, Maxwell
10 Keith, and reading the psychiatric report which
11 incorporates his account. He said that he completely
12 flipped out. Now, remember that Tex Watson was a
13 psychiatric case. He did have an insanity defense. Even
14 though it didn't wash out with the jury for whatever
15 reasons, he's testified, and I believe that the facts do
16 corroborate this, that he completely flipped out when he
17 got there. He was Manson's total follower among the
18 men. When they got to the house, what started? When they
19 climbed over the embankment and entered the driveway area
20 Steven Parent comes driving down in his car. Watson,
21 without any provocation whatsoever, shoots four or five
22 times. I think evidence indicates that he shot five times
23 right into the car in the driver's area where Steven
24 Parent was seated. At that point he walked up the
25 driveway, ordered all the girls -- ordered Patricia

1 Krenwinkle and Susan to go through the house, scout the
2 house and find out who's in there. Linda Kasabian, who
3 later became the chief witness in the LaBianca trial,
4 stayed outside. Well, once they get inside, they enter
5 the living room. He testified that, at that point -- and
6 I would make reference to his medical report -- at that
7 point he felt like an animal, a body without a mind. I
8 would like to read into the record; he said, "bring them
9 all into the room and kill them." That's what Charley
10 said to them. Okay. "There was no talk. I was like a
11 machine, ummmmm. The door opened, and I saw a guy lying
12 on the couch. He started coming at me, and I shot him,
13 and I stabbed him, and I stabbed him, and I stabbed him."
14 That was Jay Sebring. "People were running everywhere. I
15 had no feelings then or now. It didn't affect me, although
16 I can see how others feel it was wrong to kill. But, it
17 was perfect, like a machine. I want everyone to like me."
18 Bearing in mind the Manson situation there. "I don't
19 know if I would do it again if Charley computed me."
20 There was talk of computing them, progressively
21 desensitizing them, and all that. "He wanted it to look
22 like the colored people done it." Going on: "Patty
23 called me in a wild state. She was holding one of the
24 girls laying on the lawn. Then, Sadie called me." Susan
25 Atkins. "Another girl was lying on the floor, I stabbed

1 her. 'Another girl was lying on the floor, I stabbed her.'
2 I submit that was Sharon Tate. 'The victims were
3 screaming. I don't know whether the girls had stabbed
4 them. 'I don't know whether the girls had stabbed them.'
5 He said that in the confidential communication to Dr. Frank
6 who later testified during the trial. I think it is
7 clear that he doesn't know, and he supports Miss Atkins'
8 version that she didn't stab Frykowski and that she
9 didn't stab Sharon Tate.

10 Now, with reference to Frykowski.

11 PRESIDING OFFICER BROWN: Stay with Tate a minute.
12 There also is a document in the file that the two jail
13 women, Miss Atkins told them that she stabbed Sharon Tate.

14 MR. MOSS: Yes, I will address that point. At this
15 point I'm addressing myself to the testimony with respect
16 to the corroboration of Charles Watson. But, I will
17 address the testimony during the trial and how that has
18 a bearing on this.

19 PRESIDING OFFICER BROWN: Again, I'm not interested
20 in corroborating Tex Watson. This is for Miss Atkins.
21 Again, I don't want to try the case. Make your point as
22 concise as you can. But, to recite the testimony the way
23 you're reciting it, we don't have that in front of us.
24 I think you ought to make your point what her participation
25 is, she can do that, tell us what it is without

1 getting involved in Watson and all the rest of the people.

2 MR. MOSS: We do have Tex Watson's statement in
3 front of us.

4 Okay. That's the report that does corroborate
5 Susan's parole hearing version that she didn't stab
6 Sharon Tate.

7 PRESIDING OFFICER BROWN: All right.

8 MR. MOSS: Okay. The prosecution wants the Board
9 to believe that she did stab Sharon Tate, and they base
10 it on her oral confession to two jail cell mates. They
11 base it on her death penalty testimony, and that's all
12 they base it on. I'm giving the Board corroboration that
13 she didn't stab Sharon Tate, and I seek to discredit
14 what she did say to these people and seek to discuss with
15 the Board the underlying reasons and motivations for her
16 making those statements. They weren't true statements.
17 They were exaggerations. There was a lie during the death
18 penalty phase, and we'll get into that. The point I'm
19 trying to make is that she didn't stab Sharon Tate. She
20 isn't as culpable as Mr. Kay says she is, and culpability
21 is a relevant issue.

22 It's interesting that Linda K. [redacted], as the chief
23 prosecution witness in that case, she was standing outside
24 and she saw Susan run outside. She said to Susan, "Stop
25 it, stop it." You know, stop it because Watson's going

1 crazy. Susan said, "I can't. It's too late." During
2 the opening statement of Mr. Bugliosi during the Tate-
3 Labianca trial he said, "We'll seek to prove that through
4 Linda Kasabian, at that point in time, Linda saw that
5 Susan didn't have a knife." She lost the knife in the
6 struggle with Frykowski. How could she have stabbed Tate
7 without the knife? Now, these are the facts. This is
8 part of the record in the case. We're not trying it all
9 over again. She's found guilty of crimes she was guilty
10 of, but as an aider and abettor, as being there but not
11 as the perpetrator, the principal in stabbing Frykowski.
12 Otherwise, we wouldn't be here if we were talking about
13 guilt or innocence. If she was guilty, why even bother
14 talking about the offense. The reason we are talking
15 about the offense, the extent of her culpability is so we
16 can weigh the factors of suitability versus the factors
17 of unsuitability under the rules.

18 PRESIDING OFFICER BROWN: We are aware of that.

19 MR. MOSS: Linda Kasabian verifies what you said.

20 Now, I've mentioned all of the corroboration that I believe
21 is necessary to mention in regard to supporting that
22 Susan didn't stab Hinman and didn't stab Frykowski and
23 Tate. Now, Mr. Kay will talk to you, and he will tell
24 you, as he's done in the past, that contrary to these two
25 prosecution witnesses, contrary to what they said, he

1 believes she did stab Tate; she did deliberately stab
2 Frykowski, not in a fight; she deliberately stabbed
3 Hinman based on, Mr. Brown, as you mentioned her confessions
4 to Virginia Graham and Ronnie Howard, No. 1, with respect
5 to Tate-Labianca, and her death penalty after she had
6 already been convicted. Based on that, he is submitting
7 to you that she stabbed those two individuals. In
8 connection with Hinman, he's relying on her statements
9 during the death penalty phase.

10 Now, I ask you to compare the confessions made to
11 Ronnie Howard and Virginia Graham which were exaggerated,
12 detailed accounts of what she did. With respect to
13 Sharon Tate, that's the confession in the jail cell. The
14 next statement she made was the Grand Jury statement in
15 which she denied stabbing Sharon Tate and which she
16 admitted stabbing Frykowski in a mutual combat situation.
17 At the time she was represented -- at the time she
18 appeared before the Grand Jury she was represented by
19 Mr. Caballero who gave us in previous hearings his
20 thoughtful, painstaking background explanation of what
21 she said. Next, it's the death penalty testimony on which
22 the prosecution would lead you to believe that she killed
23 Tate. Basically, at that point in time, you'd have to
24 read the testimony to get a grasp of what was going on
25 there. She was the first person to take the stand at

1 which time, during the death penalty phase, at which time
2 she professed her love for Charley. She professed her love
3 for Bobby Beausoleil. She stated she killed Hinman to
4 save Charley. She stated that she would do anything for
5 the Manson family, and she went on to say she stabbed
6 Tate, and she stabbed Frykowski.

7 Now, I ask you to analyze those three statements,
8 confessions of the Grand Jury testimony and the death
9 penalty testimony, in view of what I submit to the Board
10 today. That's first of all, Dr. Coburn's report dated
11 September 13, 1981, in which I specifically asked him to
12 address the question of Susan's propensity for and
13 motivation for having overstated her involvement in the
14 original cases. I'm speaking to the confessions now and
15 the death penalty testimony in which she obviously
16 implicated herself and overstated her involvement. It
17 goes on to say that her behavior, in his opinion, was
18 largely the product of her basic, then continuing
19 immaturity and adolescence in conjunction with the mind
20 altering and identity destroying influences of drugs,
21 the atmosphere, the social, psychological, coercive
22 pressures of the Manson clan, environment of Charles
23 Manson himself.

24 At this point I don't want to have to reiterate
25 everything Mr. Caballero said about her Grand Jury

1 testimony. It's not necessary. I would hope that the
2 Board would be fully aware of what he said in 1978 and
3 what he said about the underlying circumstances in which
4 she testified before the Grand Jury at which time she
5 denied killing Sharon Tate. At that time she was
6 cooperating with the police. She was given a limited
7 immunity from prosecution of the death penalty, and it was
8 possible, according to Mr. Caballero that the charges
9 might be reduced further. It was at that time that
10 Mr. Caballero and Susan Atkins were working together. It
11 was at that time she hadn't seen Manson for a certain
12 period of time, and it was in that environment that she
13 was sent before the Grand Jury. She had been previously
14 interviewed by Mr. Bugliosi. She had taken the police to
15 the scene of the murder. She was fully cooperative. She
16 had a motive to tell the truth. Motive to save herself
17 from the gas chamber, and she went before the Grand Jury.
18 It was based on that that all the others were indicted.
19 It was based on that that they formed the Helter Skelter
20 motive because she talked about her involvement with
21 Manson.

22 Measure the Grand Jury testimony against her
23 testimony, her confessions to these two girls in jail.
24 Keeping in mind what she has told you before, why she
25 was bragging to these people, why would she in her right

1 mind tell these people all of these gross abnormal acts
2 which she previously committed? Because, she told you
3 that she felt guilty. She was programmed, and it's really
4 hard to put ourselves in her mind. But these girls were
5 programmed to kill. They were programmed to kill without
6 remorse. When she found that she couldn't kill Gary
7 Hinman, her friend, without remorse -- she didn't kill
8 him at all, but when she found out she couldn't take being
9 there -- and I know Mr. Kay will say she was so remorseful
10 she did it again --

11 PRESIDING OFFICER BROWN: Why don't you let Mr. Kay
12 speak for himself?

13 MR. MOSS: I understand. Thank you. She went
14 back and she did it again. She did do it again because
15 she went back up to that isolated setting called the
16 Spahn Ranch which everybody was there giving everybody
17 all these reinforcements, negative reinforcements and
18 philosophical truths or untruths, or whatever they were.
19 Then, she went back down at the behest of Charles Manson
20 and went to that Tate house, and was there, and eventually
21 was convicted for those murders. But, I ask you to, once
22 again, keep in mind her state of mind when she confessed
23 to these people. She was feeling guilty. She couldn't
24 kill without remorse. She couldn't participate in these
25 crimes without feeling some feeling for these human beings.

