

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

167

No. A253156

REPORTERS' DAILY TRANSCRIPT

Wednesday, January 13, 1971

## APPEARANCES:

For the People:

VINCENT T. BUGLIOSI,  
DONALD A. MUSICH,  
STEPHEN RUSSELL KAY,  
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~RONALD HUGHES, Esq.~~  
MAXWELL KEITH, Esq.  
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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

LOS ANGELES, CALIFORNIA, WEDNESDAY, JANUARY 13, 1970

9:32 A.M.

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(The following proceedings were had in open court in the presence of the jury, all counsel with the exception of Mr. Hughes being present; the defendants are not physically present in the courtroom:)

THE COURT: All counsel and jurors are present.

MR. BUGLIOSI: May we approach the bench?

THE COURT: Yes.

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

MR. BUGLIOSI: I just wanted to bring to the Court's attention that I am very well aware of the Griffin rule, of course, and I will never at any time during my argument imply that the defendants should have taken the witness stand.

But throughout the defense counsels' arguments they constantly said, "Why didn't the prosecution call certain witnesses," even if they hadn't said that, but particularly in view of the fact they did say that, I intend to say repeatedly during my argument, "Why didn't the defense subpoena them to the stand?"

This will, of course, have nothing to do with the defendants. I will be referring to other witnesses who supposedly, according to the defense, had knowledge of

1 certain items, items of evidence.

2 And I will merely turn it around and say, "Well,  
3 certainly we could have called a particular witness like  
4 Sandra Goode, but on the other hand they could have called  
5 that witness, too."

6 I am going to place the Court on notice this will  
7 be an approach of mine, but at no time will I suggest  
8 that they should have called the defendant, or why didn't  
9 the defendant testify.

10 It will be just witnesses, completely unrelated  
11 to the defendants.

12 MR. KANAREK: Your Honor, I would like to -- just prior --  
13 many minutes prior to the time that we have convened in  
14 court I asked the clerk concerning a jury instruction  
15 matter.

16 He indicated to me that the Court said there was  
17 no time; the Court did not wish to hold up the trial.

18 When may we have that jury conference?

19 THE COURT: I don't know; this is the first I've heard.

20 Apparently you approached the clerk about five  
21 minutes ago. We were ready to resume the argument.

22 MR. KANAREK: It was while your Honor was on the  
23 bench in connection with other matters this morning.

24 THE COURT: Have you presented some requested  
25 jury instruction?

26 MR. KANAREK: I have a jury instruction here.

1 THE COURT: I haven't seen any. Have you filed them  
2 with the clerk?

3 MR. KANAREK: No, I would be glad to. I thought we  
4 would go in chambers as we normally did. I will be glad to.

5 THE COURT: I have no notice other than the fact the  
6 clerk said you wanted to talk about it.

7 Sometime before I instruct the jury we will have  
8 another conference, then, at which time you can discuss  
9 your requested instructions, if you have some.

MR. KANAREK: Very well. I would like those as soon as possible.

THE COURT: I would have liked the requested instructions as soon as possible, too.

It has now been considerably in excess of a month since we started talking about jury instructions.

MR. KANAREK: That is correct.

The prosecution, and Mr. Keith, have offered instructions, and we have this matter which we would like the Court to consider.

THE COURT: I will consider it. We will have another conference.

MR. KANAREK: Thank you.

MR. KEITH: I was behind Mr. Bugliosi and had a difficult time hearing him, but I did gather the intent to make reference to why the defense didn't call certain witnesses that were available to the defense.

THE COURT: He said -- well, you can explain, Mr. Bugliosi.

MR. BUGLIOSI: Yes.

Several times the defense attorneys said: Why didn't we call Sandra Goode, or Barbara McCann? And I intend to turn it around and say that they had a right to call these people, too.

MR. KEITH: For the record, in the event that you do that, I would object to your doing it, and I will cite you

1 for misconduct right now, and I will ask the Judge, when  
2 you do it -- if you do it, when you do it -- to admonish the  
3 jury to disregard it, for the record, rather than jumping  
4 up every time.

