

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-vs-

CHARLES WATSON,

Defendant.

6035

No. A-253,156

REPORTERS' DAILY TRANSCRIPT

Monday, October 4, 1971

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Pages 5162 to 5254, Incl.

APPEARANCES:

See Volume 1.

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1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 4, 1971, 9:30 A. M.

2 --000--

3 (The following proceedings were had in chambers,
4 outside the hearing of the jury:)

5 MR. KAY: This is only a minor point. I only bring it
6 up because Mr. Eubrick brought it up once in chambers.

7 The point is that there is absolutely no evidence
8 in this trial that Susan Atkins' confession was published in
9 the Los Angeles Times.

10 So I want to put this on the record, so that Mr.
11 Eubrick would know not to mention it. There is absolutely no
12 evidence in this record that she had her article or confession
13 published in the Los Angeles Times.

14 THE COURT: Somebody --

15 MR. KAY: No, nobody mentioned it.

16 MR. BUBRICK: I don't intend to approach it that way.
17 I intend to tell the jury I think they have the right to con-
18 clude that she was here in this Los Angeles area and that there
19 were many different ways about the contents of Susan Atkins'
20 statement might have gotten to her.

21 MR. KAY: That is fine.

22 MR. BUGLIOSI: Has there been any evidence that Susan
23 Atkins got anything or any promise? I don't think so.

24 MR. BUBRICK: I don't intend to approach it that way.
25 All I am going to suggest is that --

26 THE COURT: You did.

27 MR. BUGLIOSI: Did I say that?

28 THE COURT: You said to one doctor that she testified one

1 way when she had immunity.

2 MR. BUGLIOSI: No, I couldn't. She never had it, so I
3 couldn't say that.

4 THE COURT: Wait a minute.

5 MR. BUBRICK: I intend to use the phrase of promise of
6 some consideration.

7 THE COURT: You asked one doctor, are you aware that
8 before the Grand Jury she testified --

9 MR. BUGLIOSI: One way and then later she signed --

10 THE COURT: While under immunity.

11 MR. BUGLIOSI: No. That was my cross-examination of
12 Frank. I don't know how I could have said that to him, because
13 she was never granted immunity. She was given a promise that
14 if she testified truthfully at the Grand Jury, she -- that we
15 would not seek the death penalty, but I don't think I mentioned
16 that to Dr. Frank.

17 THE COURT: Yes, I am sure you did.

18 MR. BUGLIOSI: If I did, I slipped up.

19 THE COURT: Frank was called September 3rd.

20 MR. BUGLIOSI: Incidentally, my argument will take two
21 days, so we might as well start at 9:30 tomorrow.

22 THE COURT: You have got one day, Mr. Bugliosi.

23 MR. BUGLIOSI: Judge, I can't. It is impossible. There
24 are seven counts of murder. It is the Tate case.

25 I have put a lot of time into what I have to say.

26 THE COURT: Five murders embraced the same facts.

27 MR. BUGLIOSI: Judge, everything I have written there is
28 a need for. This isn't my first case.

1 There was a need for everything that I have
2 written, or I wouldn't have written it. Now, I can't figure
3 out how, in a case of this magnitude, seven murders, that we
4 are going to quibble over a couple of hours.

5 THE COURT: It is not a question of quibbling.

6 MR. BUGLIOSI: The last trial took nine and a half months.
7 There was no restriction on the argument. If these defense
8 attorneys had wanted to argue longer, they could have.

9 MR. KEITH: Kanarek was shut off.

10 MR. BUGLIOSI: After seven days. There is no way I can
11 finish in a day. I can't do it and if you want to interrupt
12 me while I am arguing, you will have to do that, but I am
13 certainly not going to stop until I say everything that I want
14 to say.

15 This is not a marijuana case. It is seven murders
16 and everything I say is necessary.

17 I have never had a limitation placed on me yet in
18 over 100 jury trials with any judge and I don't think I should
19 have a limitation placed on me in the Tate case.

20 THE COURT: After I get this, we will discuss that other
21 thing. I think it would be --

22 MR. BUGLIOSI: It would be on recross.

23 THE COURT: Page 3485, redirect.

24 MR. BUGLIOSI: Wait a minute. Was this on recross
25 examination?

26 MR. KEITH: I don't think there was any recross examina-
27 tion.

28 MR. BUGLIOSI: Wait a minute. I know it was near the end,

1 of my cross. I was anticipating --

2 MR. BUBRICK: It was right after the 3:00 o'clock break,
3 because I think we had talked about the fact that --

4 MR. KEITH: Yes, I was going to bring it out.

5 MR. BUGLIOSI: Yes, so I anticipated, and I brought it
6 out. It was at the end of my cross-examination.

7 MR. BUBRICK: We took the 3:00 o'clock and reminded Frank,
8 when I sent him the stuff, also reminded him of the fact that
9 she had retracted, and I think when he got back on the stand,
10 you picked it up.

11 MR. BUGLIOSI: Right near the end.

12 THE COURT: Then you read her testimony.

13 MR. BUGLIOSI: It is right near the end.

14 MR. KAY: It is after he read the testimony.

15 THE COURT: After he read her testimony.

16 MR. BUGLIOSI: It is right before redirect. That would
17 be right before redirect.

18 MR. BUBRICK: Was there redirect?

19 MR. KEITH: Yes.

20 THE COURT: All right. Page 3463.

21 "Q By Mr. Bugliosi: Doctor, are you aware
22 that several months -- I think it was in March 1970
23 -- several months after Susan Atkins testified at
24 the Grand Jury, she filed a declaration recanting
25 her testimony at the Grand Jury, saying that it
26 was a lie?

27 "A Yes.

28 "Q Who told you that?

1 "A Mr. Subrick,

2 "Q Are you further aware that at the last
3 trial she was not granted immunity but she was one
4 of the defendants?

5 "A Yes.

6 "Q So, in other words, your frame of mind,
7 then, is that she took the witness stand at the
8 Grand Jury and swore to tell the truth and allegedly
9 told the truth at the Grand Jury; then at a later
10 time she said, 'I did not tell the truth.'

11 "Q You are aware of that?

12 "A Yes.

13 "Q So these are two inconsistent posi-
14 tions, right?

15 "A Mm-hmm.

16 "Q Both of them can't, by definition,
17 two inconsistent statements can't both be right;
18 is that right?

19 "A No, not if they are direct contra-
20 dictions."

21 MR. KAY: That is the witness. There was nothing about
22 her being granted immunity. I know you wouldn't have said it,
23 because she was never granted immunity.

24 MR. BUGLIOSI: Just given a promise.

25 THE COURT: That is your reference to that.

26 "She filed a declaration recanting her testimony
27 at the Grand Jury, saying that it was a lie?

28 "Yes.

1 "Q So, in other words, your frame of mind,
2 then, is that she took the witness stand at the
3 Grand Jury and swore to tell the truth and allegedly
4 told the truth at the Grand Jury; then at a later
5 time, she said, 'I did not tell the truth.'

6 "You are aware of that?"

7 "A Yes."

8 I thought you had told him that before the Grand
9 Jury she had been granted immunity.

10 MR. BUGLIOSI: No, I don't think I did, your Honor.

11 THE COURT: It is not in here, so I guess you didn't.
12 Did you have a redirect?

13 MR. BUBRICK: I don't remember it.

14 MR. KEITH: I didn't bring it out. We would have had to
15 put you on the stand, I suppose, and go through that whole
16 business.

17 MR. BUBRICK: I don't intend to use the word immunity.
18 I intend to use the word "some consideration" whatever that is.

19 MR. BUGLIOSI: I think that is a reasonable inference.
20 So that problem has been solved, your Honor. He isn't going to
21 mention immunity. There is no problem.

22 MR. KEITH: Sam won't mention immunity because she didn't
23 receive immunity. She didn't receive consideration.

24 MR. KAY: She is on death row.

25 MR. BUGLIOSI: She didn't receive any consideration,
26 either.

27 THE COURT: All right. ~~Let's go back to the time element.~~
28 How long are you going to argue, Mr. Bubrick?

1 MR. BUBRICK: Judge, I wouldn't be surprised if I finished
2 by 12:00.

3 THE COURT: If he finishes by 12:00, can you start out
4 at 1:30?

5 MR. BUGLIOSI: No. I have my notes at home. There was
6 an agreement among all lawyers that I would start Tuesday morn-
7 ing.

8 THE COURT: All right. Then, we will keep that agreement,
9 but I don't think you should be given any more time than any
10 other lawyer in this case.

11 MR. BUGLIOSI: I can't shorten it. If, in my opinion,
12 they take insufficient time, that is not my problem.

13 I have a burden in representing the People, like
14 you had a burden when you represented the People, to get these
15 people to come back with the verdict that you are seeking.

16 Now, everything that I have written in my considered
17 opinion is necessary.

18 Now, I don't put jurors to sleep. I have had jurors
19 staring at me for three days, just staring at me. They don't
20 budge.

21 Now, if I have that ability, I am not up there
22 dribbling at the mouth.

23 I have never been cut down yet by any judge in all
24 my experience.

25 If you want to stop me in the middle of my argument,
26 then you will have to, but I am not going to terminate in a
27 day.

28 I can't do it. I put a lot of time into this

1 argument. Everything I have written in my opinion is necessary.

2 I have nothing there that I think is rambling or
3 talking about the Dodgers baseball game or anything. Everything
4 goes to the guts of this case: Deliberation, premeditation,
5 whether he was under the influence of LSD, and all of those
6 things.

7 I have nothing other than that, and that is all I
8 can say. If you are going to stop me, then you are going to
9 stop me, but I am not going to conclude it in one day. There
10 is no way in the world.

11 I personally think that all of the lawyers in this
12 case should have argued much longer than they did. The fact
13 that they didn't, I am not responsible for that.

14 I am only responsible to my client and my client
15 has enough confidence in me that everything that I say in front
16 of that jury is necessary, just like when you were a prosecutor,
17 your client had confidence in you when they put you on big
18 cases.

19 THE COURT: Yes. And the judge would tell us or would
20 ask us how much time we were going to take and if he thought
21 it was unreasonable, why, he would limit the time.

22 MR. BUGLIOSI: When you have seven murders -- perhaps
23 the biggest case in California history -- I don't think that
24 two days inordinately a long period of time.

25 We have been here for two months and I might point
26 this out: If my ability means anything at all --

27 THE COURT: It is not a question of your ability.

28 MR. BUGLIOSI: Wait a minute -- that extra hour or two or

1 three hours might just, I might say something that is powerful
2 enough in those two or three hours to prevent a hung jury and
3 if there is a hung jury, we are going to have to play this
4 baseball game all over again and apparently you indicated that
5 under the new rule that it comes back to the same court --

6 THE COURT: Well, that is something that can always be
7 changed.

8 MR. BUGLIOSI: Even if it goes to another judge, I think
9 it would be a tragedy to try this case all over again.

10 My argument is going to be directed toward one or
11 two people on that jury.

12 THE COURT: What bothers me is all of the counts were
13 limited to one day.

14 MR. BUGLIOSI: They weren't limited.

15 THE COURT: But the agreement was --

16 MR. BUGLIOSI: No, no. There was absolutely no agreement
17 at all. You asked how long they would be and Mr. Kay said, "I
18 will be a day."

19 Mr. Keith --

20 MR. KAY: No. I said I thought I might be a day.

21 MR. BUGLIOSI: Mr. Keith said a day and Sam said very
22 probably three hours. You never said, "I am going to give you
23 a day." You asked them how much they needed.

24 THE COURT: What bothers me is giving you two days might
25 give this jury the impression that we are overemphasizing the
26 importance of your talking.

27 MR. BUGLIOSI: Then you could tell the jury this, you can
28 tell the jury, or I can tell them that you have placed no

1 limitation on any of the counsel in this case and if they wanted
2 to argue longer, they were perfectly free to do so, and if Mr.
3 Bugliosi argues longer than they did, there is no inference to
4 be drawn by the jury that the Court has placed any more weight
5 on his argument.

6 Everything I have written down here in my considered
7 opinion, as an experienced prosecutor, is necessary to sway
8 those one or two people that might hang this jury up.

9 I have nothing in there that is just wishful
10 verbiage.

11 Mr. Keith has heard my argument. He can attest
12 when I get up, everything that comes out of my mouth has some
13 relevance; is that right, Mr. Keith?

14 MR. BUBRICK: I still would like to see him limited to
15 a day. We all have had a day. I think that is what it should
16 be.

17 MR. BUGLIOSI: You could have had more than one day.
18 You said you only needed that amount of time. I might say you
19 told me, Mr. Bubrick, about a week ago that you hadn't started
20 to work on your argument.

21 MR. BUBRICK: That is right.

22 MR. BUGLIOSI: I started working on my argument a couple
23 of months ago. Maybe that is why your argument will only be
24 two or three hours.

25 MR. BUBRICK: That is probably so.

26 MR. BUGLIOSI: It is not my fault if you argue for two
27 or three hours and for whatever it is worth, if I were a
28 defense attorney, I would have argued for two days.

1 THE COURT: You don't think you could start this after-
2 noon?

3 MR. BUGLIOSI: I don't have my stuff here. I would like
4 to go home and like they have each had a night to go over --
5 when Mr. Keith argued, it took me, I think, four hours when I
6 went home at night to incorporate what he said into his argument.

7 THE COURT: But you can stay away from Bubrick's argument
8 until you assimilate it at one time, can't you and start the
9 argument as though Bubrick hadn't argued?

10 MR. BUGLIOSI: I don't see how I can do that, because
11 right at the beginning I start talking about reasonable doubt,
12 circumstantial evidence, and I start responding to Mr. Keith's
13 argument.

14 Whenever I give an argument, it is kind of a
15 progressive thing. It is not necessarily chronology, but almost
16 like a story, and I don't think I would be able to do that the
17 way the story is unfolding now. I will be, I am sure, passing
18 areas where I would have wanted to comment on Mr. Bubrick.

19 The point I am trying to make, Judge, we are at the
20 end of the ballgame now. You have handled the trial very well.
21 You have made it expeditious. You have tightened everything
22 up.

23 The last trial was nine and a half months. Now we
24 are only two months here.

25 We had 28,000 pages in the last trial and we have
26 only got 5,000 here. I don't see what the big problem is about
27 for a few extra hours.

28 THE COURT: No. The thing is if you can't tell the jury

1 in one day what you have got to tell them, I don't see where
2 two days is going to help you any.

3 MR. BUGLIOSI: Judge, look, we will enter into a little
4 bargain. If you see me talking up there and I am not making
5 any sense, call me back and say, "Wrap it up in five minutes."

6 THE COURT: I have complete faith in what you tell them
7 will make sense, complete faith in that. That is not the
8 question at all.

9 MR. BUGLIOSI: There are some very, very sophisticated
10 unusual issues in this case which thus far have not been gone
11 into.