1 She couldn't do that, and unconsciously, because she felt
2 that she just couldn't cope with that -- I think Susan
3 can speak to that much better than I -- because of that
4 she exaggerated her role. She had this impression, this
5 image, this distorted image of herself at the time. She
6 was the Ma Barker type, and she was tough. She was Sadie
7 Mae Glutz. She was tough. She could do anything. She
8 was the hardnosed one of the group. Manson would ignore
9 her, and she would seek his approval constantly in this
10 obsessive way. What did she do? She exaggerated her role
11 in these killings because that was her way of proving
12 herself. I ask you to read Dr. Coburn's point on this
13 which is very important to this. He says that you should
14 view her statements with caution. By the way, it is an
15 instruction; it is a fundamental point of law that all
16 oral confessions are viewed with caution. But in any
17 event, especially in this case.

18 *Her recitation of specific involvement
19 in violent acts at that time, is therefore,
20 highly suspect, not only because of the
21 identity diffusing effects outlined above,
22 but also because of her need to gain
23 affection and/or respect from the co-
24 defendants and from other group members
25 then unindicted. Status demands did not

1 allow her to face her own limits. That
2 is her own insecurities and unconscious
3 feelings of failure, and so on and so
4 forth, and deal honestly with the degree
5 of involvement or noninvolvement in the
6 actual murders or actual violent acts
7 perpetrated."

8 She wasn't able to face realistically what she did or did
9 not do. Now, she stands before this Board basically
10 indicted by her own words which were lies, which weren't
11 truthful, and I've sought to introduce the testimony or
12 the statements of Dr. Coburn to support that. Rather
13 than give you my opinion here, we have an opinion within
14 a reasonable medical certainty why she did it.

15 Now, I also, keeping in mind that this is very
16 important -- Mary Brunner, for which we have psychiatric
17 reports -- now, Mr. Kay said he couldn't see what I was
18 pointing to in this, why this document is relevant. It's
19 very relevant because Mary Brunner was -- came from an
20 upper class family, was educated, college educated, was
21 studying for her Master's Degree, and ended up in
22 Berkeley meeting Manson when he came to entertain. This
23 is her background. She is a very bright lady, Anyway,
24 she ends up testifying against Bobby Beausoleil during
25 the trial, and she said that Bobby was the one that

1 stabbed Hinman. She was given immunity, complete
2 immunity for her testimony. Bobby Beausoleil was convicted
3 on her testimony, and later on, after Bobby Beausoleil
4 discharged his lawyer and was in pro per, we have post-
5 trial proceedings, in a motion for new trial Bobby
6 Beausoleil calls Mary Hinman (sic) to the stand. Mary
7 Hinman (sic) takes the stand and at that point in time
8 she tries to recant her testimony implicating Beausoleil.
9 The first thing she said --

10 PRESIDING OFFICER BROWN: Wait a minute, Hinman?

11 MR. MOSS: This is Mary Brunner I'm talking about.
12 Now, to point out what these girls, their state of mind,
13 what they would do for the family and how much guilt they
14 would feel, and why they would lie --

15 PRESIDING OFFICER BROWN: You can't. What the
16 other girls feel isn't an issue. This is corroboration.

17 MR. MOSS: It's so similar, Mr. Brown, that it has
18 to be very relevant. It's just so similar it boggles the
19 mind.

20 PRESIDING OFFICER BROWN: Let's get to the point.

21 MR. MOSS: Mary Brunner comes back to Court, and
22 she takes the stand subpoenaed by Bobby Beausoleil, and
23 she attempts to say, "I lied. I lied when I testified
24 against Bobby Beausoleil. He didn't kill Hinman." But
25 she didn't think it through. She didn't know what Judge

1 Keene was going to do, or the consequences and all that.
2 He said, "Wait a minute. Okay. Who did kill Simman?"
3 She went -- I forget what she said in that regard. It
4 wasn't Susan. And he said, "Well, who hit Simman over
5 the head and who slashed his ear?" At that point she
6 sought to take the fifth amendment, "I don't want to
7 testify any further. I told you Bobby didn't do it. I
8 want to take the fifth." Judge Keene said, "No, no, you
9 can't pick and choose. Either you testify, or you don't
10 testify." He warned her if she lied, if she recanted her
11 testimony, as it turns out she was lying during the trial,
12 they were going to take her immunity away and arrest her.
13 Well, they took a recess, and they hired a lawyer for her.
14 As I said before, they tried to get Daye Shinn, who
15 represented Susan during her trial, a Manson-hired lawyer.
16 Evidently, there was a conflict of interests there, and
17 I won't comment on the trial or the fair trial aspects or
18 whatever. They weren't able to get to Daye Shinn. He
19 was in Tokyo or something. They brought in an attorney
20 by the name of Graves, a court appointed attorney. He
21 talked to Mary, and he said, "Look, if you recant your
22 testimony, they're going to prosecute you." She would have
23 been right here on death row. Well, he came back to Court
24 and she decided at that point in time, after talking to
25 Mr. Graves, she was going to stick by her testimony.

1 Beausoleil tried to cross-examine her, and she apologized
2 to him profusely and all that, but she testified against
3 him. She was telling the truth.

4 Well, what happened after that point in time?

5 Beausoleil went off to death row, and Mary went to
6 Wisconsin. But, the family still had a hold on her. So
7 they brought her back from Wisconsin at one point -- later
8 on they brought her back, and she felt so guilty. It's
9 set out right here in the report. She felt so guilty, like
10 she had betrayed the family. She was convinced of that.
11 She did everything she could to overcompensate for that
12 feeling of guilt for having testified against Beausoleil
13 during the trial.

14 PRESIDING OFFICER BROWN: Counsel, I'm going to have
15 to stop you. You're going into what other people are
16 saying, and it's not related whatever to what we have
17 before us. You're trying to state what was in her mind.
18 Let's get to this particular point.

19 MR. MOSS: Thank you. Let me just summarize, and
20 it's a basic point I'm trying to make here with respect
21 to Susan's confessions, and her death penalty testimony,
22 and her statement pursuant to her guilty plea about Hinman.

23 The basic point I'm trying to make is that Susan
24 lied on those occasions because she was trying to prove
25 herself to the Manson family. She was so guilt ridden about

1 testifying at the Grand Jury and causing their indictment,
 2 she was so riddled with guilt and rejection and resentment
 3 from these people, that once Charley got his hands on her
 4 and exercised his subtle forms of manipulation, physical,
 5 by the way, physical intimidation and mental intimidation,
 6 by that time she fired Caballero -- talking about death
 7 penalty -- and she got up on the stand and lied. Prior
 8 to that time -- it's a different thing regarding the
 9 confessions. She exaggerated her role because she could
 10 not differentiate between the real and the unreal. She
 11 couldn't differentiate as to what she really did at that
 12 point in time. It really does take a psychiatrist to
 13 explain that, to explain those underlying psychological
 14 dynamics and then compare the corroboration for her
 15 version against the corroboration against the District
 16 Attorney's version. She didn't have the knife. How could
 17 she have stabbed Tate? Watson said he ran around stabbing
 18 everybody. Linda Kasabian ran around saying she didn't
 19 have the knife. How could she have stabbed Tate? Mary
 20 Brunner said she didn't stab him. That's corroboration,
 21 two chief witnesses supporting Miss Atkins. Now, she's
 22 here at this time having to convince the Board that she
 23 didn't commit the acts with that extent of culpability
 24 which has been attributed to her.

25 Okay. I think it is important to compare Watson's

1 dynamics and Beausoleil's dynamics at that time because
2 that was the ferry of the prosecution's case, that they
3 were all manipulated by the leader who was bent on
4 creating the race war, filled with hate, motivated by
5 the need of power, and blood, that they took advantage
6 of these people and manipulated these people and caused
7 them to do this and that and so forth. And so, it's
8 important to analyze each of these individuals and then
9 compare them to one another and look at the similarities
10 to understand their behavior.

11 Now, finally, Dr. Coburn does mention -- very
12 important point with respect to the Jonestown murders,
13 the Jonestown massacre. He points out that absent mind
14 altering drugs, and absent the adolescence of one's
15 followers, someone, with whatever powers they have,
16 beyond imagination, a person like Jim Jones, a person
17 like Manson -- let's talk about Jim Jones.

18 PRESIDING OFFICER BROWN: Let's not. He's not on
19 trial here. I want you to stay with this case and this
20 inmate. Now, get to the point.

21 MR. MOSS: I'm concluding.

22 Jim Jones could cause these individuals to commit
23 gross, abnormal acts, in an isolated situation, isolated
24 setting. Manson had the same opportunities. He had the
25 same isolated social setting. He had the advantage of

1 using drugs, withholding any positive reinforcement,
2 negative reinforcement, and so on, physical and mental
3 intimidation, and he did. He got them to do whatever he
4 wanted them to do. He got her to lie at the death penalty
5 phase during this trial, and in a search for the truth,
6 we submit once again that Susan didn't stab Sharon Tate.
7 She didn't deliberately stab Frykowski, and she didn't
8 stab Hinman. Thank you.

9 PRESIDING OFFICER BROWN: Let us turn to Mr. Kay.
10 Would you tell us your version?

11 MR. KAY: Well, I'll try to be very brief. I'll
12 start with the Hinman murder.

13 Of course, I've talked about these in some length
14 at the prior hearings. I'm sure the Board has read the
15 records of the prior hearings. The problem with Miss
16 Atkins is she's dug her own grave. It's nice that she
17 wants to change her testimony now so that she can hopefully
18 get out someday. She hopes she can get out someday, but
19 she's stuck with a lot of admissions and a lot of
20 evidence against her.

21 The Hinman case. I disagree with counsel. I feel
22 that it is a torture murder case. Gary Hinman was
23 savagely beaten and had his whole ear severed and face
24 eliced from his ear down to his mouth, and they wouldn't
25 get any medical attention for him. Yes, Miss Atkins went

1 to the store to get some thread to sew up his ear, but
2 they didn't call a doctor for him. Why? Because they
3 wanted to force him to sign over his property. That's
4 why they were there. They wanted two things. They wanted
5 all his property and wanted him to join the family. He
6 wouldn't join the family, and he didn't have the property
7 they thought he had. But, before they killed him, they
8 made him sign over the pink slip to his two automobiles
9 and sign over his house. Here the poor man was moaning
10 and groaning on the floor holding his rosary beads. When
11 his body was found he was still holding the rosary beads
12 crushed in his hand.