5 MR. BUGLIOSI: Of course, there is authority for it.

6 MR. KEITH: I know. There is authority the other way,  
7 too.

8 MR. BUGLIOSI: Only if you imply the defendant,  
9 which I do not intend to do. I do not intend to do it and  
10 I will stay a million miles away from it. But I can  
11 certainly say that you could have called certain witnesses  
12 to prove a certain point.

13 MR. KEITH: I would like to protect the record.

14 MR. FITZGERALD: I would like to join in that request.

15 THE COURT: The record will show that all defense  
16 counsel will be deemed to have objected and to have cited  
17 the prosecutor for misconduct if he makes any reference to  
18 witnesses that they could have called.

19 MR. KANAREK: Yes. Join in Mr. Keith's comments.

20 MR. SHINN: Yes. Join in the comments.

21 THE COURT: The objections will be overruled.

22 MR. BUGLIOSI: Thank you.

23 MR. KANAREK: Your Honor, in connection with that jury  
24 instruction matter, all counsel are requesting that jury  
25 instruction.

26 (Whereupon, all counsel return to their respective

1 places at counsel table and the following proceedings occur  
2 in open court within the presence and hearing of the jury:)

3 THE COURT: You may proceed with your closing argument,  
4 Mr. Bugliosi.

5 MR. BUGLIOSI: Your Honor, defense counsel, ladies and  
6 gentlemen of the jury:

7 You know, as I was listening to my colleagues,  
8 Messrs. Fitzgerald, Shinn, Kanarek and Keith, address you,  
9 I thought to myself that although they learned the law out  
10 at their respective law schools, they didn't learn how to  
11 be magicians. They didn't learn how to pull a rabbit out  
12 of the hat when there wasn't any rabbit in the hat.

2a

2a-1

1 Based on the evidence that came from that  
2 witness stand during this trial, ladies and gentlemen,  
3 their clients are as guilty as sin, and there is nothing  
4 they can do about it.

5 Charles Manson and his co-defendants could have  
6 been represented by the late great Clarence Darrow, and I  
7 don't see how 12 reasonable men and women could come back  
8 into this courtroom with a verdict of not guilty.

9 I have yet to see the man that can convince 12  
10 reasonable men and women that black is white and white is  
11 black.

12 I wonder if any of you folks have read Victor  
13 Hugo's account of the octopus?

14 Mr. Hugo says that no man can appreciate such  
15 a fish unless he has seen it.

16 He says that it has the aspect of scurvy and  
17 gangrene. He describes it as disease embodied in monstrosity.  
18 It doesn't have any beak to defend itself like a bird,  
19 no claws like a lion, no teeth like an alligator.

20 But it does have what one could call an  
21 ink bag, and when it is attacked it lets out a dark fluid  
22 from that ink bag, thus making all the surrounding water  
23 dark and murky, enabling the octopus to escape into the dark. *darkness*

24 Now, I ask you folks: Is there any similarity  
25 between that description of the ink bag of the octopus and  
26 the defense in this case?



1 Has the defense argued any real, valid, legitimate  
2 defense reasonably based upon the evidence? Or have they  
3 sought to employ the ink bag <sup>of</sup> as the octopus/making every- <sup>and by</sup>  
4 thing dark and murky? <sup>around them, escape</sup> ~~and~~ <sup>and</sup> ~~escaping~~ into the darkness?

5 MR. KANAREK: Your Honor, that is improper argument.

6 No defense was put on. The burden is upon the  
7 prosecution to prove their case. And because of that, this  
8 is improper argument, your Honor.

9 THE COURT: The objection is overruled.

10 The prosecutor was obviously referring to the  
11 arguments.

12 MR. KANAREK: He said "Defense," your Honor.

13 THE COURT: All right. Objection is overruled.

14 MR. BUGLIOSI: The answer to that question, ladies  
15 and gentlemen, is an easy answer.

16 They have sought to employ the ink bag of the  
17 octopus for the simple reason that that is the only defense  
18 they have to these seven murders.