12 They are not going to learn the law, in all defer-
13 ence to the Court, from those instructions. They can't -- now,
14 I am a professor of criminal law and I don't understand those
15 instructions.

16 Now, they have got to get an insight into the issues
17 of this case from someone. I don't know if Mr. Bubrick is
18 going to these issues or not.

19 I have got to go into these issues of what deliber-
20 ation and premeditation and maturely and meaningful reflect
21 mean.

22 I have got to talk about these issues in depth and
23 the jury has no idea what these things mean.

24 THE COURT: You can do that in one day easily.

25 MR. BUGLIOSI: No. In effect, what you are saying is,
26 you are substituting yourself for me.

27 THE COURT: No. What I am trying to do is not give this
28 jury any idea that any one argument is more important than

1 anyone else's:

2 MR. BUGLIOSI: Why can't you tell the jury that, Judge?

3 THE COURT: Because I don't like to interfere with them.

4 MR. BUGLIOSI: Why don't you let me tell them that. Why
5 don't you let me tell them that, say, I am going to take a
6 little longer and this is -- there is no implied inference by
7 the Court in the Court's allowing me to talk longer that the
8 Court is placing any more weight on my argument.

9 It is just that I am fairly loquacious and certainly
10 the other attorneys have had an opportunity to argue longer
11 than they did, so don't draw any inferences that you are to
12 give my argument any more weight than anyone else's argument.

13 Kanarek during the last trial, he argued seven
14 days, but the point is this: We are talking about such a heavy
15 issue here, the death penalty as opposed to life imprisonment,
16 where seven people are involved.

17 THE COURT: That is not in this part.

18 MR. BUGLIOSI: Oh, yes, it is. Sure, if they come in
19 with second, we can't get the death penalty.

20 So in effect, we are talking right now during this
21 trial -- I think this, the guilt phase is going to be the
22 whole ball game.

23 THE COURT: You can't talk about the death penalty now.

24 MR. BUGLIOSI: No, I know I can't, but I am saying that
25 I think the death penalty is riding on the guilt phase. If
26 their -- if they come in with second, there is nothing we can
27 do about it.

28 Judge Older certainly would never have permitted

1 Karanek to argue for seven days, if this were a typical garden-
2 variety murder case but he said in view of the fact that this
3 is such an enormous case, he gave him more time than he
4 ordinarily would give.

5 He gave him seven days. I didn't like it. He told
6 Kanarek that he was rambling up there, nobody is listening to
7 you. All that the people can hear in the courtroom is the
8 drone of the penguins and the fans, that they were not listen-
9 ing to him.

10 THE COURT: I am not here to criticize Judge Older.

11 MR. BUGLIOSI: I am just saying that in view of the case,
12 there is a difference between a typical murder case and a case
13 where you have so many sophisticated --

14 THE COURT: I would have shut Kanarek off long before
15 the seven days, and I am not critical of Judge Older. I have
16 great respect for him. He is a good friend of mine, but I
17 would have shut him up long before seven days.

18 MR. BUGLIOSI: I am sure you would have, but in any event,
19 I think the last time we spoke to the Court, you indicated
20 something about "If you argue Tuesday, will you go over until
21 Wednesday?" and I said I thought I would but I wasn't sure.

22 THE COURT: I told you I would give you more time, we
23 would bring the jury in earlier.

24 MR. BUGLIOSI: Then you mentioned this, "If you don't
25 finish Tuesday and you finish Wednesday," I think you said you
26 didn't want to instruct them on the same day.

27 THE COURT: I told you we will not instruct the same
28 day you finish.

1 MR. BUGLIOSI: So if I finish at 11:00 o'clock or 10:30
2 on Wednesday, as opposed to 4:00 o'clock, it really doesn't
3 make any difference. We haven't lost one minute of time,
4 because the Court has indicated he is not going to instruct
5 the jury anyway on that day.

6 Why don't we leave it at this: If you find that I
7 am taking up everyone's time, call me and cut me off.

8 If you find that I am making sense and I am scoring
9 points, I think I should be entitled to go on.

10 I have a client just like the defense attorneys
11 have a client.

12 THE COURT: You should have arranged with your co-counsel
13 that you would split it up, that he would take care of one end
14 of it and you would take the other.

15 MR. BUGLIOSI: I did. He summarized the evidence. He
16 did a very good job.

17 Now, I've got to respond to some of the issues. I
18 have to, because of Mr. Keith's argument. I've got to argue
19 a lot of things that I hadn't intended to argue.

20 He got in front of the jury -- I am not criticizing
21 Max, I think it was very effective -- in effect, he made a
22 penalty argument, a sympathy argument -- "Give this guy a break.
23 He is a victim like the other people. He is not responsible."

24 Those things usually aren't in the guilt argument.
25 I have got to address myself to that issue.

26 THE COURT: He was referring to his mental capacity.

27 MR. BUGLIOSI: And he said he was a small town hero and
28 no violence in his past and he met one of the most foul people

1 ever to walk the face of this earth.

2 It is a good argument, but I have got to address
3 myself to that. I have got to address myself. I have got to
4 convince this jury that apart from Charles Manson and apart
5 from drugs, this man is a killer.

6 I have got to go beyond the typical argument of
7 did he commit these murders.

8 I have got to get into the why, because Mr. Keith
9 has got into the why and I think effectively so.

10 I think the inference to the jury is, well, maybe
11 the reason why he did these things is relevant.

12 Well, really, the reason is not relevant but if
13 they think it is relevant, that is all that counts, because
14 they are the ones that finds that verdict.

15 THE COURT: All right. I will let you go, but I want you
16 to tell the jury that because you are taking more time is no
17 indication that your argument --

18 MR. BUGLIOSI: I promise. Thank you very much, Judge.

19 MR. BUBRICK: While we are here on the record, I have
20 been thinking over the weekend and I am still not satisfied
21 that this remark between Mr. Kay and Mr. Bugliosi about Dr.
22 Tweed went completely unnoticed or unheard by the jury.

23 If I could hear it at my end of the table -- I
24 guess I am maybe 10 or 12 feet away -- I am not so satisfied
25 that they jurors sitting at Mr. Bugliosi's left wouldn't have
26 heard it.

27 I am wondering if your Honor would consider perhaps
28 bringing in those jurors and asking them whether they heard

1 the remark between Mr. Kay and Mr. Bugliosi?

2 THE COURT: Well, it was an unfortunate remark, all right,
3 particularly where the most important part of this case is --
4 the fact that the facts are not disputed -- it is just which
5 set of doctors they are going to believe.

6 MR. BUGLIOSI: But it was in an undertone. I didn't even
7 hear what he said.

8 THE COURT: But he did, and he is much further away. I
9 heard him say something but I couldn't make out the words.

10 MR. KAY: He didn't hear what I said, because he said I
11 said something other than what I said.

12 THE COURT: He said that he thought you said, "Why didn't
13 he talk about his prior conviction," and you said, "prior conduct."

14 MR. KAY: Right.

15 MR. BUBRICK: I thought it was "The jury should only
16 know about his --" I thought he said, "prior conviction." He
17 said he said "prior misconduct."

18 MR. KAY: I didn't say that. His license to practice
19 medicine was suspended for five years. It wasn't a conviction.

20 THE COURT: But it is still a remark that should have
21 not been made, with the possibility of any juror hearing it,
22 particularly in a case like this where the medical evidence is
23 so important.

24 MR. KAY: Judge, I leaned over to Mr. Bugliosi and put
25 my hand up and I said something to him. I didn't realize that
26 my voice was carrying.

27 THE COURT: Mr. Bubrick did hear it and I heard you say
28 something. I couldn't make out what it was.

1 MR. KAY: I did say something, I am not denying that,
2 but you know if that is what he thought he heard, that is not
3 what I said.

4 THE COURT: Well, those closest to Mr. Bugliosi are
5 Batic, Nihei, Morgan, they are Jurors 4, 5 and 6. Jeffers was
6 in range of that. Do you think those four --

7 MR. BUBRICK: Perhaps those in the back row.

8 THE COURT: Rodriguez, the Japanese, Ujliya and Casa-
9 lenuovo. Suppose I call those seven jurors in and without
10 telling them what was said, just ask them whether, during Mr.
11 Keith's discussion, they heard Mr. Kay say anything, without
12 telling them what was said?

13 MR. BUGLIOSI: Let me ask you this: What would be
14 accomplished by it?

15 Say that they did hear him say anything, what would
16 be accomplished by it?

17 THE COURT: I think it is misconduct. If they heard any-
18 thing like that, it could be contempt, too.

19 MR. BUGLIOSI: The contempt --

20 THE COURT: Don't you think so?

21 MR. BUGLIOSI: No. I think lawyers make comments all
22 the time.

23 THE COURT: Comments like that?

24 MR. KAY: It was a private comment, your Honor, to Mr.
25 Bugliosi.

26 THE COURT: Which may have been heard by the jury.

27 MR. BUGLIOSI: Contempt? I think contempt is when you
28 are violating a court order or something, you are showing

1 contempt for the order.

2 THE COURT: Do I have to make an order that you say
3 nothing assassinating a man's character in this court unless it
4 is done by way of cross-examination or evidence? Do I have to
5 make an order like that, or must a lawyer know that?

6 MR. BUGLIOSI: The point is this: We are not here, as
7 I understand it, to determine whether there was any misconduct
8 on Mr. Kay's part. We are here to determine whether the jury
9 has been prejudiced. Okay?

10 THE COURT: All right.

11 MR. BUGLIOSI: Say they have heard it, say that is mis-
12 conduct on his part. That doesn't solve any problem. The jury
13 still heard it.

14 THE COURT: If they have not heard it, then we have got
15 nothing to worry about.

16 MR. BUGLIOSI: If they have heard it, so what?

17 THE COURT: Then I will consider what will be done then,
18 if any one of them did hear it.

19 MR. KAY: Also, another consideration is that Mr. Keith
20 did not mention Dr. Tweed's name. He said something about the
21 doctor in 95, and my remark to Mr. Bugliosi -- in my remark to
22 Mr. Bugliosi, I did not mention any doctor's name.

23 MR. KEITH: I mentioned Dr. Tweed's name.

24 MR. KAY: I didn't mention any doctor's name.

25 THE COURT: All right. How do you suggest we do it? Did
26 you want to be present?

27 MR. KEITH: I don't think we need be present.

28 MR. BUGLIOSI: I think we should be present.

1 THE COURT: All right. Then call them in individually.

2 MR. KAY: I think the way you should do it is ask them

3 if they heard any comment made by any prosecutor.

4 THE COURT: Well, Mr. Bugliosi didn't make any comment.

5 MR. KAY: No, that is true. All right, comments by

6 Mr. Kay to Mr. Bugliosi.

7 MR. HUBRICK: During the course of Mr. Keith's argument.

8 MR. KAY: Yes.

9 THE COURT: Suppose we do that. John, call Mr. Batie in

10 first.

11 (The following proceedings were had in the

12 presence of the Juror Mathew Batie:)

13 THE COURT: Good morning, Mr. Batie.

14 MR. BATIE: Good morning, sir.

15 THE COURT: Mr. Batie, please understand we are not

16 inquiring into your conduct or any of the jurors' conduct.

17 Please understand that.

18 MR. BATIE: Yes.

19 THE COURT: Last Friday during Mr. Keith's argument in

20 the after noon --

21 MR. BATIE: Yes.

22 THE COURT: You, of course, sit in the No. 6 seat there

23 as a juror. Did you hear any remark made by Mr. Kay to Mr.

24 Bugliosi?

25 MR. BATIE: No.

26 THE COURT: You did not?

27 MR. BATIE: No.

28 THE COURT: Fine. That is all I wanted to know. Thank

1 you, Mr. Batis.

2 Would you ask Mrs Nihei to come in?

3 (The following proceedings were had in the
4 presence of the Juror Alice K. Nihei.)

5 THE COURT: Good morning, Miss Nihei. Would you sit
6 down, please.

7 I want to tell you, too, Miss Nihei, we are not
8 questioning the conduct of any juror in this case, so you just
9 be comfortable and be at ease.

10 Friday afternoon, while Mr. Keith was talking to
11 you in his argument, did you hear any remark made by Mr. Kay
12 to Mr. Bugliosi?

13 MISS NIHEI: Not that I know of.

14 THE COURT: Then you did not hear any remark; is that
15 right?

16 MISS NIHEI: No.

17 THE COURT: Thank you. Fine. Thank you, Miss Nihei.

18 Morgan.

19 (The following proceedings were had in the
20 presence of the Juror Kenneth R. Morgan.)

21 THE COURT: Good morning, Mr. Morgan. Mr. Morgan, first,
22 I don't want you to be ill at ease. I want you to feel
23 perfectly at ease. We are not asking concerning the conduct
24 of any juror in this case.

25 MR. MORGAN: Yes.

26 THE COURT: Friday afternoon, while Mr. Keith was making
27 his argument, did you hear any remark made by Mr. Kay to Mr.
28 Bugliosi?

1 MR. MORGAN: Not that I can recall. I was trying to
2 think -- not, it was, I think it was over at your bench out
3 there I heard him say something about 15 minutes or something
4 like that. I think that is the only thing I have ever heard.

5 THE COURT: No. I mean while Mr. Keith was talking to
6 you.

7 MR. MORGAN: No.

8 THE COURT: Not at the bench.

9 MR. MORGAN: No.

10 THE COURT: You did not. Fine. Thank you, Mr. Morgan.
11 That is all I wanted to know.

12 Mr. Jeffers.

13 (The following proceedings were had in the
14 presence of the Juror Francisco Jeffers:)

15 THE COURT: Good morning, Mr. Jeffers.

16 Mr. Jeffers, feel perfectly at rest. We are not
17 questioning the conduct of any juror in this case, so don't be
18 nervous at all.

19 MR. JEFFERS: No.

20 THE COURT: You remember Friday afternoon while Mr. Keith
21 was arguing to you, making his summation during the afternoon,
22 while he was making his summation, did you hear any remark made
23 by Mr. Kay to Mr. Bugliosi?

24 MR. JEFFERS: No.

25 THE COURT: You did not?

26 MR. JEFFERS: No.

27 THE COURT: Fine. Thank you, Mr. Jeffers. That is all
28 I wanted to know. You may be excused.

1 THE COURT: Do you want me to call the others in?

2 MR. BUBRICK: No. I guess if those in the front row
3 didn't hear, they probably didn't hear in the back.

4 THE COURT: All right. Get them back in and we will get
5 to work.

6 MR. BUGLIOSI: Just one little comment by way of a foot-
7 note to show why the argument is going to be long.

8 Mr. Keith said there was no conspiracy in this case.
9 That is all he said. I am not going to get up there and say
10 that there was a conspiracy. I have got to tell them why there
11 was a conspiracy.

12 I am just giving you an example of how brief that
13 one statement was, "There is no conspiracy," and the response
14 to that is going to take me 10 or 15 minutes.