13 Miss Atkins, as he pointed out, Mr. Brown, when she
14 pled guilty to the Hinman murder, admitted at least
15 holding a pillow over his head to suffocate him after
16 Beausoleil stabbed him. She did admit at the penalty
17 phase she had stabbed him. She's admitted that she held
18 a gun on Hinman at one time. There were several people
19 that held guns on Mr. Hinman. Bruce Davis held a gun
20 while Manson sliced him with a sword. Miss Atkins held
21 a gun on him on an occasion, but Hinman, he was just a
22 little fellow, and they just wouldn't take no for an
23 answer. They wanted his property. Miss Atkins was so
24 distraught about killing Hinman that she came back to the
25 ranch and was telling everybody about how they killed

1 Hinman. What did she do during the period in between the
2 Hinman murder, which was July 25-26, and the Tate-LaBianca
3 murder which was the 9th and 10th of August, she spent
4 most of her time sharpening knives and planning on going
5 out again. As a matter of fact, the night she went out
6 on the Tate murder, before she left she told one of the
7 ranch hands, Juan Flynn, "We're going to kill some
8 mother fucking pigs." Pardon my language, but that's a
9 direct quote.

10 Now, pigs in the Manson family didn't refer to police
11 officers as some low life [REDACTED] that term, but it referred
12 to white middle class people who work at jobs from
13 9:00 to 5:00. That's who they were looking for to kill.
14 In the -- and, of course, Hinman was in his own home
15 during the murder. He was held a virtual prisoner in his
16 own home. They wouldn't let him go, and they finally
17 killed him after they determined they got everything they
18 could get from him, and the poor man was dying anyway. He
19 was a musician and a very meek fellow, and for him to
20 fight, even with Miss Atkins, I don't think he would want
21 to. He was just a little guy.

22 Counsel relies heavily on Mary Brunner for corroborat-
23 tion from Miss Atkins. Mary Brunner, when I prosecuted
24 the Hinman case, I didn't use her as a witness. She's a
25 big liar. She was totally discredited in the Beausoleil

trial, and I didn't use her against Bruce Davis as a witness. Our office tried to prosecute her for murder after her perjury at the Beausoleil trial. Her attorney took it up to the Court of Appeal. They said, "No. The agreement that the DA's had with her is that she testify in the trial, and she testified. Whether she told the truth or not, she testified, and so she complied with the agreement. That's too bad." So, we wanted to prosecute her for the Hinman murder, and we were foreclosed by the Court of Appeal.

I agree with Mr. Moss when he characterizes the crimes as the most serious crimes in American history. I think certainly they are the most serious crimes in American history. As far as the Tate murder, the interesting thing about Miss Atkins' confession about killing Sharon Tate was that the police didn't know who killed Sharon Tate. They didn't know who killed any of the Manson people. Miss Atkins was in jail for the Hinman murder. They didn't suspect them for the murder until she confessed. So, she wasn't confessing to protect anybody in the Manson family because she had implicated them. She was the first one. Her confession broke the case. That's how we found out that, "Hey, we ought to look at these people because look at what she told her two cellmates and Sybil Brand." Fortunately, one of her cellmates,

1 Ronnie Howard's father was a police chief in New Mexico.
 2 She called the police station and said, "I've got this
 3 information, and you better come and check it out." Her
 4 confession is interesting to show what Miss Atkins' state
 5 of mind was. Counsel likes to talk about Miss Atkins'
 6 state of mind. Her confession to Virginia Graham, she
 7 told Virginia Graham, "Sharon was the last to die." Then,
 8 she laughed. She said, "She (Susan Atkins) held Sharon's
 9 arms behind her." Remember, Sharon Tate was eight and
 10 a half months pregnant at the time. "Sharon Tate looked
 11 at her and was crying and begging, please don't kill me.
 12 I don't want to die. I want to live. I want to have my
 13 baby. I want to have my baby." Susan said she looked
 14 Sharon Tate in the eye and said, "Look, bitch, I don't
 15 care about you. I don't care if your going to have a baby.
 16 You had better be ready. You are going to die, and I
 17 don't feel anything about it." Then, she killed her. She
 18 told Ronnie Howard, the other cellmate, "I just kept
 19 stabbing her until she stopped screaming." She had
 20 16 stab wounds. I don't contend that Susan Atkins
 21 inflicted all the stab wounds on Sharon Tate because I
 22 believe Tex Watson inflicted some of the stab wounds.
 23 How you divide those two? I believe Miss Atkins and
 24 Watson know. I believe Susan didn't do all the stabbing
 25 herself, and Watson didn't do all the stabbing himself.

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1 Now, interestingly enough, Susan Atkins has
2 admitted that after killing Sharon Tate she even tasted
3 her blood because she was so excited about the experience
4 in participating in murder. Not only did she do that,
5 but she dipped a towel in Sharon Tate's blood and went to
6 the front door of the residence and wrote "F1g" on the
7 front door. Then, when she got to the car, the getaway
8 car afterwards, the only thing she complained about after
9 all these gruesome murders was that her hair hurt because
10 one of the victims who was obviously Frykowski was pulling
11 her hair during the incident. Patricia Krenwinkle
12 complained that her hand hurt because when she was
13 stabbing the victims, she was hitting their bones. Of
14 course, from what we've heard today, one would have you
15 believe that Mr. Watson did everything. That's not the
16 case. Pat Krenwinkle participated in the murdering of
17 Abigail Folger. Miss Atkins stabbed Wojicieck Frykowski.
18 Whether her blows were fatal blows to Frykowski -- she
19 tried to stop him from running out of the house to the
20 front lawn. Linda Kasabian testified that when she
21 finally got to the front porch he was already covered
22 with blood at that point, and then he ran out on the grass
23 and Watson caught him there, and jumped on him there,
24 and finished him there, but he had a total of 51 stab
25 wounds, and 13 blows to the head from the butt of a gun.

1 The victims at the Tate house had a total of 157 stab
2 wounds.

3 The evidence at all of the trials -- and I should
4 say there have been four trials on the Tate-LaBianca
5 murders. There was the Manson, the Atkins-Manson,
6 Krenwinkle and Van Houten, that was the first trial. The
7 second was with Tex Watson, and the last two were with
8 Leslie Van Houten. I participated in all of the trials.
9 I'd be interested to know who read the transcripts. There
10 was a total of 45,000 pages of all four of the trials.

11 I don't think that if I sat down on August 14th until today
12 that I could possibly read all of that; although, I read
13 all of these transcripts at least three times. The
14 evidence at the trial showed that on the night during the
15 Hinman murder and during the Tate murder no one was on
16 drugs. During the LaBianca murder, Tex Watson took some
17 speed, and he testified that he took the speed to stay
18 awake because he was so tired from the previous night in
19 participating in the Tate murders.

20 As far as the girls not knowing what they were
21 doing ~~and~~ Watson not knowing what he was doing, that was
22 absolutely dispelled by the evidence in this case. These
23 murders were so well planned, Watson even climbed the
24 telephone pole before he went to the Tate house and he
25 went up with a pair of 13-pound wire cutters and cut all

1 wires so the people in the Tate house couldn't call out to
2 the police. They knew the plan of the house. They were
3 armed from the time they left Spahn Ranch. Miss Atkins
4 had a knife. So, I mean, these murders were very well
5 planned, and they all knew exactly what they were doing.
6 They knew the purpose of going out on these nights of
7 murders was to find people to kill and to blame the
8 murders on the blacks to start a race war. That doesn't
9 apply to Hinman. Hinman was just a robbery-murder
10 situation. Here they wanted his property and were going
11 to get it any way they could.

12 Let me just check my notes to see if I'm missing
13 anything else at this point.

14 I think that other than the fact you have all my
15 prior recitations of the facts in the record already,
16 I'm not going to put everybody to sleep by repeating
17 it again. I'll rest on that.

18 PRESIDING OFFICER BROWN: Member Jellison, any
19 questions?

20 BOARD MEMBER JELLISON: Nothing.

21 PRESIDING OFFICER BROWN: Mr. Neto?

22 REPRESENTATIVE NETO: No.

23 PRESIDING OFFICER BROWN: Anything further from
24 you?

25 INMATE ATKINS: Yes. I'd like to make some

1 statements.

2 PRESIDING OFFICER BROWN: Go ahead.

3 INMATE ATKINS: In 1974, December of 1974, for
4 the first time I told the truth about my actual partici-
5 pation, whether or not I did or did not kill anybody. I
6 told this to a man that I had never met before who had
7 come to visit me one time, and I was shocked that I actually
8 said what I said. The man's name was Chaplain Ray from
9 the International Prison Ministry. He said to me on death
10 row, "Susan, you have a lot of things to be thankful for."
11 And I told him, "Yes, I do. I have a lot of things to be
12 thankful to God for. The thing that I'm the most thankful
13 for is that with my two hands I never intentionally or
14 unintentionally took a human life." That was the first
15 time I could come to grips with my actual participation in
16 the crime from the time of 1969 to '74. It took me from
17 1974 to 1977 to be able to come to this Board, it took me
18 three years to weigh whether or not it was worth telling
19 the truth to a Parole Board hearing so that the truth
20 would be heard. In 1977 I told the truth to the Parole
21 Board that I did not kill Sharon Tate, that I did not
22 kill Wojciech Frykowski, that I did not kill Gary Hinman.
23 Yes, I did inflict wounds to Frykowski in a fight, and I
24 don't want to go into the details of that. We were both
25 fighting. Well, yeah, I will go into detail on that.

1 When we had entered the Tate house, Wojciech
2 Frykowski was asleep on the couch. I was asked to tie him
3 up. I tied him up with a bath towel, not a rope, a bath
4 towel. Charles Watson asked me -- did not ask me, he told
5 me to kill him, and I could not wield a deadly blow to
6 that man. When he saw that I could not kill him, could
7 not bring down a knife and kill him, he broke free from the
8 wrappings of the towel, and he started fighting. At that
9 point, utter chaos went on. At that point Jay Sebring
10 was shot on the floor, and everybody else was alive in the
11 house. It is true Sharon Tate was the last person to die
12 in that house, but before she died I had lost my knife
13 in the fight with Wojciech Frykowski. There was no way
14 that I could have ever stabbed Sharon Tate. I did not have
15 a weapon in my hands.

16 As to why I lied during the penalty phase of my
17 trial and why I lied in exaggerating my participation when
18 I talked to the two prison inmates, I would hope that you
19 could understand or try to understand where my head was at
20 in 1969 and 1970. Between '68 and '69 I was told over and
21 over again that human life had no value, that it didn't
22 mean anything, that words didn't mean anything, that
23 nothing on this earth mattered. The only thing that
24 mattered was survival, and that people in a system were
25 my enemies. I was taught this, and I was told from the

1 time I would get up in the morning to the time I'd go to
2 bed at night. I was literally being programmed to kill.
3 I could not do what I was programmed to do. If either
4 one of you gentlemen have ever been in the service, you
5 know that when you are in the army or navy or marine corps
6 you are programmed to kill your enemy, to fight, to defend
7 what is your right. You would take a gun or you would
8 take something, a weapon and go out and attack somebody
9 that you don't even know because that's what you were told
10 is right to do. If you don't do it, you'll end up in
11 Leavenworth because you could not do what you were told
12 to do, or you would get a dishonorable discharge. When I
13 could not follow through what I was told to do, I felt
14 the same guilt, I felt like a coward, the same thing any
15 man would feel if he went out to find his enemy and to
16 fight his enemy and turned and ran. You would feel like
17 you were a coward. I felt like I was a coward. So, I
18 overcompensated when I was arrested in County Jail so I
19 could feel better about myself in my frame of reference
20 at that time. Yes, I did exaggerate my participation to
21 those two women because I was told by Charlie that when
22 you are in the County Jail system, and when you are in a
23 prison, you've got to be tough. You've got to be strong.
24 You've got to make them afraid of you, otherwise they'll
25 pick on you and manipulate and use you. You'll be, in

1 other terms, their punk. So, I wanted to be respected in
2 County Jail. I didn't want anybody bothering me. I
3 looked like I was 16. I didn't look 21. I was a kid. I
4 was scared. I had been arrested for murder, and a murder
5 I knew I didn't do. Yeah, I was there, and I took full
6 and absolute responsibility for my participation in the
7 crimes. But, I cannot in good conscience today take
8 responsibility for things that I did not do. It is
9 unfortunate that I was such a convincing liar to this day
10 that Mr. Kay still believes that I could kill somebody.
11 It is unfortunate that nobody but the people that were at
12 the houses on those three nights really, really know what's
13 going on. All I'm asking you people to do today is try
14 to understand why I said what I said. It would be far more
15 beneficial for me to sit here and tell you that I was full
16 of remorse, and that I would never, never do it again and
17 hope in 75 years you would release me. That would be far
18 more favorable to me to confess to doing something I
19 didn't do and hope for mercy. But, I'm not trying to get
20 mercy. I'm trying to ask you to understand where my head
21 was at and understand that I take responsibility for my
22 actions. I will go the rest of my life serving time
23 whether I serve time in prison or whether I'm eventually
24 released from this place and serve time in the free world.
25 I will live the rest of my life with those three nights

1 burned indelibly in my heart and in my brain. I know the
2 heinousness of the crime. I know how horrible it is, and
3 nobody has to sit here year after year and tell me why
4 I'm sitting in this prison. Every day I get up I know
5 why I'm sitting in this prison, and for the rest of my
6 life I will live with that. But, it's about time that
7 somebody tells the truth, and that's what I'm here to do.
8 That's what I've been doing since 1977 is tell the truth,
9 and I will continue to tell you the truth, not because some
10 day I hope it will get me released but because it's the
11 truth. That's what I value today is the truth.

12 PRESIDING OFFICER BROWN: Okay. Let's turn to
13 the next part of the hearing, and that is the prior
14 record. In this case, the probation officer's report.
15 Part of the packet contains the prior record on pages
16 4, 5 and 6. That was reviewed at last year's hearing. Do
17 you have anything you'd like to add to that?

18 MR. MOSS: In terms of content, I think it's
19 important to note that her first involvement with law
20 enforcement was at the age of 18 years old. She had no
21 prior juvenile history.

22 PRESIDING OFFICER BROWN: Okay. Mr. Kay?

23 MR. KAY: Just -- the only comment I have is
24 about the Oregon arrest. When she told the trooper after
25 she was arrested and remember she was carrying a loaded

1 firearm, she told the trooper, "I should have killed you."

2 MR. MOSS: I have a response to that. I think
3 that's consistent with her state of mind, what she has
4 been trying to explain to you that she wanted to look tough.
5 In other words, she wanted to create the veneer of toughness,
6 gangster type, and that comment was very consistent with
7 that state of mind.

8 PRESIDING OFFICER BROWN: Anything else?

9 MR. KAY: No.

10 PRESIDING OFFICER BROWN: Miss Jellison?

11 BOARD MEMBER JELLISON: No.

12 PRESIDING OFFICER BROWN: Mr. Neto?

13 REPRESENTATIVE NETO: No.

14 PRESIDING OFFICER BROWN: Do you have any comments
15 on the prior record?

16 INMATE ATKINS: No.

17 PRESIDING OFFICER BROWN: Let's turn to the
18 institutional adjustment, and Mr. Neto is going to start
19 out with that.

20 REPRESENTATIVE NETO: In reading last year's
21 transcript I note that that panel incorporated by
22 reference the institutional adjustment up to the previous
23 year. I'm proposing to do that, and incorporate pages
24 16 through 40 which cover the year from '79 to '80. We
25 might pause at that point and ask counsel or Miss Atkins

1 if they have any comments in that period up through the
2 last year?

3 INMATE ATKINS: Just that I've consistently
4 abided by the rules and continue to try to program and
5 make this time a positive factor in my life.

6 PRESIDING OFFICER BROWN: We'll get to this next
7 year, this year is what we're talking about.

8 INMATE ATKINS: No, I have nothing to say about
9 that.

10 REPRESENTATIVE NETO: All right. We'll proceed
11 to the current year, starting from last year coming to the
12 present. I read your file, I think rather thoroughly, and
13 I'd like to go over it for the benefit of the record and
14 Panel and for all participants to see if I understand it
15 correctly.

16 When you came to post Board classification last
17 year, the issue of moving out of PTU came up and this
18 eventually was approved in September, is that right. You moved
19 into Barneberg, is that how it's pronounced?

20 INMATE ATKINS: Yes.

21 REPRESENTATIVE NETO: It's spelled B-a-r-n-e-b-e-r-g.

22 INMATE ATKINS: Yes.

23 REPRESENTATIVE NETO: And at that time you were
24 classified to continue academic program. I was a little
25 confused on that point. The file indicates that you were

1 approved for 15 hours of class time and 15 hours of
2 teaching assistant. Does that mean you would be a teaching
3 assistant?

4 INMATE ATKINS: No, that meant that I assisted
5 the teacher.

6 REPRESENTATIVE NETO: All right. Then the first
7 report I find is dated December '80 in Shorthand I. You
8 received an A. In Elementary Accounting I you received an
9 A. Then, the next report is dated January of '81 and this
10 baffles me a bit because it was a work report indicating
11 you had worked in the business education office with
12 clerical and office duties for a period of five months.
13 Is that true?

14 INMATE ATKINS: That is true.

15 REPRESENTATIVE NETO: Now, this would have been
16 in lieu of the teaching assistant part of the program?

17 INMATE ATKINS: No. I'd like to clarify that for
18 you. I was assigned in, I think it was August or late
19 July, first part of August. I was assigned a new job as
20 teacher's aide, teacher's assistant in the business
21 education department. I began to work over there to learn
22 what that job was about. In September of 1980 I moved to
23 the campus, and I began a regular school program where I
24 worked half a day as the teacher's aide in the clerical
25 department and went to school the other half day. So,

1 there was a period before I actually went into my school
2 work where I was working, and that is the five month period
3 I was working with Mrs. LaBarge.

4 REPRESENTATIVE NETO: Comments on that grade of
5 five months duration were, "Conscientious, responsible
6 attitude. Positive attitude and rapport with peers."

7 Then, next I found a chrono dated March '81 indicating in
8 your clerical assignment you were being promoted from a
9 no-pay to a pay of \$15.90. Your grades were straight I's
10 for the time initiated being outstanding, and April of '81
11 we found a grade for Shorthand II, grade of B. In '81
12 there was another grade for Filing and Record Management,
13 a grade of C. In August of '81 was the last grade that
14 I detected, Word Processing, grade of C. I notice a slight
15 slippage from A's to B's to now D's. Does that indicate
16 a pattern?

17 INMATE ATKINS: No. What it is, these are skills.
18 These are not as though I'm having to memorize information
19 in a nonvocational education, things such as Psychology
20 or Literature. These are actual skills, and the grades
21 I'm receiving is on my ability to handle the skills. They
22 are very tough skills. I am not -- it's very difficult
23 for me to keep details, and these classes require great
24 details where I have to concentrate heavily upon details.
25 I admit to you I'm just not good at office work, but I do

1 the best I can. I give the best I can to my studies, and
2 if my teacher gave me a C, that's what I deserve was a
3 C. I did not make B and A work. It's a tough class, and
4 also in the word processing, the lady who gave me the grade
5 of C, she had been on vacation for three months. She was
6 not even the instructor who began to teach me word
7 processing. I had only been into word processing for three
8 weeks when she returned, and she had never seen me work
9 one day there when she made that chrono. In my opinion,
10 the teacher, Miss Smith, did not know whether I did C work,
11 B work or A work.

12 REPRESENTATIVE NETO: One thing I didn't find
13 in Mr. Pope's Board report or anyone else's was the amount
14 of college units you've accumulated in the past year?

15 INMATE ATKINS: Oh, I would estimate I had
16 accumulated 18 to 20 college units through Chaffee, 18 to
17 20. I have on record 90 -- excuse me. I have close to
18 120 units, total university college credits from 1973 to
19 now. I have maybe 15 to 20 units away from my AA degree.
20 None of that's in the records. I will make sure I have a
21 xerox copy so next year I will have a record of all of the
22 classes I have taken so the Board will be aware that I have
23 not been idle.

24 REPRESENTATIVE NETO: That's maybe a good idea
25 because it's not the total summary. So, I gather you are

1 presently -- I gather you are presently in the same program
2 of school part time and work as a clerk in the school
3 office part time?

4 INMATE ATKINS: Right now, yes, I am.

5 REPRESENTATIVE NETO: All right. Now, on the
6 level of disciplinaries: I found no disciplinary infrac-
7 tions nor negative 128's. I assume there would be none?

8 INMATE ATKINS: Yes.

9 REPRESENTATIVE NETO: I did find two positive
10 chirocos from Monsignor Lawlor, l-a-w-l-o-r, for participa-
11 tion, evidently, just prior to Christmas and Fourth of July.

12 INMATE ATKINS: Yes.

13 REPRESENTATIVE NETO: I gather you are a practicing
14 Roman Catholic?

15 INMATE ATKINS: Yes, I am.

16 REPRESENTATIVE NETO: The only thing else other
17 than psychological and psychiatric reports, which I will
18 go into in a moment, I noted the significance the past
19 year in the institution in a recent change in marital
20 status. I gather just a couple of weeks ago you married a
21 Mr. Donald Laiser?

22 INMATE ATKINS: Yes.

23 REPRESENTATIVE NETO: I was curious in that regard
24 because there was some discussion about your planning to
25 marry a Mr. Hoibrook?

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1 INMATE ATKINS: This past year I had told the
2 Board I had broken my engagement with Mr. Holbrook the
3 year previous.