15 John knows that we had a couple of nights on con-
16 spiracy out at the Beverly School of Law -- I am not going to
17 conduct a class for them, don't get me wrong -- but I am not
18 going to say, "Mr. Keith said there is no conspiracy and in my
19 opinion there is a conspiracy. Now let's pass on to the next
20 issue."

21 I can't do that. Conspiracy is something that has
22 to be gone into.

23 THE COURT: I still feel if you can't tell them what you
24 have got to say in one day, two days is a waste of time.

25 MR. BUGLIOSI: Okay, Judge. Thanks a lot.

26 (The following proceedings were had in open
27 court in the presence of the jury:)

28 THE COURT: Good morning, ladies and gentlemen.

1 People against Watson. Let the record show all
2 jurors are present. All counsel and defendant are present.
3 Mr. Bubrick.

4 MR. BUBRICK: Thank you.

5 THE COURT: Are you ready to proceed?

6 MR. BUBRICK: We are ready.

7 THE COURT: Ready or not, proceed.

8 MR. BUBRICK: Your Honor, colleagues, ladies and gentle-
9 men:

10 I hope that in something less than the conclusion
11 of this day, I will be able to be of some help in focusing
12 your attention on what I indicate to be the only issue in this
13 case.

14 The only issue to be resolved by you is whether or
15 not Tex Watson was of such diminished capacity at the time of
16 these murders that he could not meaningfully and maturely
17 reflect on the consequences of his act.

18 There has been no effort at all to contend that
19 Mr. Watson was not involved in the commission of these offenses,
20 because he was.

21 It would be sheer folly to even suggest that he
22 did not participate in the killing of these human beings. He
23 did.

24 But the frame of mind at the time that he did that
25 is what is important and I submit it is not what he did in
26 Texas, it is not what he did in the county jail in Los Angeles,
27 it is not what he did in Atascadero -- I think that is an
28 effort to distract, that is an effort to get you away from the

1 primary point of your consideration.

2 The focus must be what was this man like -- what
3 was this boy like when he did it.

4 I think it is equally important that we bear in
5 mind that this was not the average commune.

6 This is not the thing we read about in the paper.
7 This is not the duplex in San Francisco in Haight-Asbury where
8 a number of people get together and they use drugs, they talk,
9 they live together, they do a lot of things.

10 This is a commune at Spanh Ranch. That is the
11 commune directed by Mr. Manson.

12 This is a commune with its leader as one of the
13 most diabolical individuals who may have ever lived. This is
14 the commune we are talking about.

15 This is the commune that even Dr. Fort, in all of
16 his experience said he never saw and never experienced, and
17 maybe that is the thing that we should be grateful for.

18 Remember, as Mr. Keith said, we have no burden.
19 We don't have to convince you of anything. It is the People's
20 job, but if by what we have done we have given you reason to
21 believe that Mr. Watson's mind was so diminished that he could
22 not in full compliance with the law meet its requirements,
23 then he is guilty of first degree murder, and that is the
24 thrust of what we have to say.

25 But I think to understand what we have to say,
26 let us look at some of the parties involved. Let's look first
27 at Manson -- not the average run-of-the-mill individual, not
28 the person you meet every day -- an ex-con who in those years

1 of prison confinement, perhaps, developed a philosophy of hate,
2 a philosophy not unlike that of Hitler, a philosophy not unlike
3 that of Rasputin, to see what he could do about finding a niche
4 for himself in this world.

5 And the tragedy is that this man with some sort of
6 a fatalistic type charisma, this man with some sort of a Pied
7 Piper type quality, was able to attract to himself those people
8 who already dropped out or who were dropping out of our society,
9 those people who were disillusioned, for whatever reason were
10 pertinent to them, those people who were looking for something
11 else.

12 As it so happened in this instance, invariably they
13 were teen-agers, invariably they were girls.

14 He did find men, yes, but the men he found were
15 invariably no stronger of character than the women -- no more
16 mature than the women, as gullible as the women, because only
17 these people could accept what Mr. Manson had to say as gospel
18 and by God they did.

19 But, having found this group, having collected them,
20 having used the drugs, as we have evidenced that he did, having
21 used this process of indoctrination, as he obviously did, he
22 molded them and shaped them, as he would have them, and they
23 were prepared to do his bidding like robots, like automatons,
24 like people who thought only as he thought, as people who did
25 only as he wanted them to do.

26 By God look what Hitler was able to do without
27 drugs. Look at what Hitler was able to do with the spoken word
28 when he converted a whole nation to his way of thinking.

1 Face-to-face, with the use of the microphone, this
2 charisma, the spell, or whatever it is that he had, apparently
3 came across the microphone, aside from his face-to-face con-
4 sultations, and without the use of drugs.

5 And the use of drugs is something that Manson very
6 skillfully employed, something that he knew about. He knew
7 that with these drugs he could achieve his goal.

8 He knew that with these drugs he could get people
9 to do what he wanted them to do, and he did. They did what-
10 ever he wanted them to do, whatever it was that Manson had in
11 mind.

12 I am not so satisfied, as Mr. Keith has indicated,
13 that Mr. Manson really believed in helter-skelter for itself.
14 Manson believed in those things that he thought were important,
15 but whether Manson would really believe that this group would
16 get into a bottomless pit, whether they were going to be God's
17 chosen people, whether they could survive the holocaust, whether
18 they could survive a racial war, is something that I think we
19 have a right to think about because Manson was too smart for
20 that.

21 He knew that that wasn't possible, but I don't
22 think those who followed him did. This is how he hoped to gain
23 control. This is how he hoped to direct his people.

24 We know it was only a matter of time before the
25 effect of the acid, the effect of his philosophy got these
26 people to steal first credit cards, then creepy-crawl missions
27 into houses, where they removed property and one thing or
28 another, then even the cars, the dune buggies.

1 Remember, as Paul Watkins said the truck, a milk
2 truck of some sort. The girls not only did that, and people
3 not only did that, but they engaged in panhandling and, of
4 course, it culminated in these killings, because that is the
5 kind of control he had.

6 That is what he was able to do with his philosophy,
7 deadly as it was, and drugs.

8 I think we should also understand one other thing
9 because I think, and I hope, that not only we must by virtue
10 of the medical testimony, it should be perfectly clear that
11 the drugs they were involved in are not the kind of drugs that
12 we think about in connection with the Dr. Jykell and Mr. Hyde
13 image.

14 It wasn't a drug that you took and lo and behold
15 there was a change of personality, a transformation in front
16 of your eyes, because that is not what we are talking about.
17 We are talking about a drug which in connection with the
18 philosophy made more easily the assimilation or the absorption
19 of that philosophy.

20 We are talking about a drug which, as Dr. Fort
21 said, burned through the layers of conscience and opened the
22 minds into new ideas.

23 This is something that Manson knew and he knew
24 that over a period of time, you could condition or recondition,
25 you could brainwash, you could control the thinking of the
26 people.

27 We all know from the medical evidence here that
28 this wasn't the laboratory type drug. It wasn't a drug being

1 administered in the closed or control situation. It was a
2 street drug, street type LSD, street-type speed, street-type
3 amphetamines.

4 We know from what we have heard that they are
5 mixed with all sorts of impurities. Nobody really knew what
6 sort of a dosage they were getting. Nobody knew what these
7 drugs had been adulterated or cut with. Nobody could do any-
8 thing but agree that they use of the street-type drug increased
9 the risk of an adverse effect.

10 But not only did Manson know that, he knew that in
11 order to make the drug more effective, he had to use it where
12 his thought process wouldn't be interfered with, and so we have
13 the social isolation that the doctors talked about.

14 Manson didn't do this out in Haight-Asbury. He
15 didn't do this on the street. He didn't do this in downtown
16 L.A. He did this in an area where only he got to his victims,
17 where he gave them the drug and he told them what to think.

18 They were isolated from the main stream of society.
19 They were isolated from people with whom they might be able to
20 talk about what Manson was saying and what did they think and
21 how did they think, what was their reaction to this philosophy,
22 did they want to participate, did they want to get involved.

23 None of that was possible, because the drugs were
24 being administered under this very controlled environment with
25 Manson deciding when and where and how and how much.

26 Being administered in the situation where there was
27 no opportunity for intercourse. They couldn't talk about the
28 Manson philosophy with anybody else.

1 They couldn't discuss Manson's value systems,
2 those things that he considered important, with anybody else.

3 Look what happened to Paul Watkins and Poston,
4 when they heard and swallowed the Manson philosophy for a
5 period of time and they met Mr. Crockett and they talked with
6 Mr. Crockett and it wasn't long after that before they left,
7 because Watkins and Poston got away from Manson for a while.

8 They had a chance to discuss the Manson philosophy
9 with somebody else and remember their testimony on the stand
10 when they both told you how surprised they were/^{when} they found a man
11 that they couldn't convert?

12 They found Mr. Crockett who virtually laughed in
13 their face when they told him about this messiah, again, this
14 God-like person, this Christ-like person.

15 Apparently, it wasn't long before Mr. Crockett was
16 able to straighten out their thinking and they left. Now,
17 this was the rarity. This was the exception, because everybody
18 in this group thought alike. They reacted alike.

19 The peer group was the same. They all believed
20 what Manson had to say and as a result of what he had to say,
21 the way he said it, the period of time that was involved, as
22 Dr. Hochman said, they got to see the rightness of killing in
23 their delusional world as outweighing the wrongness of the
24 killing in our world,

25 Do you remember they felt everybody was already
26 dead and so in this delusional state, in this world of helter-
27 skelter, this world detached from reality, they thought only
28 as Manson wanted them to think.

1 Remember, if you will, from everything that you
2 have heard here that the effect of the drug had to be and was
3 superimposed on some personality structure.

4 People who had great strength of character would
5 laugh in Manson's face, but if you were weak to start with,
6 if you had some personality defect, if you were not goal
7 oriented, that was the kind of person that Manson wanted.

8 That is the kind of person Manson got. That is the
9 kind of person Manson got in Tex -- passive, a person who
10 wouldn't resist, things just happened to him. He didn't go
11 out and do them, they just happened to him. When he got
12 involved, he couldn't get uninvolved. He was dependent.

13 He needed approval. He needed approval from the
14 people around him. There is nothing that he does that gives
15 him any self-satisfaction, but it is the outsider to which he
16 looks -- immature. That is the kind of person he was.

17 At the time of the murders, Tex was completely
18 controlled by Manson. If he wasn't, he would have left. Just
19 why Manson wanted the murders committed on the nights that he
20 did, I don't know, but apparently there was some reason. There
21 was some reason. There was some motive for this madness on the
22 nights that it occurred.

23 We do know that Watkins and Poston left. We do
24 know from what Watkins told us that there were apparently some
25 little inner friction going on.

26 A lot of men had their own deals going. Mr. Vance,
27 the robber, the burglar, he and his girl friend had something
28 going on their own. Danny DeCarlo wanted to use the girls.

1 Grogan and Davis -- Mr. Davis, I think was, it was
2 alleged by Mr. Watkins to have been sort of a loudmouth, one
3 who wasn't completely taken over by Mr. Manson, but Tex was.
4 He was completely controlled.

5 This is the one person that Manson knew he could
6 control, that he could rely on.

7 Now, if Mr. Manson found himself losing his grip
8 on the male members of the family, as he did with Watkins and
9 Poston, is it not logical to assume that he then would have
10 lavished whatever he had on those people he thought he could
11 control?

12 With the loss of Watkins and Poston, doesn't it
13 seem logical to assume that he would have made available to
14 Mr. Watson more drugs, more girls, more of those things which
15 he felt it would take to keep him there?

16 You know, I am sure that Tex didn't start out
17 being what he ended up. Just like an alcoholic, a person who
18 becomes an alcoholic, I am satisfied, does not start out in
19 life to become an alcoholic, but it is that one drink on top
20 of the second drink and the third drink, the fact that it takes
21 two drinks to do what one drink did yesterday and perhaps three
22 drinks tomorrow, what it takes two drinks to do today, that
23 eventually gets you in the position of being one of the skid
24 row inhabitants.

25 That is not how they wanted it. That is how they
26 started out, but that is certainly how they end up.

27 I think the same thing is true of Mr. Watson. He
28 didn't start out being completely dominated by Manson, but he

1 ended up that way.

2 You have to remember where Watson found himself.
3 Let's review for a minute some of those things that made Tex
4 the kind of person he was on the nights of the murders, some of
5 the things that made him the kind of person depicted in the
6 picture taken at the time of his arrest in April when he was
7 on the belladonna trip.

8 The kind of a person that Mr. Escalante said was
9 the most narcoticized person he had ever booked, or one of the
10 most that he had ever booked, this person who seemed to not
11 even be able to write his own name, so drugged, so influenced
12 by drugs, so dirty, so disheveled. That is the kind of a person
13 he became.

14 In order to get there, we all remember what he was.
15 We remember his mother telling about his experience growing up
16 in Texas. He helped his parents. He attended school. His
17 mother said she saw to it that he got there.

18 He went to church. His mother said that she saw to
19 it that he went. He excelled at athletics. His mother wanted
20 him to do that.

21 He worked for Mr. Carpenter and Mr. Carpenter said
22 he was a diligent employee and I am sure he was.

23 But I think we get some idea, we begin to see a
24 picture, this domination by the mother, and I am satisfied that
25 Mrs. Watson, like so many other parents, didn't start out to
26 be this way. It just ends up this way.

27 I am sure that she did what she thought was best
28 for her son. Remember, even the school that he went to was

1 picked by his mother.

2 His girl friends had to meet his mother's approval
3 and when she didn't like one girl, she told him to stop going
4 with her.

5 In the back of all this is a father who presents
6 no image for him, a weak father who allowed things to happen.

7 Remember, it was when he was 21 years of age when
8 his mother said she could no longer keep him in Texas, that
9 he decides to leave school, and he did.

10 He left school, came to California following his
11 friend, David Neale.

12 Do you remember the role of David Neale, who left
13 Texas, came here to California, to be followed shortly there-
14 after by Tex?

15 They went into business together -- still retaining
16 a grasp on some part of the personality, some part of the
17 development he had had in Texas, a person with some goals at
18 that time, with some interest, but we know a number of factors
19 occurred here in California.

20 We know that David Neale went into the army. He
21 lost his crutch. The wig business went downhill. It soon
22 gave out.

23 He met Dean Moorehouse, he met Dennis Wilson. He
24 became a freeloader at Dennis Wilson's house for some period
25 of time.

26 Then, imagine if you will, the impact on this
27 little country hick of all the Hollywood names that hung around
28 Dennis Wilson's home -- Terry Melcher, Dianne Martin, the other

1 people of the Hollywood stature, the other runners around in
2 the Hollywood crowd. And if it was okay for them to do what
3 they were doing -- and I don't think it would take any stretch
4 of the imagination to assume that they were also involved with
5 drugs -- why was it wrong for him?

6 You see, he made the mistake that all drug users
7 make. They all feel that they can control the use of their
8 drugs, that they are different, that they are not going to
9 become down and out alcoholics. They are not going to become
10 the down and out heroin users, that somewhere along the line
11 they are going to be able to stop.

12 Drugs go just so far with them, then they take
13 over, but that is not so. The drugs have been the master of
14 everyone who has ever used them.

15 And Tex in his own mind thought he was going to be
16 different, that they wouldn't control him, but they did. So
17 you have these factors, the combination of these facts and
18 meeting Manson, meeting the girls, the insecurity on his part,
19 this moving sideways, as Mr. Keith talked about Friday, not
20 knowing where he was going, not knowing what he was going to
21 do, and in all of this thing influenced by Mr. Moorehouse.

22 Do you remember he said at one time that he was
23 sort of -- he was an ordained minister who left it all because
24 he was introduced to LSD and LSD then became his God and his
25 life now was spreading the truth as he found it, as a result
26 of LSD use?

27 Remember if you will, too, please, that most of
28 Manson's followers were girls, that while he did have some men,

1 these men were as weak as the girls, because only people of
2 that mentality, of that stature, of that security, would have
3 believed what Manson had to say.

4 They were not sophisticated. Tex was not sophisti-
5 cated. He really had no world experience. He was as gullible
6 as anybody we ever saw. He believed what Manson had to say as
7 did all of his followers and it was in that situation that
8 Watson became involved.

9 There is no history of criminality. There is no
10 history of violence. There is no history of homicidal tendencies
11 on his part.

12 This started when he became a member of the Manson
13 family and if you stop to think about what Tex was at the time
14 of the murders, and the time that he got here to California,
15 the difference is Manson and the drugs. That is what made the
16 difference.

17 Now, you had a chance to see Tex on the stand for
18 a day or a day and a half. I think he strained to tell the
19 truth. He wanted to tell the truth, no matter how it hurt,
20 no matter what happened, and he didn't mince a word. He
21 didn't wince.

22 Even Mr. Bugliosi, try as he could, couldn't shake
23 him from his story, because it was the truth. It was the truth
24 as he remembered it.

25 It was the truth as he was permitted to remember it,
26 because of his drug usage.

27 Do you remember his telling us here that one of
28 the reasons he got involved with Linda Kasabian the very first

1 day he met her was because he felt so insecure, he felt so
2 unmanly, because his contacts with the other women that per-
3 haps she wouldn't have known what he could or couldn't do and
4 so he went over with her before she had a chance to tell any-
5 body else about him, before she had a chance to compare him
6 with others.

7 I think that at the time he became involved with
8 the Manson family, he still retained some of those qualities
9 that he had at the time he left Texas, but Manson and drugs
10 were just too much for him.

11 I wonder whether this young man who followed orders
12 to the T, who was told not to talk to people in the hospital
13 as he testified, who was told to cooperate in the neuropsychiatric
14 institute at MPI, who was told to talk with all of the doctors
15 that he did, I wonder if that is the kind of person that the
16 prosecution would have you believe was able to pick and choose
17 his responses so that he would come out the kind of personality
18 that he wanted to come out.

19 Where in his background, be it college or high
20 school or anywhere else, has there been any evidence that he
21 was so exposed to psychometrics that he had such a grasp of
22 testing, of talking with doctors, that he could make a score
23 come out as he chose it to be, that he could answer enough
24 of an intelligence test to rate borderline, if that is where
25 he wanted it to be, that he could take the MMPI test and have
26 it come out schizophrenic because that is what he wanted it to
27 be.

28 Where do we have such evidence? Where do we have

1 such evidence of such sophistication, such knowledge on his
2 part of how these test worked and what it is that they grope
3 for, what it is that they want to measure. I think there is
4 none.

5 You see, in the last analysis, we are asking you
6 to do the very same thing that the doctors said that they in
7 their training were able to do.

8 They were able to assess honesty. They were able
9 to assess credibility. That is the very same task that we
10 are asking you to do and these doctors said because of our
11 experience, because of our exposure, we think we did.

12 We think he was an honest person. We think he
13 answered the questions honestly. There was no effort to
14 deceive us and I certainly hope and pray that that is the same
15 impression that you got.

16 A great deal of what has been said here by the
17 doctors hinges on, as they put it, on the fact that they
18 thought Linda Kasabian was so honest, that it was her testimony
19 that they used as the control.

20 I want to look at Linda Kasabian's testimony with
21 you for a few minutes and I want you to look at Linda Kasabian's
22 testimony as I think you have a right to assume it occurred.

23 I want you to look at it, perhaps through her eyes,
24 and see it as we look back and see it. Now, we know Linda
25 came out here the latter part of June of 1969, some five days
26 or so before she met the family, but just look at the life she
27 led before she got here.

28 When Tex was in high school back in Texas, when he

1 was going to church, when he was competing in sports, living
2 at home, what was Linda doing? Commune to commune.

3 She left home at the age of 16. She made her
4 way to Boston, to New York, to San Francisco. As you will
5 recall, she got involved with people who were involved with
6 drugs. She was sent back to the east coast. She came back
7 to the west coast.

8 She traveled from L.A. to Washington, to New
9 Mexico, always in the commune setting, always in an organiza-
10 tion that was drug oriented.

11 Do you remember she told you she started to use
12 speed with a needle back in 1967? She was smoking marijuana.
13 She was using hashish.

14 She was using LSD. She was using Mescaline. At
15 one time, I think she told us she was even snorting speed and
16 how did she make her living? How did she get along during this
17 period of time?

18 By selling drugs, by living with other men, by
19 having boyfriends, living by her wits, if you please, a matter
20 of survival.

21 Linda's only interests were herself. That is the
22 only thing she really cared about. And I think that is the
23 only thing that motivated her conduct.

24 We know that on July the 4th when she had some
25 sort of an argument with her husband living in that converted
26 truck, she left him.

27 She met Gypsy, came down to the Spahn Ranch that
28 same day, the 4th of July. She met Watson. As a result of

1 some discussion with Watson, she went back to the converted
2 truck the next day and she stole \$5,000.

3 She said she wanted to make a contribution to the
4 Manson family. What else did she do, this girl who said she
5 really didn't care about drugs, who really didn't care about
6 acid.

7 She conned her husband into digging up the stash
8 of LSD for a girl who really had no interest in it, for a girl
9 who really didn't care about drugs.

10 She had carried the drugs from New Hampshire to
11 California. Her husband had buried it and on the same day
12 that she stole the \$5,000, she was able to talk him into giving
13 it up for whatever reason.

14 So it was the \$5,000, the acid, a bundle of clothes,
15 her baby and a knife that she left the truck with and goes to
16 the Spahn Ranch.

17 Why would she have had such an interest in acid,
18 if she is not a user of acid? Why she should have taken what-
19 ever efforts it may have taken to get her husband to dig it
20 up for her, I don't know if this is as insignificant or important
21 as she said it was.

22 It is very interesting that, as you will remember,
23 with respect to the \$5,000, remember she said that the person
24 she lived with in the truck, Charles Kelton, had gotten the
25 money as an inheritance and it was his, but she said she thought
26 it belonged to all the people in the truck and so she helps
27 herself to the \$5,000.

28 It was the next day, I think, that she met Charles

1 Manson. They went up in the cave and he felt her leg and told
2 her she had a father hangup and this was all such a brilliant
3 observation on his part.

4 This is what interested her and this is what got
5 her, but she said as a result of that very first meeting that
6 she thought he was Jesus, that she thought he was the messiah,
7 come again.

8 That is how impressionable this young lady is.
9 This is how impressionable she felt she had to be, because she
10 now had another home.

11 Can you imagine what the average teen-ager 18, 19
12 years old, perhaps 20 years old would do, if their husband
13 suddenly dumps them out in the middle of California with her
14 baby and no resources?

15 I think the natural thing for a youngster under
16 those conditions would be to sort of fall apart, to start
17 thinking perhaps about mother, to think perhaps about getting
18 in with somebody that she knows, but not Linda. She doesn't
19 have to do that. This gal has been around,

20 She has crammed a whole lifetime of living into
21 her 20 years. She floats from man to man, from situation to
22 situation, from friend to friend, always managing to live,
23 always managing to have somebody else worry about her needs,
24 always managing to have somebody else provide for her, however
25 it is, whatever they do.

26 She said that she too soon believed in helter-
27 skelter. She too believed in the Manson philosophy and I guess
28 she believed it so avidly that even Manson believed that she

1 believed.

2 You have to remember that Linda's exposure to the
3 Spahn Ranch and to the Manson family covers only some five
4 weeks -- from the 4th of July to the 10th or 11th or 12th of
5 August, some five-week period that she is at the Spahn Ranch
6 with Manson and his family.

7 During that period of time, we know certainly by
8 her own testimony that not only did she steal the money and
9 the acid and bring it down to ingratiate herself with the
10 family, but that she went out on creepy-crawls.

11 Now, the reason I suggest that, you must bear in
12 mind the fact that this is the Manson type commune at Spahn
13 Ranch, and not the typical San Francisco Haight-Asbury situa-
14 tion is because what Manson had, at least some of his women
15 doing.

16 You know, there has been a philosophy that permeated
17 this room in this trial about the fact that these women were
18 absolutely helpless, that they couldn't do anything on their
19 own except make themselves available to the man as some sort
20 of a doormat, perhaps go out and collect garbage, or make love
21 with men if they could induce them to stay and join the family.
22 But that is not so.

23 Can you imagine what it must take on the part of
24 a teen-ager to put on some dark clothes in the dead of night
25 and gain entrance to a house while it may be occupied, to
26 steal, to rob, to take what they think they need.

27 Does that sound like a weak person? Does that
28 sound like a person that is a doormat, like a person that

1 doesn't have the ability to think on their own, a person who
2 couldn't confront a situation for the first time and think
3 through it?

4 My God, can you imagine the things that are
5 inherent in going into somebody else's house in the dead of
6 night to steal? And how about the cars that they went through?

7 Now, these are some -- these people are anything
8 but weak. Some few of these women have more guts. They have
9 more stamina than the men and Manson knew who they were --
10 Sadie Atkins, Katie, Linda Kasabian.

11 In one month, Linda became a member of the creepy-
12 crawl mission. She became a member of that elite group. That
13 is the confidence Manson had in her and how did he go on to
14 show the confidence later on? On the nights of the murders,
15 who were his henchmen? Who was the overseer who was the real
16 lieutenant that night?

17 Some man who had never been on a creepy-crawl
18 mission? Some man who had been given so much dope, so much
19 LSD over a period of time, had been filled and saturated so
20 with this philosophy that he was there to do whatever Manson
21 wanted him to do -- and remember, if you will, please, that so
22 far as Tex is concerned, this period covers a year.

23 Manson has had a year, almost a year's time to
24 work on him, to convert him to the robot that he wanted to
25 make of him.

26 But, Linda got her stripes in a month, and when
27 Manson decided, for whatever reasons, that the time was ripe
28 for helter-skelter, that the time was ripe to start it, that

1 the time was ripe to start committing some of the murders he
2 had talked about, who did he first approach? Linda Kasabian.

3 Linda, you get the dark clothes. You get the
4 knives. You get your driver's license.

5 Do you remember how Linda put it when she said,
6 "Well, I remember there was a bunch of us sitting out in front
7 of the kitchen and Charlie came over to me and pulled me aside
8 and told me to get a change of clothing and a knife and my
9 driver's license and I did. We started to drive away and then
10 Charlie stopped us. Then he came over to the passenger's side
11 of the car and he said something about 'Leave a sign. You
12 girls know what I mean -- something witchy,' something like
13 that."

14 How does Barbara Hoyt describe it? Not much
15 different. Barbara said, she was asked:

16 "While you were eating dinner did Charles
17 Manson come to the room where you were eating?

18 "A. Yes.

19 "Q. Did he say anything when he came in?

20 "A. Yes.

21 "Q. What did he say?

22 "A. He asked, he told Sadie and Linda or
23 Katie to get three sets of dark clothes and the
24 knives and to come outside."

25 I wonder why Manson talked to Linda, if she were
26 this weakling, if she were this immature person, if she were
27 a dependent soul. If she were a person who couldn't make
28 independent judgment.

1 Why did he tell her to get a driver's license, if
2 he wanted Tex to drive the car?

3 You know, Tex is a little too old to be driving
4 with somebody, as an adult, with a driver's license. You
5 would need even a driver's permit for that.

6 You see what Manson wanted above all was not to
7 conceal the crime. He wanted everybody to know about this
8 crime.

9 What he wanted to conceal is the possibility of
10 anybody getting arrested. That is what Manson was most con-
11 cerned about.

12 Unless helter-skelter were going to come down as
13 he put it, unless the story that he told to his followers
14 were going to make sense, everybody had to know about the
15 murders.

16 They had to be wide open for the community to
17 know about, but can you imagine what would have happened to
18 that scheme if somebody had been arrested that night?

19 Manson wasn't going to stick his neck out, but he
20 was perfectly willing to risk everybody else, risk them in the
21 sense that he wanted them to do the dirty work.

22 He wanted to sit back at the ranch, but he knew,
23 as he must have known, that since they were driving a car that
24 belonged to Mr. Swartz, who worked on the ranch, that since
25 all the occupants of the car had the same address, Spahn Ranch,
26 that if anybody were arrested that night, he could fully expect
27 that they would come back to the Spahn Ranch to investigate,
28 and that might lead to Manson's arrest, and that is what he

1 wanted to avoid.

2 And so, in his effort to make sure that nobody
3 was arrested, he told these people as many of the things that
4 he wanted done as he could possibly remember.

5 He suggested the dark clothes. He suggested the
6 change of clothes and we can infer that he suggested everything
7 inherent in the change of clothes.

8 It takes no stretch of the imagination to infer
9 that if Manson said take along a change of clothes, he expected
10 that the original clothes might be so soiled or dirty or
11 saturated with blood that they couldn't go out with them, and
12 if he told them about changing clothes, we can infer that he
13 also told them about getting rid of the clothes -- get rid of
14 the knives, get rid of everything, but clean them off, because
15 he doesn't want anything to happen that would take them back
16 to Spahn Ranch, inviting the police back to Spahn Ranch.

17 If anybody is arrested, it could lead to his
18 arrest, and so what happens? They go off, with a change of
19 clothes, Linda is driving, because she has got the driver's
20 license.

21 They couldn't risk anybody, any officer talking to
22 somebody who didn't have a driver's license on this person at
23 the time.

24 Remember, Linda said so far as she knew, she was
25 the only one and I think Barbara McGann who had driver's
26 licenses, and that is all and Manson knew it. That is why
27 he told her, "Get your license, Linda."