4 REPRESENTATIVE NETO: All right. Before we go on
5 to the area of psychiatric and psychological reports, did
6 you have any questions or comments, Mr. Brown?

7 PRESIDING OFFICER BROWN: I don't have any.

8 REPRESENTATIVE NETO: Miss Jellison?

9 BOARD MEMBER JELLISON: I have questions, but I'll
10 wait until parole plans.

11 INMATE ATKINS: I'd like to state that the cottage
12 I am living in in the institution is considered the honor
13 cottage. It is the college cottage. You cannot get into
14 that cottage unless you are screened by the women in the
15 cottage. It's a hard cottage to get into. It's a hard
16 cottage to stay in. The requirements to stay in there
17 are that you remain disciplinary free, you are quiet, you
18 are respectable of your peers. I feel very good that my
19 first time on campus I was allowed to enter into the honor
20 cottage.

21 REPRESENTATIVE NETO: Mr. Pope, would you verify
22 this statement?

23 MR. POPE: That's true, but you never left. You
24 started directly from PTU.

25 INMATE ATKINS: Yes.

1 REPRESENTATIVE NETO: All right. Proceeding on to
2 psychological and psychiatric reports. The packet for this
3 hearing includes a rather comprehensive summary than last
4 August 4th by Mr. Schaüfel, S-c-h-a-u-f-e-l, who was with
5 the Board. I would propose that we incorporate that report
6 on previous psychiatric history. This capsulizes 14
7 reports, including your other one done by Dr. Coburn.
8 Would that be agreeable, counsel?

9 MR. MOSS: Yes.

10 MR. KAY: Agreeable.

11 REPRESENTATIVE NETO: Okay. Coming up to the
12 present, we have current reports both by Dr. Jamakis,
13 M. J. Jamakis, first dated 6/11/81. He does not use --

14 INMATE ATKINS: It's a she. It's a lady, Dr.
15 Jamakis, female.

16 REPRESENTATIVE NETO: Okay. She does not use the
17 format that I'm used to. So, I underlined some, I felt,
18 key phrases which I will read into the record. From the
19 third paragraph,

20 "Miss Atkins appears to have no major
21 psychopathology at the present time.

22 She showed adaptive abilities and
23 persistence in wanting to improve both
24 herself and her condition. Some of
25 the previous psychiatric descriptions

1 and diagnoses still remain to some
2 extent in her personality structure
3 such as a passive-aggressive style.
4 Traits of dependency, and insecurity
5 and a sense of loneliness; but in
6 current interview Miss Atkins spoke
7 hopefully and willingly about these
8 facets of her character expressing a
9 desire to learn more about her psychologi-
10 cal aspects in gaining mental health."

11 I thought another significant statement was the last one
12 in the following paragraph:

13 "Miss Atkins has essentially what may
14 be considered a normal way of responding."

15 Then, the report ends with these statements:

16 "From all indications it appears that
17 she has improved greatly from her
18 original entry to CIW and appears
19 very likely to continue improving.

20 Her violence potential estimated from
21 both the information contained in her
22 central file and interview presenta-
23 tion appears to currently be lower
24 than the average inmate. If available,
25 Miss Atkins would find psychological,

1 psychiatric services of benefit to
2 further her emotionally understanding
3 and to assist her in achieving a better
4 self image." Signed by M. J. Jamakis,
5 Ph.D., Staff Psychologist.

6 Then, Dr. Jamakis submitted a supplemental report. She
7 referred to it as an addendum dated 8/31/81. This,
8 evidently, was when she learned about Miss Atkins impending
9 marriage. She concludes -- Well, inasmuch as the report
10 is short, I will read the whole report into the file:

11 "Please note that while the information
12 contained in the above-mentioned
13 psychological report is still pertinent
14 and was written with the information
15 and presentation available at that time,
16 this interviewer was not aware of the
17 nature and relationship of Miss Atkins
18 new fiancée and of the style of which
19 the forthcoming marriage has been dis-
20 played and publicised. The exhibition-
21 istic manner of these events and a
22 subsequent impression of Miss Atkins
23 and possible questionable judgment
24 having become involved in out of the
25 ordinary social norms.

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"A statement made in the record about her pencil and paper test results indicates that Miss Atkins has essentially what may be considered a normal way of responding, which was so, and yet that currently seems to be contradicted by her having chosen to enter into unusual circumstances that are not within average social norms. There was no subsequent specific information in her central file to indicate any other unusual behavior."

Again signed, Fr. M. J. Jamakis.

Counsel, would you or Miss Atkins care to comment on either of these reports?

MR. MOSS: Yes. Susan wishes to comment about the marriage.

REPRESENTATIVE NETO: Okay.

INMATE ATKINS: First, I've asked my attorney -- there are a lot of things that I would like to talk to the Board about my marriage. I would like to speak honestly and openly with you. However, with the press present in the room I will not subject my husband, myself or our marriage to the public media.

MR. MOSS: May I make a comment in that regard?

1 I think perhaps some of what she is about to say, I don't
2 purport to know what she is about to say, but some of what
3 she is going to say may be confidential. It may involve
4 personal information about a third person, namely her
5 husband. It may be covered in the Professional Practices
6 Act. It may be confidential. Perhaps there should be a
7 procedure for screening the information from the public,
8 and then a ruling made, a determination made as to the
9 content.

10 REPRESENTATIVE NETO: Well, of course, that was
11 only a minor portion of the total report. Any comments,
12 in general?

13 PRESIDING OFFICER BROWN: Let me answer your
14 question. The only part of a hearing we can make
15 confidential is if the staff is involved or the life of
16 somebody is involved. You know that whatever you say,
17 this is a public hearing, and the transcript is open to
18 the public. The transcript is available to the public
19 after 30 days. There are only two things we can make
20 confidential, and that is when the security of the
21 institution is involved and the life of somebody else is
22 involved. So, I cannot promise you what you desire.

23 INMATE ATKINS: I would make a comment as to
24 Dr. Jamakis' addendum. She did not call me into her
25 office at all to ask me about my marriage. She did not

1 even inform me she was going to do an addendum which I
2 find highly unethical and unusual. I've never known a
3 doctor or psychologist in the ten years of my experience
4 in this institution to write a psychiatric evaluation
5 addendum or report without first speaking to the inmate.
6 I did not speak to her about my engagement to Mr. Laiser
7 in May because I then, at that time, did not know I was
8 going to marry Mr. Laiser. I did not feel that it was
9 pertinent information, the involvement I had with
10 Mr. Laiser at that time with Dr. Jamakis. I felt it was
11 very personal and a very sensitive subject with me. I did
12 not like Dr. Jamakis on a personal basis. I found it
13 very difficult to be totally open with her. One of the
14 things that turned me off to really opening up with her
15 more was when I walked in and sat down. She said, "Miss
16 Atkins, this is your eleventh psychiatric evaluation.
17 I'm sure you know all the answers you need to tell me by
18 now." She assumed immediately I was going to play a game.
19 I found it very difficult to overcome that. When I got
20 finished with the evaluation, her statement to me was,
21 "You did that very well." It was just as though she was
22 assuming I played a game with her, and I really -- I just
23 did not feel comfortable with sharing deep personal
24 things with her on a personal basis. I did not feel I
25 had that confident trust with her. She had offered

1 psychiatric group therapy to me. She has a group in the
2 institution. I've screened those on my own because I
3 wanted to avail myself of the help if it was there for me.
4 In talking with other inmates and evaluating the type of
5 group she has, I did not feel comfortable with going into
6 a group such as she has and exposing who I am in my heart
7 to this group of women and to this doctor because I did
8 not trust what would be done with that information.
9 Therefore, I declined her offer of group therapy because
10 I didn't feel comfortable with her.

11 MR. KAY: Could I ask a favor. Apparently my
12 packet didn't contain the addendum. I didn't even know
13 there was one. Anybody have an extra copy? If I could
14 just read it.

15 PRESIDING OFFICER BROWN: Are there any other
16 psychiatrists here on the grounds?

17 INMATE ATKINS: There is one other psychiatrist
18 on the grounds that I have knowledge of. I never met this
19 individual, but I have talked to ladies who are long
20 termers who have violent cases who have talked to him,
21 and they're -- and I value their opinion because they're
22 in the same position I am -- their opinion is that this
23 particular doctor believes that if you have any violence
24 potential as a child, you will carry that all the way
25 through you. In other words, this particular doctor

1 believes you are the way you are and that's it. That's
2 all. There's no room for change. I'm not going to put
3 my hands in a doctor who I don't feel is open to knowing
4 me. And, no. There are ~~no~~ competent psychiatrists in
5 this institution to handle the need that is evident in my
6 life. There were two that I've talked to in the ten years
7 since I've been here, Dr. Flannigan and Dr. Coburn, that
8 I felt actually comfortable and confident with opening up
9 to. I would like to address some things pertaining to
10 my marriage.

11 REPRESENTATIVE NETO: If I may interupt, as
12 Miss Jellison said, I think the proper area for that would
13 be on parole plans. I might say that in my personal
14 opinion you might have overreacted to Dr. Jamakis' report.
15 The original report was basically positive. Did you have
16 anything further in the area of psychiatric reports and
17 so on?

18 MR. MOSS: No, thank you.

19 REPRESENTATIVE NETO: Mr. Kay?

20 MR. KAY: No.

21 INMATE ATKINS: If I overreacted, I felt highly
22 offended that the doctor didn't call me in to tell me.

23 REPRESENTATIVE NETO: I believe that ends this
24 area of the hearing. Any questions Miss Jellison?

25 BOARD MEMBER JELLISON: Nothing.

1 REPRESENTATIVE NETO: Mr. Chairman?

2 PRESIDING OFFICER BROWN: No. Let me ask one
3 other question. In other words, there are only two
4 psychiatrists on the grounds?

5 INMATE ATKINS: To my knowledge.

6 MR. POPE: There are psychologists. They are
7 not psychiatrists. There was a psychiatrist hired within
8 the last two weeks, but up to that time we had two
9 psychiatrists.

10 PRESIDING OFFICER BROWN: We now have three?

11 MR. POPE: We now have two psychologists and a
12 psychiatrist.

13 PRESIDING OFFICER BROWN: Male or female?

14 MR. POPE: The psychiatrist is a male. One
15 psychologist is a male and the other is a female.

16 INMATE ATKINS: I don't think it's that I can't
17 get along with any of them. I have only met Dr. Jamakis.
18 I have not had an opportunity to meet the other two. I
19 have not requested to meet the other two based on the
20 information I got from other inmates who have talked with
21 this gentleman and are not satisfied with the help that
22 they received. I would ask you to understand that in this
23 environment it is not conducive to trust. This environment
24 is not conducive to really any inmate obtaining a good
25 self image. It does not breed a good self image. Any

1 help that I have done or that I get I am very careful of
2 who I choose because I want to make sure that I'm going
3 to get the best help available to me. I don't want to get
4 my head screwed around any more.

5 PRESIDING OFFICER BROWN: One of the problems
6 of an institution. That's one of the problems of being
7 in prison. Second, most inmates like the psychiatrist
8 who writes a good report. Sometimes the bad one is the
9 one that's most helpful.

10 INMATE ATKINS: I have talked to psychiatrists
11 that have written bad reports, and they have been most
12 helpful. I've gone to psychiatrists for help and rejected
13 me because they didn't have time for me. But, yes. I
14 did gain help from it because I had to deal with the
15 problem. I'm not saying that I'm going to take the one
16 that's giving me the best report. I'm trying to find
17 somebody that will help me where I need help.

18 PRESIDING OFFICER BROWN: There are two that you haven't
19 talked to. One you heard by word of mouth, and the other is just new?

20 MR. MOSS: May we take a recess at this point
21 for five minutes?

22 PRESIDING OFFICER BROWN: That might be a good
23 idea. We will take a five minute recess to quarter after
24 four.

25 (Whereupon a brief recess was taken.)

1 PRESIDING OFFICER BROWN: Let's resume the
2 hearing. The time is approximately 4:25 P.M. We'll turn
3 to that area that is parole plans. Miss Jellison?

4 BOARD MEMBER JELLISON: Thank you, Mr. Brown.
5 Miss Atkins, I think, under the circumstances the best
6 way to handle this, since you are recently married is for
7 you to tell us your parole plans. I do have questions for
8 you. Why don't you go ahead and say what you want to say,
9 and I'll ask you my questions.

10 INMATE ATKINS: Okay. My parole plans last year
11 is that I would go home to be with my family, and
12 Mr. Caballero went to great lengths to explore the parole
13 plans. Mr. Brown, you were here last year, and you are
14 aware that parole plans fluctuate from year to year. This
15 year I am married. Today is my second week anniversary,
16 14 days. My parole plans would not be to stay with my
17 father. It would be to live with my husband. He has an
18 apartment in Greenville. I believe he has other homes
19 in other areas, but this is the place I believe we will
20 go to on my release is his apartment, in Greenville, Texas.
21 That's as simple as my parole plans are. I am working on
22 a degree in secretarial services. I want job skills. I
23 want to have a marketable job skill whether I am married
24 or unmarried. I want to be able to take care of myself
25 upon my release and be able to work. My husband does not

1 want me to work. He does not want me in the working class.
2 He wants a wife who will be at home with him, and I
3 understand this. I would at some point in the future,
4 I would be able to go ahead and work anyway. I need it.
5 I need to work for myself. I need to have some kind of
6 activity other than staying at home and being a homemaker.
7 Not that that is not enough. I think I have enough energy
8 to be able to put that to work. Because they are
9 secretarial skills does not mean that I would choose to
10 work in a secretarial field. I still desire to work in
11 the church if that would be in the missions, bible book
12 store, Roman Catholic church in the Greenville area, it's
13 very difficult to say that I plan to work here or here.
14 It's assumption and presumption on my part. The most
15 fundamental would be that I will parole to my husband and
16 live with him.

17 BOARD MEMBER JELLISON: For the record, the Board
18 report does say that Miss Atkins had planned on being a
19 housewife upon her release and residing with her husband
20 in Greenville, Texas. How long have you known Mr. Laiser
21 before you married him?

22 INMATE ATKINS: These are subjects that I choose
23 not to discuss because of the press being present.

24 BOARD MEMBER JELLISON: All right. You are, of
25 course, allowed not to discuss anything you don't want to

1 discuss with us. But, there are questions that I can ask
2 and that you can just refuse to answer.

3 INMATE ATKINS: As I stated, there are a lot of
4 things that I want to be able to talk to you as the Board
5 members about, when I met my husband. I received a letter
6 from him in May, and it was in May of 1980 that I began to
7 correspond with him on a regular basis.

8 BOARD MEMBER JELLISON: And you already answered
9 my second question. Then, I want you to know, Miss Atkins,
10 these are standard questions I generally ask when handling
11 parole plans because the Board has to be assured whoever
12 we're talking to is going to be able to take care of
13 themselves so that if they are released, they are not
14 going to have to rob anybody.

15 INMATE ATKINS: There is an old saying in the
16 penitentiary system, "Don't put all your eggs in one
17 basket."

18 PRESIDING OFFICER BROWN: That's in the free
19 world too.

20 BOARD MEMBER JELLISON: He is employed?

21 INMATE ATKINSON: Yes, he does have a gainful
22 employment. He is semi-retired.

23 BOARD MEMBER JELLISON: Okay. When you said
24 your parole plans are subject to change. Everyone is
25 aware your plans have changed. I notice throughout the

1 last few years that each year there was a different
2 residence mentioned. Some of them were with the prison
3 ministries, and so on and so forth. Had you had plans,
4 while you were incarcerated to marry other people along
5 the way?

6 INMATE ATKINS: I have been engaged two other
7 times since my incarceration. I broke both engagements.

8 BOARD MEMBER JELLISON: And how had you met
9 these gentlemen?

10 INMATE ATKINS: Through correspondence.

11 BOARD MEMBER JELLISON: Same way?

12 INMATE ATKINS: Yes.

13 BOARD MEMBER JELLISON: Okay. Because of the
14 publicity of your marriage, besides the fact you are who
15 you are, are you going to be able to handle possible
16 nonacceptance by the public wherever you would move?..

17 INMATE ATKINS: Whether it was because of my
18 marriage or because of who I am, yes. I can handle
19 nonacceptance. I have been handling it relatively well
20 for the last 12 years.

21 BOARD MEMBER JELLISON: Is there anything else
22 you'd like to tell us about your future plans?

23 INMATE ATKINS: No, because I don't see the
24 future. I try to deal with today, and where I am today.
25 I hope to be able to, whatever decisions I make in the.

1 future, make the best decisions possible. If I make
2 mistakes in judgment that deal with my personal life,
3 whether in this prison or not, I hope to be able to
4 rectify those mistakes and make the best out of whatever
5 situation I have put myself in. I think that's just all
6 part of living, whether you are in prison or out. We're
7 all subject to making mistakes.

8 BOARD MEMBER JELLISON: Counsel, do you have
9 anything you wish to add?

10 MR. MOSS: I'll wait until final comments. Thank
11 you.

12 BOARD MEMBER JELLISON: Mr. Kay?

13 MR. KAY: No.

14 PRESIDING OFFICER BROWN: I talked about your
15 father. Is he still alive?

16 INMATE ATKINS: Yes. His health is not well.
17 He's not well.

18 PRESIDING OFFICER BROWN: Does he still live in
19 the Bay Area?

20 INMATE ATKINS: Still lives in San Jose with my
21 stepmother. Again, I just don't know what my dad's real
22 medical problem is. He does not want me to know while I'm
23 here.

24 PRESIDING OFFICER BROWN: Okay.

25 BOARD MEMBER JELLISON: Excuse me. Mr. Neto, any

1 questions?

2 REPRESENTATIVE NETO: No.

3 PRESIDING OFFICER BROWN: Okay. Let's turn to
4 the summation part of the hearing. I'd like to offer you
5 15 minutes to get to what the real recommendation is in
6 this case.

7 MR. MOSS: Mr. Brown, I get your remark. I'm not
8 going to make any long winded plea for Susan's release
9 because I think the facts speak for themselves. I think
10 she is suitable for parole. Mr. Caballero has previously
11 commented and made some very pointed strong emotional
12 remarks. I would just like to summarize what I said about
13 the facts of the offense, the underlying circumstances
14 leading up to and including and subsequent to the offense,
15 when I said certain things about certain people and how
16 that tied into Susan. Then, I'd like to, under the Rules,
17 discuss the positive factors, criteria for suitability
18 and the negative factors. I hope to point out that in
19 terms of the offense and in terms of Susan, who she was
20 at the time, that the gravity of the offense and all the
21 surrounding circumstances is outweighed by her institutional
22 gains and progress, psychiatric reports and social
23 evaluations and so forth.

24 Under the Rules and pursuant to the Board's
25 statutory function, the factual disputes should be resolved

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1 one way or the other if possible. To determine the extent
2 of the prisoner's culpability, the extent of the participa-
3 tion, not guilt or innocence, but participation -- once
4 again, talking about Rule 2236, it says that the facts of
5 the crime shall be discussed with the prisoner to assist
6 in determining the extent of the prisoner's culpability.

7 Then, there is 2237, resolving factual disputes. It's
8 clear there have been through the years here before the
9 Board different versions of the offense. Mr. Kay has an
10 encyclopedic knowledge of the offense because he did
11 prosecute four related Tate-LaBianca murders. However,
12 there are, as I indicated, certain statements about the
13 facts in the case, glossing over certain crucial areas.
14 Number one, in terms of Hinman: Mary Brunner was the chief
15 prosecution witness, and she stated Susan didn't stab
16 Hinman. That goes to culpability. That goes to what she
17 did. In terms of Tate-LaBianca, Watson corroborates
18 Susan by the fact that he lost control, basically, at the
19 scene and did most of the stabbing. He did say that he
20 thought Pat Krenwinkle stabbed Frykowski -- I mean Abigail
21 Folger. But, he did also -- at the same time he didn't
22 see Susan stab anyone. That corroborates Susan. Also,
23 Linda Kasabian corroborates Susan in her version, that is
24 the present version for this Board, that she was standing
25 outside on the lawn and Susan came out and didn't have her

1 knife. She lost her knife.