28 And she said something about only those people

1 who have licenses are supposed to drive the cars, and then she
2 said, "Well, it doesn't apply to this car. It only applies
3 to a Volvo." Nonsense. Nonsense.

4 They didn't want investigation. Manson couldn't
5 stand investigation in the face of all this.

6 You know, if you stop to think and reduce this
7 to some situations, -- something that we as parents may all
8 be familiar with -- you know, if you want to send your children
9 out to do something and you want to make sure the message gets
10 across, you want to make sure that some judgment is being used,
11 when these kids cross the street, which of the children do you
12 entrust the message to?

13 Which of the children do you say, "Make sure that
14 the youngsters hold hands when they cross the street."

15 The oldest? No. The boy? No. You give it to
16 your child that you think is most mature, the one that you
17 think will exercise the best judgment.

18 It makes no difference whether it is a boy or girl
19 and that is the same thing that was true in the Spahn Ranch
20 among certain of the girls, and Linda proved herself.

21 She proved that she was able to get along. She
22 lived by her wits all along. She was able to confront situa-
23 tions and make adequate adjustments and Manson was satisfied
24 that she could.

25 She was strong enough emotionally to do whatever
26 had to be done and that was evidenced later on.

27 My God, she took her baby the first day she got
28 to the ranch and she turned it over to complete strangers.

1 That is how concerned she is. Her concern is
2 inward. Her concern is with herself, not with anybody else,
3 not even about her own kids.

4 Do you remember she told us they were dirty, they
5 had sores. She wanted to get them away from there, but she
6 didn't, and her only explanation was, "I had a feeling but I
7 couldn't and I didn't." Nonsense.

8 This suited her. This is the kind of life she was
9 used to living. We know that later -- I have gotten ahead of
10 myself a little bit -- she got involved with Joe Sage and she
11 conned that guy out of some money.

12 She lied to a social worker in an effort to get
13 to her kid. She lied to a judge in an effort to get her
14 child back.

15 Is this some evidence or any evidence of a weak
16 person? Of a dependent soul? Of course not. Of course not.

17 You see we know from the evidence here that Sadie
18 Atkins made the statement, testified before the Grand Jury.
19 We also know that Linda came back to California at or about the
20 same time and we know that thereafter Sadie Atkins retracted
21 that statement.

22 I think we can infer that Sadie Atkins expected to
23 get some consideration, whatever that might have been, from
24 the district attorney's office and perhaps later on from the
25 courts for making that statement.

26 But when she retracted it, when she said it is a
27 lie, there was a void that had to be filled and who stepped
28 forward? Little Linda Kasabian.

1 This little girl who said she left New Hampshire
2 to come to California, feeling that the truth had to be told,
3 immunity or no immunity, but when did she choose to tell her
4 story?

5 At a time when there was nobody else left, at a
6 time when she could fill the void made by Susan Atkins.

7 What did she do with that? You know the answer.
8 She converted that to her own use, until she got complete
9 immunity.

10 What a jump. What a jump, from being a defendant
11 in a criminal case involving the death of seven people, to
12 being home in New Hampshire, completely free.

13 What a jump and what did she have to do? Tell the
14 Sadie Atkins' story and embellish it a little more.

15 Do you think for one minute that anybody was going
16 to go before the Grand Jury, hoping that they were going to
17 get some consideration for what they have to say, is going to
18 say anything less than the bare minimum?

19 Do you suppose Linda, being the kind of person
20 that she is, didn't realize that if she told the same story
21 that Sadie Atkins told, because it got her consideration, it
22 would also get her the same deal, or better?

23 And so she tells a story where she is as innocent
24 as can possibly be, where she is as little involved as possibly
25 can be.

26 Why? Because she can infer that is the same story
27 that Sadie Atkins told, and if it is good enough to get Sadie
28 consideration, it is good enough to get Linda the same

1 consideration or more.

2 So this youngster, who is always scheming and
3 planning and one step ahead of everybody else, just falls into
4 it and she tells them exactly what they want to hear.

5 I don't know how significant you thought it was,
6 but do you remember when Linda testified on the first day she
7 came in and Mr. Bugliosi asked her to look at Mr. Watson and
8 asked her whether he looked any different now than he did/^{the}last
9 time she had seen him.

10 Her first remark was something about, "I can see
11 his eyes. His hair is cut shorter."

12 Her next remark was, "He was skinny then. He looks
13 skinny now."

14 Then later on she said, "Yeah, he is a lot skinnier.
15 His mouth is open and his tongue is sticking out."

16 But she also told us that Mr. Bugliosi, before she
17 got on the stand, told her that Tex had some kind of a medical
18 problem that made his mouth stay open and drew her attention
19 to it and had her comment on it, because her initial comment
20 was free of that observation. It wasn't that apparent to her.

21 He didn't even look a lot of skinnier. He looked
22 skinny then. He looks skinny now. I think this is some little
23 indication of how indebted she feels to the district attorney's
24 office, because that is the only department she had to fear.
25 If she satisfied them, her coast was clear.

26 She had nothing else to worry about and by God,
27 that youngster knew it, and she was going to do what she could
28 to make the most of it.

1 I have already suggested to you that I think Linda
2 Kasabian drove that car, because that was consistent with
3 Manson's orders. That is consistent with being told to get
4 her driver's license.

5 That is being consistent with having as much
6 control of yourself as anybody in that car. If her drug usage
7 was as minimal on the ranch as she said it was, if she had as
8 much control of her faculties as she said she did, then she
9 would have been the logical choice, because we know what Tex
10 Watson said he did about drugs. We know about his drug con-
11 sumption.

12 We know about the year that elapsed during which
13 he was continuously being brainwashed by Manson.

14 We know that, and nobody is suggesting that this
15 drug worked, other than over a long period of time. Nobody
16 has suggested that it was a thing that happened on the spur
17 of the moment, because we know that is not the way it worked.

18 Well, if Linda is in such control, if she has
19 proved herself with the creepy-crawl missions, if she has the
20 driver's license -- and it is interesting enough, because the
21 very next night, who drives the car with Manson? Who does
22 he entrust the car to when he is a passenger? Linda Kasabian,
23 Linda Kasabian.

24 Well, we know that in order to get into a house
25 in the dead of night, you may have to do -- you have to use
26 some various techniques.

27 I suppose one of the techniques you might use is
28 cutting a screen to force a window open. You might even open

1 a window. You could do a lot of things. I think your own
2 imagination can tell you what you think a person might have to
3 do in order to get into a house on a creepy-crawl mission in
4 the dead of night.

5 What are some of the other things that the doctors
6 said they looked to as specific evidences of the fact that
7 Tex had control of himself and nobody is going to say that he
8 didn't, that he had control of himself, because Linda said
9 this is what he did.

10 Wrapping the weapons in a cloth to throw them out,
11 if you are going to be apprehended by the police or stopped
12 by the police? I wonder. I wonder if that was such a smart
13 idea.

14 Dr. Tweed thought that was pretty stupid. Yet,
15 that is supposed to be some evidence of planning and scheming.
16 It is just as consistent with Mr. Manson's having told him
17 what to do at the time he gave him the dark clothes and sent
18 him out, how you avoid detection, how you avoid arrest. Don't
19 leave the gun and knife exposed.

20 Tex had so few ideas of his own that it is tragic,
21 really, he wasn't given a chance to grow up. His mother, as
22 she told us, controlled him. She did his thinking for him.
23 She told him what to do.

24 So I wonder, I just wonder how active was Tex's
25 participation.

26 THE COURT: Would this be a good time for the morning
27 recess?

28 MR. BUBRICK: Yes.

1 THE COURT: Ladies and gentlemen of the jury, we will
2 have our morning recess at this time. Again, please heed the
3 admonition heretofore given.

4 (Recess.)

5 (The following proceedings were had in
6 chambers, outside the presence of the jury:)

7 THE COURT: Go ahead.

8 MR. BUGLIOSI: The reason we asked to see you back in
9 chambers is I have to believe that this is intentional mis-
10 conduct on Mr. Bubrick's part.

11 He stated, and there is absolutely no evidence
12 in this record, he stated that one of the things Linda did was
13 sell drugs. Now, there is absolutely no evidence.

14 MR. BUBRICK: She said that herself.

15 MR. BUGLIOSI: That she sold drugs?

16 MR. BUBRICK: Yes.

17 MR. KAY: No, she didn't. Show it to us if you have it.

18 MR. BUBRICK: I will be glad to show it to you.

19 MR. BUGLIOSI: I will go on and enumerate -- I don't
20 have all of the things down, but I think he is constantly
21 misstating the evidence.

22 He says she conned her husband into giving her
23 the LSD. I don't think there is any evidence that she conned.
24 She said she took the LSD.

25 MR. BUBRICK: She had him dig it up for her.

26 MR. KAY: The evidence is it was her LSD.

27 MR. BUBRICK: He had buried it. She didn't know where
28 it was buried.

1 MR. BUGLIOSI: She conned him?

2 MR. KAY: How did she con him, if it was her LSD?

3 MR. BUBRICK: He buried it and she didn't know where it
4 was.

5 MR. BUGLIOSI: Is this in the transcript?

6 MR. BUBRICK: Yes.

7 MR. BUGLIOSI: It is in the transcript that he buried
8 the LSD, but is there anything in there showing that she
9 tricked him into it?

10 MR. BUBRICK: That is my interpretation. That is the
11 interpretation I want to put on it.

12 MR. BUGLIOSI: Then he said that Linda had experienced
13 creepy-crawling into homes. The only evidence that I asked
14 her, I said, "Linda, did you ever creepy-crawl into a home?"
15 and she said, "No."

16 The only evidence is that she went on creepy-crawl
17 missions one time in a car, went into a car. You have got her
18 going into homes.

19 MR. BUBRICK: With Sadie, the girls.

20 MR. BUGLIOSI: There is no evidence of that. The evidence
21 is that she didn't. You are saying that she is the one that
22 slit the screen, because of that. There is no evidence of
23 that.

24 MR. BUBRICK: Girls in general.

25 MR. BUGLIOSI: You are talking about Linda. Then you
26 also said that Watson's mother picked out his girl friends
27 and told him when he couldn't go with girls. She testified
28 just the opposite. Where do you get that stuff?

1 MR. BUBRICK: She said that the one girl was a prostitute
2 and she didn't want him to go with her.

3 THE COURT: Perhaps the one -- what was the one that
4 testified?

5 MR. BUBRICK: Mallett.

6 I will tell the jury that if I make mistakes, just
7 disregard them. They are not intentional on my part and if
8 you show any mistake I make, I will apologize to the jury.

9 MR. BUGLIOSI: No. I am convinced it is not intentional,
10 but I think what it is, I think you have got this information
11 from other sources, maybe the prior trial or something Tex
12 told you and you are not differentiating between the evidence
13 and what you heard.

14 THE COURT: Well, I can tell the jury they are the judges
15 of all the facts in this case.

16 MR. KAY: But I think something like selling drugs, that
17 is inflammatory.

18 MR. BUGLIOSI: Also, about entering the homes, I think
19 is bad.

20 THE COURT: One of them did say something about entering
21 homes or a home.

22 MR. BUGLIOSI: But Linda, I specifically asked her that
23 on redirect. I said, "Linda, did you ever go on a creepy-crawling
24 mission into another person's home?"

25 And she said "No." By creepy-crawling, she at one
26 time went with Sadie and Sadie entered a car. Maybe she did
27 go on creepy-crawl missions into homes, I don't know, but the
28 only evidence is that she did not and Mr. Bubrick is stating

1 that as a fact, making it look like she is really an
2 experienced -- what kind of a burglar do you call them?

3 MR. KAY: Cat burglars.

4 MR. BUGLIOSI: Cat burglars.

5 THE COURT: I will take care of that with the jury.

6 MR. BUGLIOSI: I don't want to take any more time, Judge.

7 Are you going to make any comment on these particular things?

8 THE COURT: No.

9 MR. BUGLIOSI: Or just going to make an overall statement?

10 THE COURT: Yes. I will take care of that with the jury.

11 MR. BUGLIOSI: We have mentioned it now, because of our
12 agreement not to object.

13 THE COURT: All right.

14 MR. BUGLIOSI: Thank you, Judge.

15 THE COURT: All right.

16 MR. KEITH: I can't seem to find it.

17 MR. KAY: You can't find it, because it is not there.

18 MR. KEITH: I just haven't got to the area yet.

19 THE COURT: Also, I will check my notes when I get up
20 there. I know I heard someplace where they did enter a home,
21 one of them did.

22 MR. BUGLIOSI: But not Linda.

23 THE COURT: Whether it was Linda or not, I don't know.

24 MR. BUGLIOSI: I specifically zeroed in on that point
25 with Linda, and she said no, she never entered a home.

26 THE COURT: I will take care of that with the jury, then.

27 MR. BUGLIOSI: Thank you, Judge.
28

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

3 THE COURT: People against Watson. Let the record show
4 the jurors are present, all counsel and the defendant are
5 present.

6 Ladies and gentlemen of the jury, I think at the
7 outset I told you that counsel will argue this case and on
8 occasion it might be that their statement of the facts does
9 not conform with your memory of the facts.

10 When that happens, remember, you are the sole
11 and exclusive judges of the facts. So if counsel makes a
12 statement that is not in accordance with your memory of it,
13 remember, your memory of the facts governs.

14 MR. BUBRICK: Your Honor, we found the citation as to
15 the first part. I have shown it to Mr. Kay.

16 MR. KAY: That is correct.

17 THE COURT: He is correct?

18 MR. KAY: Yes, on that one point.

19 THE COURT: Let the record show that --

20 MR. BUBRICK: Give the reporter the number. Let me
21 see that, please.

22 THE COURT: Let the record show the objection, as to
23 the objection made by Mr. Kay on Page 1683, it is covered.
24 Go ahead, Mr. Bubrick.

25 MR. BUBRICK: Thank you, your Honor.

26 I have been trying to suggest, ladies and gentle-
27 men, that on the nights of these murders, Linda Kasabian was
28 the lieutenant. She was the one in charge of that mission.

1 She was Mr. Manson's choice as an overseer, as
2 one who was there to see that what was to be accomplished was
3 accomplished.

4 I have suggested to you that, because he asked her
5 to get a driver's license and she had a driver's license, that
6 she drove. Now, there was some mention made about these wire
7 cutters, about the fact that it would take a great deal of
8 agility to get up the pole with these and I agree.

9 I agree, but I also submit that it is not an object
10 that you would normally overlook. It is not the kind of a
11 thing that you wouldn't see. One of the reasons that you might
12 not see this object is because you are too busy driving the
13 car.

14 The other reason that you might not see it is
15 because you are a lookout. Now, you remember the evidence
16 indicated that the car went up the hill and it stopped along-
17 side of a telephone pole?

18 Linda said she was a passenger, which meant the
19 pole was to her right, on the passenger side of the car. She
20 said Tex got out and somehow got up on this pole and she saw
21 the wires cut and fall.

22 I asked her whether she saw Tex carrying any
23 cutters, any pliers, whether he had anything like that in his
24 pocket or anything else, and she said "No."

25 And I think the reason she said "No," was because
26 she was too busy driving the car and acting as the lookout.

27 Can you imagine a person trying to get up a pole,
28 where the first rungs are six feet off the ground, if he had

1 this instrument.

2 If you were going to use it, what would you do
3 with it? Stick it in your waistbelt? Put it in your pocket?
4 Of course not.

5 You would somehow manage to pull yourself up,
6 either by standing on the car, by standing on the fence, but
7 you would somehow get yourself up on those first rungs, six
8 feet off the ground, and with your feet firmly on those rungs,
9 you would reach down and ask somebody, "Hey, pass me the
10 cutters."

11 You would do something, because it is ridiculous
12 for somebody to climb a pole and carry these with you at the
13 same time.

14 I submit the most logical person to hand that to
15 Watson was Linda Kasabian. She drove the car. She didn't
16 see it because she was on the driver's side of the car. She
17 couldn't look across the car and see Tex going up and at the
18 same time see the bolt cutters, but nobody would have gotten
19 out of that car without this bolt cutter being discernible.
20 Not just the thing that you can hide.

21 And if she is there as a lookout to make sure that
22 nobody else comes up on them, it makes sense. That is her job.
23 After all, they are not out in the country. They are in a
24 residential area. They are in an area where there are homes.

25 They are on a public thoroughfare. They are on a
26 street that could be used by other cars. They are in an area
27 where they could be picked up in the headlights of the cars
28 and even this technique of moving the car after the wires were

1 cut, after the wires were out, and moving it to the bottom of
2 the hill, I submit is a technique that is not inconsistent with
3 what you might do on a creepy-crawl mission.

4 If you were going into a house and coming out,
5 one of the things you might be concerned about is waking some-
6 body in the house and being followed out of the house and if
7 your car is right outside the front door, there is a good chance
8 that you will get caught.

9 The license of your car will be taken, or they will
10 prevent you from getting away in your car, but if you move it
11 somewhere else, with your dark clothes, you are in the dead of
12 night, you make good your escape on a creepy-crawl mission, if
13 you were followed.

14 Only you would know where the car was. You would
15 get to it before anybody else did. So moving the car down
16 along the bottom of the hill somewhere away from where they
17 were going, is not inconsistent with that technique.

18 Now, then, I think we have had explained to us the
19 manner in which these people walked back up the hill. They
20 would get across the fence that led into the gate area and as
21 they started to move up there they see the Parent car approach-
22 ing.

23 Linda would have us believe, because it suits her
24 purpose, that this car came to a stop and that there was con-
25 versation.

26 There was the Parent boy pleading for his life
27 and I am sure, if he had a chance to do that, that is exactly
28 what he would have done, but can you imagine what you would do

1 if you were driving a car and, as Mr. Kay suggested, the head-
2 lights of your car picked up a person walking up this roadway
3 in dark clothes, a gun in one hand and a knife in the other.

4 Would you stop and ask him, "What is your name?
5 What are you doing here?"

6 Would you keep the window rolled down? Of course
7 not, of course not.

8 If you saw that, I think your first impulse might
9 be to ram the fellow with your car, if you thought you were in
10 danger, stop your car and back up, but do anything but stop it.

11 I don't think anything like that happened and I
12 think as reasonable human beings you too will doubt that it
13 happened.

14 If anything happened at all, and we know it did,
15 Tex probably jumped out of the bushes, held his hands up, the
16 car came to a stop and Mr. Parent, frightened, without ever
17 thinking, I suppose a natural impulse would be to hit your
18 brakes when somebody jumps in front of your car and bang, bang,
19 bang, bang.

20 Do you think he would give him a chance to talk?
21 Do you think he would give him a chance to roll the window up,
22 give him a chance to back up? Of course not.

23 But this lends itself to the image that Linda would
24 choose to convey and her description of her conduct at the
25 murders. All these people running around, the stabbing, the
26 shooting, and what is Linda doing? She was praying to somebody
27 to stop it.

28 No, I think Linda was doing just exactly what she

1 was supposed to do. She was supposed to look. She was
2 supposed to see that the murders were committed the way Manson
3 wanted them committed.

4 She was a lookout. She was to see that nobody else
5 came on the scene, because she couldn't afford to be arrested.

6 An arrest up there, I told you earlier, would take
7 everybody back to the Spahn Ranch, and that is not what Manson
8 wanted and that is not what Linda was supposed to do.

9 No. You see, when somebody lost their knife -- I
10 guess it was Katie -- when Katie lost her knife, she ran right
11 to Linda to get another one, because she knew Linda had a
12 knife. That was Linda's function there to make sure that every-
13 thing that they had planned went off.

14 She didn't get involved, because she wasn't supposed
15 to get involved. She was supposed to make sure that everybody
16 was dead.

17 Now, one of the other things I would ask you to
18 think about is the fact that not only do they go to this house
19 without knowing who the occupants are, but we have reason to
20 believe, and I think you may also, that because of the prior
21 visits by Tex to this house, he must have known about the guest-
22 house.

23 He must have known about that and I think that we
24 can assume that he may have known that the guesthouse was
25 occupied by a caretaker.

26 Now, I submit, and I suggest that when Linda
27 walked around the main house to see whether there were any
28 open windows or screens or things of that nature, one of the

1 things she was doing was making sure that all of the windows
2 in the guesthouse were closed. She couldn't take a chance on
3 anybody coming out. That was part of Linda's job, because if
4 there was any signs of life, if there was any activity, this
5 wouldn't be the time to do that.

6 Then I submit that that is one of the things that
7 she was there to do. You remember in her testimony she said
8 she saw Watson cut the screen and she never saw him go in,
9 because she wasn't there anymore.

10 Well, I submit that screen cuttings are techniques
11 used in creepy-crawl and there may be some evidence that Linda
12 never went on the creepy-crawl, that it was Sadie who did, but
13 Sadie was also here. She also is one of those people that
14 Manson trusts.

15 And do you remember, Tex said "I went in the front
16 door and suddenly there was Sadie." He didn't know where she
17 came from.

18 Just as easily have come through that open door --
19 that open window. She could have been the one to come through
20 that screen, and if that is the way it happened originally,
21 there is nothing that would prevent Linda from repeating it,
22 as the manner in which it did happen.

23 And you remember this youngster who once before
24 told us about leaving her little child with some elves, as she
25 said she called them, dirty and uncared for, without making
26 any effort to move them, this same youngster who the very next
27 day, having seen these gruesome, grizzly, bizarre murders, and
28 knowing that the very same thing is going on in the La Bianca

1 house, the same youngster walking hand in hand with Mr. Manson
2 on the beach, tossing peanuts in his mouth, loving him, wanting
3 him, idolizing him, and then having the audacity to get on the
4 witness stand and shed phony tears as she described the murder.

5 That is not in her. That is not part of her make-
6 up. If she was going to cry, she should have shed some tears
7 for herself and her child, but that is not in her either,
8 because this kid is tough. This kid has got a heart of stone.

9 Okay. That is completed now. They are back in
10 the car. I ask you again if she has the driver's license, if
11 they are concerned about an arrest, if they are concerned about
12 any one of the many things that could possibly happen, what is
13 the logic of having Tex sit behind the steering wheel as he
14 goes down the hill, manipulating the brakes, the gas, the clutch,
15 the shift, however the car might have operated, changing clothes
16 while Linda steers?

17 How much easier it would have been for Linda to
18 be behind the steering wheel again. She has got the driver's
19 license.

20 If she were to be entrusted with the car a short
21 while later, after that gasoline stop, why not at the top of
22 the hill? And if she were to be entrusted by Manson the follow-
23 ing night, why not now? That is her job. She drives. She has
24 got the driver's license.

25 They wind up again, as you remember, at the bottom
26 of the hill and they stop at the Weber's. Linda never says
27 a word, either. She says Tex had the situation in control.

28 He said, "We are taking a drink of water." They

1 all make a dash or run off to the car and they get in and they
2 split, because Linda wanted to get away from there, just as
3 much as anybody else, because she didn't want to be arrested,
4 didn't want to do anything to invoke suspicion at that time.

5 Apparently, it was a matter that passed, because
6 it wasn't until a number of months later that Mr. Weber thought
7 about it and reported it to the police.

8 So they again accomplished what they had set out
9 and went unnoticed. This is what Linda was there for. Mr.
10 Weber was not to have been killed. He wasn't on the order of
11 the day, and nothing happened to him.

12 Then, as you will recall, the throwing away of
13 the clothes, part of Manson's orders. That is why they took a
14 spare set of clothes along with them. He was the one that
15 ordered it. He was the one that suggested it and they did
16 it.

17 Do you remember what Linda said Tex's first comments
18 were to burn the clothes in a garbage can in the dead of the
19 night -- and attract all the attention to them out here as they
20 burned them, but then somewhere along the line they pitched
21 them out the window, pitched them out of the moving car.

22 And the interesting thing, for whatever it is
23 worth, is that Linda was too frugal. She didn't throw hers
24 away. She just kept them. You remember she said she left them
25 in the car and took them along the second night.

26 Well, now, also there is some suggestion that
27 because Linda said Tex told us to wipe the fingerprints off
28 the knife and the gun, that this shows the thought processes of

1 Mr. Watson. Well, nonsense.

2 You remember the very next night when Manson came
3 out of the La Bianca house with the wallet, he gave it to Linda.
4 He told Linda to wipe the fingerprints off of it. So apparently,
5 fingerprints are something that Manson was concerned about,
6 and if he told it to them the second night, why couldn't that
7 have been part of the order on the first night?

8 The second night, of course, I don't have to
9 reiterate it for you -- I will go through it briefly again and
10 quickly -- we know what happened at the La Biancas. We know
11 that Linda was entrusted to drive along with Manson, that she
12 did drive.

13 We know that she got the wallet and wiped the
14 fingerprints off the wallet. Why she chose to hide that wallet
15 in that service station, in the rest room of that service
16 station, I don't know.

17 Do you remember the theory was to throw the wallet
18 out somewhere in the neighborhood that was inhabited by blacks,
19 so that they would be blamed for these murders?

20 But instead, what did she do with it? She put it
21 in the service station in the washroom of a service station
22 that is not in a particularly black neighborhood but kind of
23 a mixed neighborhood.

24 And where does she hide it? She lifts the top
25 off the water bowl and sticks it on top of one of those
26 mechanisms that controls the flushing.

27 I would suggest that Linda did that because she
28 knew she was about to leave the Spahn Ranch and that this

1 might be some source of revenue. This might have some value to
2 her, if she chose to pick it up later.

3 There was a credit card and she wasn't adverse to
4 using a stolen credit card and other things that she might
5 have found useful.

6 But I am getting ahead of myself again. I will
7 tell you why I think Linda decided to leave in just a moment.

8 Then there is that white sports car incident that
9 Mr. Keith mentioned the other day. Isn't that utter folly to
10 think that Manson, what he is trying to accomplish, would on
11 Sunset Boulevard get out of his car on that thoroughfare and
12 shoot somebody in a sports car?

13 That is not what Manson had in mind and that is not
14 how Manson thought and we can tell from the planning and the
15 scheming that went into this, and having other people do things,
16 jobs, that he wasn't about to do, that in the middle of Sunset
17 Boulevard, it never happened.

18 It is one of those things that Linda thinks lends
19 a little more credence to her story.

20 Just as I would think one can be very skeptical
21 about the incident involving the Israeli actor upstairs. If
22 you are concerned about that, why tell anybody? If your con-
23 cern is to save a human being, why even subject him to the
24 possibility of danger.

25 I think that never happened and I think you can
26 be very suspicious about it.

27 I have already discussed with you the manner in
28 which Linda reacted to these two nights of murder by walking

1 on the beach with Mr. Manson. I think this is some evidence
2 of her state of morality. This is some evidence of what she
3 thinks is important.

4 This is some evidence of how she will react and
5 she did. We know about the next couple of days after getting
6 back to the Spahn Ranch. Incidentally, you will remember that
7 Watson and the girls got back from the La Blancas to the ranch,
8 by first spending the night out.

9 Can you imagine being involved this way and sleep-
10 ing under a tree and then hitchhiking the following morning?
11 I wonder if the trees were at Griffith Park? There has been
12 a lot made about that. The La Blancas are only a couple of
13 blocks away.

14 Do you suppose they went to Griffith Park and had
15 a little love-in that night? It is possible, you know. These
16 people are not above it or below it.

17 No, I would submit that the very next day or two
18 days later when Linda decided to leave Spahn Ranch, she had a
19 very good reason for wanting to leave Spahn Ranch.

20 I think she realized that there were too many
21 people who knew about these murders and it was a matter of
22 common gossip now among some members of the family and Linda
23 again is very concerned about herself.

24 She doesn't want to be around when the people are
25 to be arrested for these murders and she knows it is only a
26 matter of time.

27 Can you imagine this group as close knit as they
28 are, the association of the girls, one with the other, not

1 letting a word fall, a suggestion, an innuendo?

2 As a matter of fact, I think it was Barbara Hoyt
3 who said that one of the things Manson didn't want them to do
4 was to stay in contact with the community.

5 They weren't supposed to read newspapers. They
6 weren't supposed to have watches. They weren't supposed to
7 listen to radios.

8 But what did she do? The day after the murders,
9 do you remember she told us she went into the trailer and
10 watched Channel 2 news to find out about the murders.

11 Do you suppose that is coincidence? Do you suppose
12 that the night after a number of very grizzly, dirty, vicious
13 murders are committed, that she just by accident walks into
14 the trailer to watch Channel 2 that night?

15 To see them report on the Tate murders? No. I
16 think she knew it. She heard it and if Barbara heard it, so
17 did Linda, and that wasn't part of the deal.

18 Now, Linda is scared and she would rather be away
19 from there. What does she do? She steals a car, some credit
20 cards, a little money, picks up a couple of hitchhikers and
21 makes it over to Albuquerque.

22 And what does this concerned mother do about her
23 little baby still back there with the little elves, the people
24 that she doesn't want to be taking care of her child, are
25 still taking care of her child, because she figures that this
26 is something that will resolve itself.

27 The thing that she has to do is get away from
28 there and get she does. She finally manages to meet her

1 husband, as you will remember, in some commune in Taos or the
2 Taos area.

3 They talk about her coming back to pick up the
4 child. She doesn't agree with that plan. She talks to Joe
5 Sage, who in her presence calls the ranch, talks with them and
6 somebody says that Linda has got a big mouth, but she manages
7 to con Joe Sage out of some money.

8 She comes back. She makes two visits to Califor-
9 nia: One to lie to a social worker about having been gone at
10 the time these murders were committed, and the next time to
11 the judge in an effort to get her baby back.