2 Now, why did Susan lie to her cellmates? Why did
3 she testify falsely in the death penalty phase? It is
4 documented that Susan exaggerated her role to the cellmates
5 because she was sick, because she wanted to brag. She
6 wanted to look tough, and so on and so forth. That's the
7 confession. After the death penalty phase, she lied
8 because she felt guilty about testifying before the Grand
9 Jury, and she felt guilty about and bad about being rejected
10 by her peers, by the only world she knew. This morning,
11 I had an interesting discussion with someone about that
12 case just prior to this, and she said to me, this person
13 who happened to work -- I had a few calls regarding the
14 case. I had a call from a reporter in Canada, and she
15 said, "Susan really didn't kill Sharon Tate, did she?"
16 And I said, "No, she didn't." And I said, "How did you
17 know that?" She said, "Because about the same time Susan
18 was on trial I was 19, 20 years old." I understand that
19 counterculture-hippie movement, and it's difficult for
20 older members of this Board perhaps who didn't go through
21 it at that time to understand just what was going on, what
22 the climate was in 1969, '70 and '71, that movement in
23 Berkeley when it was them against us. It was the
24 adolescents against the establishment anti-establishment.
25 She said that she understood and she believed Susan because

1 she believed that someone could be manipulated like that,
2 an adolescent could be manipulated to do those things by
3 a diabolical man, evidently leader. But, it's difficult
4 to empathize if you didn't go through it. Susan went
5 through it, and she said, "Well, I don't know. I could
6 never imagine myself doing anything like that." But when
7 you are 19 and immature, and you're rejected by your
8 family, and you're looking for your sense of self and all
9 that, and you're using drugs on an extensive basis, mind
10 altering LSD, and you're exposed to a fiendish mind like
11 Manson, a man that spent most of his life in the prison
12 system and was well versed in how to manipulate people,
13 that it could happen to anybody, and it happened to
14 Mary Brunner who went through the PAC, was studying for
15 her master's program -- excuse me. Mary Brunner met
16 Manson at Berkeley on the college campus. It happened to
17 Leslie Van Houten coming from an upper middle class family,
18 high IQ, Tex Watson, high IQ from Texas, honor student.
19 But, there was one common thread, Susan by the way didn't
20 come from this upper middle class family. In fact, she
21 didn't have a happy home life, and maybe that's why she
22 overcompensated so much in these events. There's a common
23 thread running throughout these insecure vulnerable people,
24 vulnerable adolescents, and they received that kind of
25 support and attention they were looking for. It's difficult

1 for me to say this, but Susan was rejected. Her father
2 was an alcoholic, and she was rejected by her father and
3 rejected by relatives shortly after her mother died. She
4 left to go to Haight-Ashbury and live that kind of
5 wandering, transient existence. She was just ripe for the
6 taking. She was ripe for that kind of attention and
7 gratification she got from this strong, dynamic, forceful
8 figure in her life. She was ensnared in his web. I've
9 heard so many things about what went on in the Manson
10 family. It's incredible. They would take rejects and
11 find something about that person to gratify, and they
12 would just win them over. Then Manson would talk through
13 this programming and this desensitivation described by
14 Watson, how he turned into a machine, how he felt he was
15 a robot and life and death didn't make any difference any
16 more, and all that. Well, as Richard Caballero said,
17 that was Sadie Mae Glutz. That is not Susan Atkins today
18 as she sits here before this Board. She's a totally
19 different person. That was Sadie Mae Glutz and the extent
20 of her involvement is not as culpable as the public has
21 been led to believe. I think it's important. This is
22 a public record. The public should know that Susan did
23 not kill Sharon Tate. The Board should know that Susan
24 did not kill Hinman and Frykowski. She didn't do the
25 things she said to the inmates because she was bragging at

1 that time and in the death penalty phase. That's why I
2 don't think the gravity of the offense in terms of Susan
3 Atkins' participation outweighs the other progress she's
4 made, the fact that she's a model prisoner at this point.
5 Mr. Pope will verify that ever since she moved into the
6 general population she's been no problem at all. No
7 disciplinary write-ups or anything like that. That's
8 really saying something. What's really the hard core
9 evidence of her adjustment is how the staff feels about
10 it, the fact they treat her with respect. She's allowed
11 to move within this institution with some freedom. They
12 don't think she's dangerous. They're not afraid of Susan
13 Atkins. There's no reason to be afraid of Susan Atkins
14 because she is a reformed human being attributed to time,
15 patience, how she was treated on death row. She couldn't
16 believe they would be nice to her because she felt so bad
17 about herself. In summation, in terms of legal criteria
18 for suitability, there are indeed negative criteria such
19 as the fact it was a brutal, viscious, heinous crime.
20 Multiple victims were involved. They were vulnerable,
21 carried out in a way the evidence calls a callous disregard,
22 the motive was inexplicable, at least by traditional terms.
23 But, I think the motive was explicable if you were willing
24 to agree that it was psychotic. If you are willing to
25 agree that Manson subjected his psychosis on these

1 individuals. I heard one individual talk about vicarious
2 insanity. They all acted the same way, took it from the
3 father figure and passed it right down to the family. It
4 was a cancer. It was terrible. Those negative criteria
5 are outweighed or at least balanced when you balance them
6 against the positive criteria set forth in the Rules. I
7 think you can come up with a true understanding of the
8 offense that the factors tending to show suitability
9 indicate that she didn't have any juvenile record prior to
10 the offense. She had a record for two years from '66 to
11 '78 before she met up with Manson. She has recently
12 shown sincere signs of remorse, and part of her illness
13 was that she didn't show signs of remorse at that time.
14 Her motivation for the crime is understandable in that it
15 was committed at a time when she was under significant
16 stress in her life in the form of Charlie Manson. Her
17 age at the time is a factor tending to show an understand-
18 ing. In other words, it's on the side of suitability.
19 When she committed the offense she was very young and
20 vulnerable and impressionable. Her institutional
21 behavior, by the way which is under the circumstances,
22 tending to show suitability, is near perfect. So, when
23 you balance those factors under Rule 2281 against one
24 another I think you have an understanding of suitability.
25 Then, when you weigh those against the psychiatric reports

1 and the social evaluations, she does not pose an
 2 unreasonable risk to society. She is not a danger to
 3 society, and if society knew what you know, her accomplish-
 4 ments, and the true state of the facts, and knew that it
 5 wasn't out and dried what she did, that she killed Sharon
 6 Tate and so on and so forth -- Mr. Ray said, to coin his
 7 phrase --

8 PRESIDING OFFICER BROWN: Two minutes, counsel.

9 MR. MOSS: -- to coin his phrase about all or
 10 nothing, this is not an all or nothing situation. It is a
 11 difficult decision because it is -- we are talking about
 12 gray areas. We are talking about factual disputes.
 13 Whether she did do what she did or not do what she did,
 14 and therefore, it's a gray area. Therefore, analyzing
 15 the totality of the circumstances, and I think in closing,
 16 in relying on Dr. Coburn's report, this is a man who said
 17 she was psychotic and explained her behavior. Now, he's
 18 turning around and coming before this Board and saying,
 19 look, she did change, she did have the capacity to change.
 20 She did what she did for certain reasons, and she said
 21 what she said for reasons. If you combine all of that
 22 and really look at it in proper perspective, Susan Atkins
 23 deserves, has earned the right for parole. Now, in setting
 24 a date, we're talking about ten years, somewhere way down
 25 the line in terms of setting a parole date. The base

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1 term, under the matrix, would be 16 to 18 years, and you
2 have to add seven years for enhancement for the other
3 committing offense. You're coming up with 25 years, and
4 that's under the matrix. That's quite a ways away. This
5 Board can design suitable conditions of parole if the
6 Board doesn't like her parole plans. If the Board isn't
7 assured that these are viable plans for her, they can
8 design and you can design and tailor those plans for her.
9 If she can't meet them, she can't have parole. So, that
10 is a consideration.

11 PRESIDING OFFICER BROWN: Okay. Mr. Kay?

12 MR. KAY: I'll try to be brief. I think the
13 facts in this case are clear. We've had, as I stated
14 earlier, about 45,000 pages of transcript and four different
15 trials. Today we have had four new things added, the lie
16 detector test which I notice counsel didn't talk about in
17 his argument because the lie detector expert said it was
18 inconclusive whether she was lying or telling the truth.
19 We've had two psychiatric reports on other defendants and
20 Dr. Coburn's psychiatric report. Counsel is trying to
21 pit these over all of the overwhelming evidence we have
22 on the prior record as to what Miss Atkins' actions were
23 in these crimes. Again, I have to agree with counsel
24 that these are among the most vicious brutal crimes in
25 American history. We have multiple victims involved and,

1 of course, for all the reasons I'm giving I want to be clear
2 that I'm asking the Board that Miss Atkins is unsuitable.
3 There were multiple victims, and they were strangers. The
4 only one they knew before was Gary Hinman. People
5 murdered at the Tate house and the people murdered at the
6 LaBianca house were strangers and supposedly in the
7 relative security of their home. The only one that
8 wouldn't fit that mode was Steven Parent who was an 18 year
9 old youth who was visiting the caretaker in the back house
10 and was driving out when Watson, Atkins, Krenwinkle and
11 Van Houten were entering the residence. I think one more
12 important factor as far as Miss Atkins is concerned is
13 that there were three separate nights of murder actually
14 more than nights because with Hinman it was over a two-day
15 period. But, she participated in the Hinman torture
16 murder, and she was so full of remorse she goes back and
17 starts sharpening knives just waiting for the next time
18 to go out. What does she do? She ends up murdering an
19 eight and-a-half month pregnant woman the next time she
20 goes out, stabbing Frykowsky on top of that, and going out
21 the next night to kill again. She didn't enter the
22 LaBianca residence, Why? Because she wasn't asked to,
23 because Manson asked Van Houten and Krenwinkle and Watson
24 to do the work there. The others went to Venice, and
25 they were going to kill this actor down there. Miss Atkins

1 was ready to do that, but Linda Kasabian knocked on the
 2 wrong door, purposely as she testified. They went to kill
 3 the Israeli actor, and Miss Atkins on the way home was
 4 singing songs about piggies because she was so full of
 5 remorse and so sorry she had participated in all these
 6 murders.

7 The motive for these murders is very hard for
 8 anyone to understand. Fomenting a race war, probably one
 9 of the worst motives for a murder possible in our society.
 10 I note with interest how counsel has painted Susan Atkins
 11 as a little flower child of the '60's. Susan Atkins
 12 wasn't any flower child. Before she met Manson she was
 13 a go-go dancer. She didn't come from the background some
 14 of the other people came from. She was well experienced
 15 in life. That prior incident in Oregon, carrying the gun,
 16 wishing she had killed the state trooper in Oregon that
 17 had stopped her. Certainly there is no similarity between
 18 Susan Atkins and a flower child. I was up there at that
 19 time. I went to law school myself at Berkeley in the '60's.
 20 I saw plenty of flower children around. Susan Atkins
 21 certainly can't be classified as a flower child. The
 22 callousness of her participation in these murders is almost
 23 unparalleled in the history of American crime. The
 24 stabbing of Sharon Tate and the recounting of how she did
 25 that, just the coldblooded nature of that, and even at the

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1 end of tasting the blood and the bizarre behavior of
2 writing on the front door of the Tate house the word
3 pig. The number of victims involved in these murders
4 that were just mutilated, Frykowski, 21 stab wounds. It's
5 hard to imagine a person being stabbed that many times.
6 At the house 102 stab wounds. Gary Hinman tortured to
7 death, sliced, holding a pillow over his head, not getting
8 medical treatment for him where he suffered for a two-day
9 period in much pain as the coroner testified at the trial
10 that he would have been in severe pain from the wounds.
11 She has been in the past, totally committed to external
12 forces, committed to Manson and the family murdered at the
13 direction of another. That's pretty callous, and I think
14 that's a very important factor to weigh by the Board that
15 she did kill at the direction of another. She didn't have
16 anything against any of these people. She was told to kill
17 so she went out and murdered and now murdered so that
18 these people wouldn't suffer, but so that they would
19 suffer quite a bit. She had no remorse for these crimes
20 at any time, even the letter you saw from Judge Older
21 during the trial about how she would disrupt the proceedings.
22 She had to be forcibly removed from the courtroom numerous
23 times. Not only did she have no remorse for the victims
24 in participating in the murder, but she had no respect
25 for the judicial system at all during the trial. The

ty of the offense is again almost unparalleled, and
nk that's something we have to look at. We have to
at how the public views the crime, and, of course,
set that it's -- frankly, I think it's obvious to
me in this room that the public views these murders
top of the spectrum of crimes in the United States,
so people about murder cases and crime, and it's
this case that they talk about as the example of
wrong with our society or how horrible crime is in
society.