12 Then she flies back, as you will remember, to New
13 Mexico and then starts hitchhiking with this youngster back
14 to the Florida area.

15 A dependent person? One not able to confront
16 situations? One not able to make value judgment? One unable
17 to care for herself?

18 No. Manson knew what he had in her and that is why
19 in five short weeks she came here as one who had come in off
20 the road and she was one of Manson's women lieutenants.

21 She was the one that he trusted both nights of
22 murder and she was the one that accompanied them both nights.

23 THE COURT: Would this be a good time to recess?

24 MR. BUBRICK: Yes, your Honor.

25 THE COURT: Ladies and gentlemen of the jury, we will
26 recess at this time until 1:30. Again, heed the admonition
27 heretofore given, please.

28 (A luncheon recess was taken until 1:30 p.m.

of the same day.)

1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 4, 1971, 1:30 P. M.

2 --OO--

3 THE COURT: People against Watson. Let the record show
4 all jurors, counsel and the defendant are present.

5 Mr. Bubrick, if you are ready, you may proceed.

6 MR. BUBRICK: Thank you, your Honor.

7 What I have tried to do thus far today, ladies and
8 gentlemen, is to bring into sharp focus that portion of the
9 murder scene which I think most graphically represents this
10 small portion of time within which you make an assessment of
11 Tex's frame of mind.

12 I have not tried by what I have said thus far to
13 intimate at all that I think there was nothing wrong with Linda
14 Kasabian, because that is far from the truth.

15 She was in many respects as immature, as grasping
16 as anybody else, but what I am suggesting is, and when you
17 compare her with Tex, she is much the stronger of the two.

18 She is much more the person to whom Mr. Manson
19 might want to entrust the success of his mission and I think
20 that is why he did, because he saw in her the kind of a person
21 he could trust, the kind of a person who was sufficiently self-
22 controlled to do those things that he wanted done.

23 I have tried to draw for you some picture of the
24 degree of participation on the part of Linda in this overall
25 event and I have suggested to you that if she were to parrot
26 Susan Atkins, she could come off with the same sort of minimal
27 involvement that she did.

28 And the reason I say this, this is something you

1 must be very conscious of and you must weigh most heavily
2 because one of the instructions you will get from this Court,
3 among many, is that as an accomplice, that as a person who
4 could have been charged and tried with the identical offenses,
5 Linda's testimony is something you may distrust, and that is
6 one of the instructions you will get.

7 You may distrust the testimony of an accomplice,
8 because you know, I think, as you look back, you can understand
9 how easy it is for a person to say, "It is true I was with
10 them but they did it all. He did it. She did it. I didn't do
11 anything."

12 You see it is too self-serving. The whole position
13 lends itself to a shift of blame away from your participation
14 to somebody else's.

15 And so the law in its wisdom will instruct you
16 that you have a right to be distrustful of that testimony.

17 Now, I think that I have covered what I expect,
18 as I say, to be most critical. I think it is Tex, as he is
19 at the time these murders are over, that is the person whose
20 mental state you must assess. This is where it stops.

21 This is the mind that you must explore. What
22 happened from here on out is something I just can't put in
23 proper perspective.

24 What happened a year or two years later certainly
25 doesn't reflect on what was going through his mind at that
26 time. Certainly doesn't indicate the extent to which the
27 folie a deux, to which many of these doctors had referred, has
28 been cemented, because it is at the time these murders are over

1 that one must decide whether or not Manson had so impressed on
2 Watson his bizarre and irrational thought that you can find
3 Manson or Watson completely dominated by Manson, the a deux
4 psychosis of the two, whether or not they had passed from one
5 to the other, and I think we all agree that almost every doctor
6 who testified here said that it did.

7 But there has been reference made to events sub-
8 sequent to these murders and so I want to comment on them in
9 passing, because, as I say, I think we have now reached the
10 critical issue.

11 This is the area within which you will make your
12 determination. And it also gives me a chance to point out,
13 since we all know that after the La Bianca murders were com-
14 pleted, there are no more murders.

15 There just aren't any more killings, thank God,
16 but if helter-skelter was really what Manson had in mind, if
17 starting some sort of a race riot was really what he wanted to
18 do, if this crazy nonsensical philosophy really had any mean-
19 ing, why would Manson have stopped now?

20 He has got a robot. He has got a person doing
21 what he wants him to do. He has in Tex a person he can trust
22 and if that is what he wants to do, why didn't the killings
23 continue?

24 I can't answer that one for you except to suggest
25 that perhaps he never intended it to. He never intended more
26 than these couple of killings and those are for reasons best
27 known to himself because it just doesn't make sense to start
28 or talk about starting a revolution, getting it started, and

1 then stopping it as abruptly as you started it.

2 Well, we do know that after these murders are over,
3 Tex winds up in the desert. He winds up in Olancha, in that
4 area between Myers and Barker.

5 We know that at some time or other he becomes
6 involved with Barbara Hoyt, because she is very concerned about
7 his expenditure of moneys on two or three newspapers, or maybe
8 four newspapers, when it is money they need to eat with and it
9 is during that time that Tex apparently is showing them how
10 to kill by the use of a finger as a dagger or a knife and
11 interesting enough, he doesn't even practice what he preaches.

12 There is no evidence, or one could be highly
13 suspicious of the evidence introduced to show that the knife
14 was stabbed under a ribcage and turned to do more damage. I
15 think the evidence we have is quite to the contrary.

16 I think the evidence shows they were just brutal,
17 brutal killings, as purposeless as one can imagine, with an
18 up and down movement of the hand, thrusting through bone,
19 through anything else.

20 And I don't want to belabor about the goreness of
21 it. We have heard it, but don't think for one minute that
22 because I have passed over it, that I don't feel that they
23 were as bizarre, that they were everything you can imagine them
24 to be, that it is not a situation I like, and you would recoil
25 from because it is frightening.

26 It is all of that. I don't think one has to belabor
27 it, because the state of mind of this man, at the time he
28 commits these crimes, is the state of mind that he had, if he

1 had committed any other crime.

2 It is not the state of mind that goes to murder.
3 It is the state of mind that goes to the commission of a crime
4 and if he had diminished capacity, it doesn't make any differ-
5 ence what he did with that mind. It is whether or not he knew
6 what he was doing. That is important.

7 Well, we know about that incident. We know about
8 the incident that involves Dianne Lake, where he is supposed
9 to have made some statement about, "I killed Sharon Tate and
10 it was fun."

11 He denies making the statement and it may be one
12 of those things he can't tell. Maybe it never occurred. He
13 said it didn't. I have no reason for doubting him.

14 But suppose it did occur? Isn't this the same
15 kind of schizophrenia that the doctors were talking about?
16 The same sort of inappropriate reaction to say, "I killed and
17 it was fun"?

18 And then look who it comes from? Look who it
19 comes from? Tragic little Dianne Lake who told us here on the
20 stand that she had been in a drug-induced state from October
21 1968 to February 1970.

22 She said, I think her words are, "I was spaced out
23 on drugs during that period of time."

24 I don't know whether this remark is a figment of
25 her imagination because God only knows that she was hearing
26 things and she told us so, she told us that when she was in
27 the hospital she heard Manson's voice. She heard Manson
28 talking to her, telling her that it was all right to do certain

1 things.

2 I wonder if this falls within that same category.

3 Going back, if I may digress, we know that at
4 least in the testimony of Dianne Lake, that he did make some
5 sort of a statement completely out of contact, I would assume
6 with reality.

7 We know he called home and what does he talk about?

8 Helter-skelter, helter-skelter.

9 He doesn't ask his mother how she is, how his
10 father is, how his brothers and sisters are, but helter-skelter,
11 helter-skelter, and this Christ-like figure that he has found,
12 looking for the hole in the desert. You know that testimony.

13 Then, he is left somewhere on the desert by Mr.
14 Manson. He is left there with a shotgun to perhaps kill a
15 forest ranger or a highway patrolman, if they come back. He
16 is left there alone.

17 Remember at this time according to his testimony,
18 they have been drug free for almost seven weeks. There has
19 been no acid since the night of the murders, because Manson has
20 had accomplished what he wanted to accomplish.

21 There was no need to keep them sedated with acid
22 because the philosophy was there and that is all he really
23 cared about.

24 They talked about this mumbo jumbo, about helter-
25 skelter. But seven weeks after that is over, he is left in
26 the desert and what does he think about? He thinks about home.
27 He is frightened. He is dependent. He is all alone as he
28 testified. He is there with a shotgun and I suppose one of the

1 things we might be happy about, or glad about, is the fact
2 that a forest ranger or a highway patrol officer never came
3 along, because we might -- we might, I say, and I don't know
4 -- that we would have, but there might have been another
5 tragedy.

6 We will never know that. All we know is that he
7 left. He left the desert and went to Texas. He got away from
8 Manson. They had split. You remember Manson and the girls,
9 he said they were quite a piece away on the side of the desert
10 and he was all alone -- drug free, frightened, apprehensive.
11 Like any other youngster his thought at that time turned to
12 home, and that is where he went.

13 If you want to adopt the philosophy of Dr. Bailey,
14 who says that these people might not have been killed by Tex,
15 because he had spent himself of the hate that he had stored,
16 once after having got that out, he was no longer in a condition
17 psychologically to kill and there was no need to kill. I
18 don't know. It is Dr. Bailey's suggestion.

19 But again remember that even Dr. Bailey said this
20 was unconscious on his part. He didn't know why he killed and
21 he offers as one of the theories the fact he had stored up
22 some hate within him, but he said this was unknown to Tex.

23 If this is an unconscious reaction of Tex, then
24 how can you say it is on a conscious level?

25 How can you say that he is in contact with reality,
26 if in this delusional world of his, if in the state that he
27 cannot even appraise, he commits the murders?

28 Well, we know that he got on home. He got on home

1 to Texas. He stayed home a couple of weeks, took the trip to
2 Mexico, to Hawaii and to California.

3 Then, as he said he walked back out to the desert
4 only to find that Manson had been arrested and then again he
5 made his way back to Texas.

6 Again, even in the security of his own home, in
7 the security of his own hometown, he couldn't get Manson out
8 of his thoughts. He couldn't forget about helter-skelter and
9 he broke this trip up from California to look for Manson in
10 the desert, walking as he told us some 75 miles in an effort
11 to find him.

12 He told us now about the incident involving Miss
13 Mallett. All I can say about that is that he still had helter-
14 skelter on his mind along with some other things, but if he
15 didn't feel secure in his own hometown, in his own mother's
16 home with those people that he knew, where would he feel any
17 element of security?

18 In spite of that, he had helter-skelter on his
19 mind. There was no effort to conceal himself. He had a
20 driver's license. He had a car here in California. No diffi-
21 culty picking him up when they wanted him.

22 Then we have Mr. King, who talked about his being
23 such a model prisoner and again I throw these out only because
24 they were introduced in the trial. I really don't know what
25 relevance they have. I really don't know how significant they
26 are, because they certainly don't show his frame of mind two
27 years before this.

28 But you remember Mr. King talked about the fact

1 that he was a model prisoner, that he was at home in a jail
2 operated by a relative, that his family visited him regularly.

3 I don't have to go through with that. I think you
4 all remember this treatment that he got from his parents, and
5 they bring him back to the Los Angeles County Jail where the
6 treatment is anything but what he had had in Texas.

7 I am not suggesting for one moment that he was so
8 self-possessed that he was not on the stage of going over the
9 edge, because he was. But the security of the Texas situation,
10 the security of that prison situation where there was no
11 harassment, where there was no taunting, where there was no
12 embarrassing, where there was none of that, he was able to keep
13 sufficient control of himself until he was brought here to
14 California. That is when the situation changed, as you well
15 know.

16 We have some idea from what he told us about what
17 the treatment was like in California and I dare suggest that
18 that is not too far fetched.

19 I would dare suggest that there might be jailers
20 around who would get some kick out of taunting or harassing a
21 prisoner and apparently whatever sort of treatment he got in
22 California, in the County Jail here in Los Angeles, was suffi-
23 cient to push him over the brink.

24 We have introduced, or used the term the Ganser
25 syndrome. This is apparently to describe a course of conduct
26 by somebody in custody, a prisoner, not the brightest among
27 the prisoners, but somebody somewhere in that scale, who is
28 going to try to imitate what he thinks is an insane condition

1 or to deceive those personnel about him.

2 The interesting thing about this from Dr. Bailey
3 and Dr. Hochman is that it is unconscious behavior, and an
4 unconscious mechanism, so that he doesn't know what he is doing
5 or why, because it is not on a conscious level.

6 But if you will remember that report that I read
7 about Dr. Crahan's statement, how Dr. Crahan found him to be
8 the day before he was sent to Atascadero.

9 I think common sense tells us that nobody would
10 voluntarily and volitionally put himself in that kind of a
11 condition just to be sent to a hospital. I think Dr. Crahan's
12 report was dated the 28th. I think Mr. Watson was sent to the
13 hospital on the 30th.

14 I may be wrong if I said the day -- it might have
15 been two days.

16 But we certainly know that I read the report and
17 you know what its contents were -- a man tied down in a bed
18 going through all sorts of bodily functioning while he is
19 there and suggesting that this is what he wants to do, because
20 he has a good deal to achieve to get into a hospital.

21 No, I submit that if there is any evidence of the
22 Ganser syndrome, it is unconscious behavior. He may have been
23 so depressed by the treatment he got here, that this is what
24 caused him to flip, and flip he did.

25 It could very well have been an environmental thing.
26 Having gotten away from the environment of the County Jail,
27 his condition changed, not quite as rapidly as Dr. Owsr would
28 want you to believe, but it did change.

1 I think the greatest evidence of the fact that he
2 is not malingering, if that is all that is supposed to indicate,
3 a kind of conscious behavior, is his behavior during this trial
4 during the course of this procedure.

5 There has been no emotionalism on his part. There
6 has been no outbreaks on his part. He sat on that witness
7 stand and testified in the same sort of affect that all of
8 these doctors have remarked about, the fact that he is unemotional,
9 that there is a flat affect to his status -- schizophrenia.

10 That is a classic sign of schizophrenia, rather
11 than something put on.

12 Well, I don't know what to make of the testimony
13 of Atascadero as related by Dr. Owre. I would hate to think
14 that part of the therapy in any state institution involves
15 wrestling patients around, because I wonder what the patient is
16 supposed to think.

17 You know, nobody lets them in on that and it is
18 apparently some sort of a stress therapy. You stress the
19 patient. How far do you get with them before he explodes?

20 Mr. Watson told you he was sent to Atascadero with
21 instructions not to talk to anybody and he didn't, because he
22 follows orders, -- the same orders, the same kind of order he
23 got from Manson, the same kind of order he got from his lawyer
24 or the lawyers that were involved with him.

25 I wonder, I wonder whether Mr. Watson was the kind
26 of person who could have deceived all the doctors at Atascadero?
27 I wonder if he is the kind of a person who could have so
28 manipulated all these tests that they gave him, that he made

1 himself out to be the kind of person that he wanted to?

2 It would hardly seem so. Watson's description of
3 what happened to him at Atascadero, his physical abuse, Dr.
4 Owre's description of it as therapy and I wonder.

5 I wonder how therapeutic was that statement that
6 Dr. Owre said Watson, that he attributed to Watson, where he
7 said he stressed him on the subject of killing and he finally
8 said, "I could kill you easily," or something like that.

9 Something that Dr. Owre did not consider a threat,
10 something that he wasn't fearful of, but lo and behold he made
11 that magic statement and he said he was on the way to cure.
12 He was on the way to be cured, because he had made that statement
13 and he had gotten it off his chest.

14 I have an idea that maybe Tex feels that there is
15 less stress and strain in sitting through this trial here than
16 being at Atascadero.

17 I wonder if Tex knew that he was cured when he
18 left Atascadero. I wonder if he knew that he was on the road
19 to be cured when he made this one statement that Dr. Owre said
20 was the changing point in him.

21 You know, Dr. Eklund said, as you will remember,
22 that it is very difficult to tell real behavior from put on
23 behavior, but he said he relied on Dr. Owre's evaluation and
24 that is why he too said he thought Tex was malingering. For
25 whatever reason, I don't know.

26 Then on top of that, we have those medical records
27 that you will recall where the technicians, the people who
28 saw him every day said he seemed to be confused and he doesn't

1 know why he's in the hospital.

2 True, not a doctor, but a technician, one who has
3 been around places like this, I suppose, for some period of
4 time, at least they had been around Tex, and that is an entry
5 they made in his official record the week before he was sent
6 to Los Angeles, that he still appears to be confused.

7 Then, of course, Dr. Owre as he left said he is
8 still malingering because he doesn't eat peanut butter any more.

9 The significance of that skips me as I say as does
10 all of this, all of these events that occurred after the murder
11 is over.

12 We have, as you all know, and I know that you have
13 paid the most diligent attention to all the medical testimony
14 that was introduced here during the course of the trial, there
15 has been some -- I was going to use the word "attack" but I
16 prefer not to use it -- Mr. Bugliosi vigorously cross-examined
17 many of the doctors on the fact that their knowledge of this
18 case was so limited that they hadn't bothered to talk to friends
19 and relatives and the parents of Tex, nor had they bothered to
20 read the testimony of Linda Kasabian and everybody else.

21 Do you remember Dr. Suárez and Dr. Frank, these
22 bleeding hearts, who said that that wasn't important to them
23 because they didn't know what they could get from the parents
24 that they hadn't -- that they didn't already know, and what
25 could they get from anybody about life on the Spahn Ranch that
26 they didn't already know.

27
28 Whoever came into this courtroom and said that Tex's
accounting of life on the Spahn Ranch was fallacious? Didn't

1 Linda Kasabian tell you that is what it was. Didn't Paul
2 Watkins tell you that is what it was.

3 Didn't Poston tell you that is what it was. Greg
4 Jakobson knew them, too. Juan Flynn, they all knew what life
5 on Spahn Ranch was and where would they have gone for a differ-
6 ent story or for more that could have been more helpful and how
7 could it have been more helpful?

8 That is why Dr. Suarez said, "Based on what I know
9 about life on the Spahn Ranch, based on what I know about the
10 relationship between Manson and Watson, Watson was completely
11 dominated." It was folie a deux by a different name.

12 It was a psychotic relationship between two people,
13 people who were living in a little delusional world all of
14 their own.

15 And if this wasn't true, then I say the doctors
16 were sketchy in their background information, because if they
17 had gone elsewhere, they might have heard a different story
18 about life on the Spahn Ranch, but there was no other story.

19 So that I think the fact that they didn't go
20 exploring among any number of different people is absolutely
21 meaningless, because it wouldn't have added to the picture that
22 they had.

23 If they had talked to a brother or sister of Watson
24 about life in Texas, what would it have meant? That he was not
25 a person who was dependent on his mother?

26 She told us that and he told us that and really
27 what difference would it have made? Because it is when Tex
28 fell into the clutches of Manson that he became the kind of

1 person he became when he permitted the murders.

2 The Tex who was back in Texas wasn't capable of
3 that. There is nothing to indicate that he engaged in any con-
4 duct of that sort, but once he got in Manson's clutches, once
5 Manson had a chance to indoctrinate, to brainwash, to thought
6 control with the use of drugs and everything else, that was
7 when he became the kind of robot killer that he did.

8 I don't think there is any doubt at all that Tex
9 believed what Manson had to say and believed it avidly, because
10 everybody else said that he did.

11 Can you imagine the charisma of Manson when you
12 think about what he did as of the time of the murders, other
13 than to listen to what Paul Watkins had to say and Brooks Poston?

14 Remember Brooks Poston telling us that Manson told
15 him to die and he laid down for three days in an effort to die
16 and he didn't know whether it was real death or ego death, but
17 he was willing to do it because his God told him to do it and
18 no God tells you to do anything that is wrong.

19 Then how about Paul Watkins? They told him to go
20 out in the box canyon, the fountain of the world, and be
21 crucified and what did he do? He went out there. As he told
22 us, he couldn't find anybody to impale him on the cross, but
23 he was prepared to do it. He was prepared to stay there for
24 seven years, I think he said. Can you imagine, can you imagine
25 what it must take to get two young bright people like Watkins
26 and Poston in that frame of mind and they too believed that
27 Manson was a God.

28 They too believed he was Jesus Christ. They too

1 believed he was the messiah.

2 And when you have a belief like that, do you think
3 your God will do you wrong? Do you think your God will ask
4 you to do something that is not right?

5 And that is the kind of world that Tex was in, the
6 same world that Poston and Watkins were lucky enough to get
7 away from.

8 As I told you this morning, they were lucky enough
9 to meet Mr. Crockett who told them what Manson really was like
10 and he broke the spell. He destroyed the illusion and these
11 people got away, but Tex wasn't that lucky.

12 He had nobody in whom he could confide. Nobody
13 with whom he could talk, and so he stayed there, the slave of
14 Mr. Manson, a person there to do everything he wants to do.

15 We have brought into this trial as many different
16 psychiatrists, psychiatrists with different points of view and
17 different status in the community as we probably could. We
18 had Dr. Suarez and Dr. Frank, Dr. Walter, Dr. Palmer from the
19 Neuropsychiatric Institute of the University of California in
20 Los Angeles.

21 I wonder if they are the people that you could really
22 call bleeding hearts? I wonder if they are the kind of doctors
23 whose integrity one might want to question. I wonder if every-
24 body who doesn't believe in the death penalty and is a profes-
25 sional man perverts his real philosophy and prostitutes his
26 philosophy for a cause?

27 Do you suppose that these terribly, terribly
28 bright, energetic doctors, who represent the University of

1 California in Los Angeles, are the kind of people who would be
2 entrusted to positions of that stature if they were immature
3 enough to permit their personal beliefs to be influenced in
4 the kind of reports they write, to be influenced by personal
5 beliefs?

6 If you cannot distinguish between how you feel as
7 an individual and what you do as a doctor, what good are you?
8 And with all the people in the world that they have a choice
9 to make from, do you think that they would pick these people
10 and only those people?

11 Do you think it is a coincidence that Dr. Suarez,
12 Dr. Frank and Dr. Walter all feel the same and all represent
13 UCLA? Do you think that is all they have there? Do you think
14 that is what our state institutions are filled with? Bleeding
15 hearts?

16 I brought all of these transcripts. I had intended
17 to sit here and read to you the qualifications of these people,
18 but I am not going to insult your intelligence by that.

19 You are intelligent enough to know who they are and
20 what they are. You heard them before and I am not going to
21 bore you with page after page of qualifications.

22 I submit you don't get all sorts of degrees and all
23 sorts of honors bestowed upon you because you are naive and
24 unqualified or a bleeding heart.

25 We knew before we brought them, and you can assume
26 that we knew what their philosophy was. Dr. Suarez and Dr.
27 Frank are of that school as they told you here from the witness
28 stand, who do not become involved in legalisms. They are

1 psychiatrists, They make a diagnosis and they tell you how
2 they feel about a patient in psychiatric terms.

3 Whether you can interpret these or whether you want
4 to interpret these in areas that involve the law is not of
5 their concern and so they wouldn't express an opinion on pre-
6 meditation, deliberation, or anything else, because they told
7 you those are legalisms and we don't get involved in the law.

8 We are doctors. We are psychiatrists. We will
9 tell you what our medical findings are and you decide what
10 the legal findings are.

11 Then we get to Dr. Bohr and Dr. Tweed. As you will
12 recall, both people have examined on many, many occasions,
13 particularly Dr. Tweed who is most eminently qualified, who
14 has been working at the Department 95 examining people who are
15 accused of a crime for many, many years, some 9 or 10 or 12
16 thousand of them by now.

17 I wonder if he is the kind of person who would
18 falsify an opinion because of his beliefs. Do you suppose he
19 would continue to be on the payroll of the County? Do you
20 suppose he would still be used by the courts of this state if
21 that is the kind of man he was? Of course not.

22 Then we had Ditman and Dr. Markman who were in
23 private practice. They are not off the panel. They were hired
24 privately but their findings were the same, or relatively the
25 same. These people are people who are not on the panel,
26 although they do from time to time get on the panel, but they
27 were hired privately.

28 So you have people who don't get involved in the

1 legalisms as do Frank and Suarez. Then you have Tweed and
2 Bohr. Then you have two that were privately retained and can
3 you say that these doctors representing what they are, knowing
4 them for what they are by virtue of their qualifications, would
5 come into court and distort, because they have an ax to grind,
6 because they may be opposed to capital punishment? No, of
7 course not.

8 It is interesting that almost all reach the same
9 conclusions, these people of stature, these people of ability,
10 these people who have been honored in many instances.

11 Even Dr. Bailey who for many, many years was an
12 osteopath and became an M.D. in 1962, but who had many years
13 of exposure to psychiatry and had done much work and was the
14 one who labeled the relationship between Manson and Watson as
15 folie a deux and told us what it meant.

16 Even he found these people were psychotic and even
17 he said that Tex didn't know why he killed, it was on an
18 unconscious level, and if it is unconscious, how do you say that
19 there is anything but diminished capacity?

20 How can you be unconscious of your conduct and
21 meaningfully and maturely reflect on the consequences of your
22 act?

23 The only person, the only person who disagreed was
24 Dr. Fort and he never even talked about folie a deux. He never
25 even talked about the relations of the two.

26 He talked about the effect of the drugs and for
27 some reason or another felt that women were more affected by
28 drugs than were the men and so he said he had really found

1 nothing wrong with Tex, in spite of the fact that every other
2 doctor did, everyone else found him to be either psychotic or
3 of diminished capacity.

4 I just wonder, I wonder if all of these doctors
5 representing the combined knowledge that they do, representing
6 the institutions that they do, representing their status as
7 they do, could all be wrong.

8 As I told you before, I can't help but feel that
9 the only issue to be resolved here is whether or not there
10 was diminished capacity.

11 There is no question but what there were murders
12 and no matter how these murders are described to you, no matter
13 the gory aspect, no matter how, the issue you are going to have
14 to decide is whether or not there was diminished capacity,
15 because you, like I and everybody else, know that these murders
16 were gruesome.

17 We know they were senseless and we know most of
18 the manners in which they were committed. Yet, that has nothing
19 to do with diminished capacity. It is the effect of Manson and
20 the drugs on Tex that will have resolved or will have determined
21 diminished capacity.

22 You can use the manner in which the murders were
23 committed as the doctors have indicated to support that finding
24 or that lack of finding.

25 Now, I am sure that Mr. Keith made reference to an
26 instruction that I would just ask you to bear in mind. It is
27 the one he talked about when he said that if the evidence is
28 susceptible of two reasonable interpretations, one pointing to

1 the existence of specific intent and the other not, as long
2 as they are reasonable, you must be controlled by that, by that
3 interpretation which leads to the innocence of the defendant
4 and reject the other, assuming that both theories advanced are
5 reasonable.

6 I honestly find it difficult to understand how the
7 testimony of the 10 doctors, or the 11 doctors who have testi-
8 fied here can be dismissed as anything but reasonable.

9 How the concurrence among the great majority of
10 these doctors can be dismissed as meaningless.

11 Now, the one additional count outside of that
12 count of murder is that of conspiracy and conspiracy briefly
13 is an agreement to do an illegal act among two or more people
14 and Mr. Keith touched upon it and I think it important enough
15 that I want to touch on it again here for a moment.

16 You see the conspiracy alleged here is to commit
17 first degree murder and we have gone over that often enough so
18 that you know what its definition is.

19 If you find that the defendant was diminished,
20 he obviously can't be guilty of conspiring to commit first
21 degree murder, because if you don't understand what you are
22 getting into, you are not bound by it and if you find that his
23 mind was something that functioned at a level something below
24 the meaningful maturity that is required, I submit that it
25 would not be a conspiracy to commit first degree murder that we
26 are concerned with.

27 There is a great deal of law that will be given to
28 you, but that is the Court's function and I don't want to

1 belabor the law.

2 As I said, I had intended to read many of the
3 qualifications of these doctors, but I don't think there is
4 much point to that. I think you understand them.

5 I think you can remember them. I think you will
6 know who they are, what they are.

7 Before I close, I would only ask you that you
8 remember your promise to us and this is a promise you made to
9 yourselves and to the Court.

10 As human beings, we couldn't help but learn an
11 awful lot about the original trial but you promised, and I
12 know that you will keep your word, you will forget everything
13 you ever heard about the Manson trial.

14 You will forget everything you ever heard about
15 its outcome, because to do otherwise would be to speculate and
16 wonder why it happened as it did and this is something you
17 promised faithfully, and every one of you, that you would not
18 do and I am satisfied that you will not do it.

19 You will make the determination that you will in
20 this case based solely on what you heard, based solely on what
21 you think the competency and involvement of Tex Watson was and
22 not otherwise.

23 I am satisfied that you will do that honestly and
24 conscientiously and since this is the last chance I will have
25 to talk with you, I do want to thank you for your consideration
26 and for your attention.

27 And I am satisfied, unlike Mr. Kay, that whatever
28 verdict you bring back will reflect justice, because it will

1 be your true verdict and there will be no winner, no loser.
2 Say it be justice and that is all we seek and I am sure that
3 is all you want to become involved in at this time.

4 Thank you for your attention.

5 THE COURT: Ladies and gentlemen of the jury, we will
6 recess at this time until 9:30 tomorrow morning.

7 Once more, do not form or express any opinion in
8 this case. Do not discuss it among yourselves or with anybody
9 else and please keep your mind open. Tomorrow morning at 9:30.

10 (An adjournment was taken until Tuesday,
11 October 5, 1971, at 9:30 a.m.)
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