I feel that the total picture of Miss Atkins, it's
dable when someone does well in prison, and Miss
is not alone in this. You look at most of them,
only with the exception of Manson, you look at all
Manson family members. They know the only way to get
to be model prisoners. I can't think of one in
dowd that's not a model prisoner. Charlie Manson
he's never going to get out. So, it doesn't make
fference for him to play the game. Miss Atkins is
g the model prisoner game. Watson has his own
ry and collects money from the citizens. He's got
a scam going on in the men's colony. Miss Atkins
s someone whom the papers say is a millionaire.
people know that's the only way they are going to get
That's another thing for the Board to weigh. We are

1 not talking about people who have 60 IQ's or anything.
2 All these people knew better. They participated in these
3 crimes because they wanted to participate, they wanted
4 to start the race war because they hated society. They
5 wanted to take drugs, have free sex and do all these
6 things that the Manson family did. Listen to Manson preach
7 his hatred. People would come and hear what he had to say,
8 and leave. But there was a certain group that stayed with
9 all this and she was probably one of the most hard core
10 members of the family, at least of the females in existence
11 at the time.

12 I would say in conclusion that when you add up all
13 of those factors, it's not even close to having them out-
14 weighed by her conduct in prison. These factors are
15 probably the most weighty factors that any defendant would
16 have that would appear before the Board of Prison Terms.
17 They just can't be combatted by being a "model prisoner"
18 and forming the choir and doing things like that. That's
19 nice, but it just doesn't even come close to outweighing
20 all the factors that Miss Atkins has against her. For
21 that reason, I feel that she should be denied parole,
22 found unsuitable for parole.

23 PRESIDING OFFICER BROWN: Before I close, I guess
24 all of us owe an apology to you. We've been calling you
25 Miss Atkins, and that's not the right name anymore.

1 Mrs. Laiser, would you like to close?

2 INMATE ATKINS: Thank you. I find it interesting
3 that Mr. Kay, year after year, presents the prosecution's
4 reasons for my unsuitability of parole, and every time he
5 relates to who I am, he relates to who I was. He doesn't
6 say Susan today has no remorse, she had so much remorse
7 that she went three nights. I have not pretended with
8 this Parole Board or the Boards that I have seen in the past
9 that I did not have any remorse 12 years ago. I freely
10 admit 12 years ago I did not know what remorse or guilt
11 was. I had no remorse then, I am saying today, now, I
12 am filled with remorse and horror and anguish for the
13 things that I have done.

14 I find it interesting that Mr. Kay, the prosecutor,
15 year after year after year comes into this institution
16 once a year, sees me for an hour and a half, and he leaves
17 and purports to know who I am, who I was, what I thought,
18 what I felt 12 years ago. He says that I was not a
19 flower child 12 years ago. I never said I was a flower
20 child. I never tried to pretend that I wasn't street-wise
21 12 years ago, but I was also very frightened. I was also
22 looking for something. I thought that I had found it and
23 it did not start out to be a heinous, murderous, viscious
24 thing. It started out very soft, very gentle, and very
25 loving. Through a situation and group of circumstances

1 and events were caused the reaction. You're all aware
2 of what cause and reaction is. We did not plan a race war.
3 I hate to burst the prosecutor's bubble, but race war
4 was never the true motive behind the murders. The true
5 motive behind the murders, and I said that before was a
6 copycat murder to get Robert Beausoleil out of jail. The
7 race war theory was in Mr. Manson's imagination and his
8 paranoid fears. The race war theory came about through a
9 series of circumstances and events whereas there was a
10 drug deal with a black man? A black man got shot. It
11 was feared that there would be retaliation from the black
12 population in the middle part of Los Angeles, and paranoia
13 set in at the ranch. So, part of the murders happened,
14 and part of the things that happened at the murder sites
15 were to throw the track off the police and put them on the
16 black people because Mr. Manson had it that the black
17 people were out to get him as well as society. It's so
18 incredibly difficult to sit in one afternoon and try to
19 explain the complexities of who I am and why I did what
20 I did and why I'm here today. It's almost impossible,
21 but I stand on one thing, the truth is very simple. It is
22 very, very simple, and for three or four years I presented
23 the truth. It's very simple. It's not hard. It's not
24 complicated. The truth is simple, and I'm hoping that
25 one day Mr. Kay will open his eyes to the present and

1 stop living in 1969 and 1970 every time he sees me and
2 see who I am today. I hope that one day Mr. Kay will see
3 that I am suitable for parole and that the Parole Board
4 will see that I am suitable for parole, that I can live
5 out in the system, that I can be a working member of this
6 society, and that I am a responsible human being who has
7 owed up to my mistakes and nobody knows more than I do
8 how much I pay emotionally, and mentally and physically
9 every day of my life for my mistakes. But, I cannot and
10 will not take responsibility for things that I did not
11 do, and I agree that I was found guilty of seven counts of
12 murder and two counts of conspiracy. I am doing the time
13 for these, and I will do the time for the rest of my life.
14 Again, whether I did it in this prison or someday by the
15 grace of God I am released, I will continue to do time
16 for that. Every day I am aware of who I am and the
17 rejection that I face from this world, system, and from
18 people in the world that I am rejected and I am seen less
19 than human. I am seen by the eyes of the public as being
20 a monster because Mr. Kay continues to purport the facts
21 in a distorted way. He has not shown you today one piece
22 of evidence that said I ever tasted blood. The truth of
23 the matter is I said I thought about tasting the blood.
24 I never told Virginia Graham or Ronnie Howard I tasted
25 blood. You have said I tasted it for six or seven years,

1 that I in fact did that when you have no basis of fact
2 to make that statement. I find that every year Mr. Kay
3 continues to purport facts that are not facts. That is
4 ludicrous to think we could bring 209 volumes of transcript
5 into this room and try to show you the different pieces
6 of evidence. It's easy to sit here and say to the Board
7 behind the title of the District Attorney she did this
8 and she did that, and she did this and not have any
9 clear cut evidence to make statements and back up his
10 statements with evidence. He's done it year after year
11 after year, and I have gone to great lengths, and my
12 attorney has gone to great lengths to bring in corroborating
13 evidence to show you the mitigating circumstances around
14 my offense. Once again, only God and myself, the victims
15 and the people who were there at the those houses those
16 nights know the real truth and I believe the truth is also
17 consistent and that year after year after year I will
18 consistently bear forth the truth not because it's going /
19 to win me a parole date but because I believe in the truth.

20 PRESIDING OFFICER BROWN: Okay. Time is now
21 approximately ten minutes after five. Recess the hearing.
22 I ask everyone to leave the room except the Panel at this
23 time.

24 (Whereupon the hearing was adjourned for the
25 decision making process of the panel).

RESUMPTION OF PROCEEDINGS

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3 PRESIDING OFFICER BROWN: Back on the record, the
4 time is now approximately 5:40 P.M. and all those present
5 in the room at the start of the hearing are present in the
6 room.

7 At this time the following is the unanimous
8 decision of the Panel.

9 Again, we find the prisoner an unreasonable
10 parole risk at this time for the following reasons:

11 1. Prior criminal record. The prior criminal
12 record includes an incident involving possession of a
13 concealed firearm in 1966 for which the prisoner was placed
14 on probation, and possession of marijuana in 1968. The
15 significance of these two convictions is their relationship
16 to the current offenses which also involved drug abuse
17 and use of weapons by the crime partners.

18 2. The commitment offenses. Eight Counts of
19 first degree murder as well as one stayed count involving
20 conspiracy to commit seven of the eight murders. Males,
21 females, young and old, as well as an unborn child died as
22 a result of the crime partners' random, vicious attacks
23 on unsuspecting victims, seven of whom were unacquainted
24 with their attackers. The victims were killed in three
25 different locations on three different days. The various

1 victims were shot or stabbed multiple times. One victim
2 was tortured, others killed while pleading for their lives.
3 Some of the victims' blood was used to write on the
4 residence walls. The totality of the offenses almost
5 defies description. The callous, dispassionate, calculated
6 series of shooting, stabbing, beatings and mutilations
7 indicates a total disregard for human life or suffering.

8 3. Institutional adjustment.

9 A careful weighing of the prisoner's institutional
10 adjustment, including the new documents presented at this
11 hearing while showing gradual improvement over the years
12 since reception in the Department of Corrections, does not
13 approach outweighing the number, gravity and type of the
14 commitment offenses.

15 In arriving at the aforementioned finding, Panel
16 is aware of improved academic work and vocational work by
17 the prisoner. The Panel is also aware of improved
18 psychological reports in this case. Panel finds the
19 prisoner an unreasonable parole risk at this time.

20 4. Recommendations to the prisoner in preparation
21 for a hearing which will be in approximately one year is
22 to be disciplinary free, continue education and work program
23 retain on psychiatric referral, consider therapy program
24 as recommended by psychological staff.

25 You have appeal rights from today's hearing which

1 are found in §2050 of the Board of Prison Terms Rules.
2 I'm also handing you a copy of the form marked 1005
3 which is a tentative decision in this case. As I mentioned
4 before, the decision will not become final until 60 days
5 have elapsed.

6 Miss Jellison?

7 BOARD MEMBER JELLISON: Nothing.

8 PRESIDING OFFICER BROWN: Mr. Neto?

9 REPRESENTATIVE NETO: Nothing.

10 PRESIDING OFFICER BROWN: That concludes the
11 hearing. The time is approximately 5:54 P.M.

12 (Whereupon the hearing before the Board of
13 Prison Terms was adjourned at 5:54 P.M.)

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CERTIFICATE OF SHORTHAND REPORTER

I, KAROL K. MONCRIEF, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Board of Prison Terms hearing was reported in shorthand by me, Karol K. Moncrief, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October, 1981.

Karol K. Moncrief
KAROL K. MONCRIEF
Hearing Reporter

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