19 The only problem for them, of course, is that  
20 the ink bag is not a legally recognized defense to murder.

21 There are defenses to murder: Self defense,  
22 prevention of a felony, defense of others. But the ink  
23 bag hasn't yet reached the statutes, the law books.

24 You wouldn't lose any money if you wagered that  
25 it never will.

2-b

1 Stated in another way, each defense counsel has  
2 sought to ~~parade~~<sup>create</sup> a giant smoke screen around the facts in  
3 this case. Their only hope is that you are going to be  
4 unable to see through the smoke screen to the facts and  
5 come back with a verdict of guilty.

6 They are hopeful that your vision of the facts is  
7 going to be obscured by the smoke screen and by the dark  
8 fluid<sup>the</sup> the ink bag.

9 MR. KANAREK: Your Honor, that is improper argument.

10 I make a motion that the admitted testimony go  
11 before the jury, that the jury have each and every bit of  
12 admitted testimony.

13 I make that motion here in open court, on the  
14 basis of equal protection of the law and due process of  
15 law under the 14th Amendment. I ask that that be done.

16 THE COURT: You are interrupting the prosecutor's  
17 argument with an improper objection, and I will ask you to  
18 sit down. ✓

19 MR. KANAREK: May I have a ruling?

20 THE COURT: Denied.

21 Proceed.

22 MR. BUGLIOSI: I intend to penetrate that smoke screen  
23 and clear up the water which defense counsel have sought to  
24 muddy, so that you folks can clearly see the evidence,  
25 the facts, the issues in this case, so that you are going to  
26 be able to behold the form of the retreating octopus, and

bring these defendants back to face justice.

The only real problem I am going to have in giving my final summation is that there is so much evidence against these defendants and it is so obvious that they are guilty that I have to actually fight from being complacent, and I have to state the obvious, which human beings have a tendency not to want to concern themselves with.

If I were just to get up here in my final summation and say these defendants are guilty and to come back with a verdict of not guilty -- I mean with a verdict of guilty -- and not argue to you in great depth, *some of you might feel that* that approach on my part would be rather arrogant.

3-1

1 You might thereby be influenced in your verdict  
2 by that negative impression, <sup>So</sup> ~~so~~ I am going to respond to  
3 defense counsel's argument, and I'm going to respond in  
4 considerable depth.

5 I am not going to be complacent, and I am going  
6 to state the obvious.

7 However, I don't intend to respond to each and  
8 every solitary argument made by each defense attorney in  
9 this case; I think collectively they argued for about two  
10 weeks. You may rest assured I am not going to be up here  
11 for two weeks, ten days -- on the other hand, I am not going  
12 to be up here for ten minutes either.

13 I will do my very best to keep my final summation  
14 down to possibly two days, but the chances are, two and a  
15 half, but close to three days. In no event will it be  
16 as long as the four collective defense arguments. ✓

17 I am going to break my closing argument down  
18 into five basic areas:

19 First, I will respond to defense counsel's  
20 arguments about the doctrine of reasonable doubt and  
21 circumstantial evidence.

22 Then I will respond to miscellaneous arguments  
23 by the defense attorneys in this case.

24 Next I will respond to the defense counsel's  
25 arguments with respect to Linda Kasabian; that is, the  
26 immunity, the accomplice rule, LSD, her credibility as a

1 witness.

2 Next I will respond to each defense attorney's  
3 contention that the prosecution did not prove the guilt  
4 of these defendants beyond a reasonable doubt.

5 This will necessitate my going over the main  
6 items of evidence against each defendant on the Tate and  
7 La Bianca murders.

8 This will also include of course a discussion  
9 of Manson's domination over Tex Watson and the three  
10 female defendants, and also the primary motive for these  
11 murders, Helter Skelter.

12 Finally, I will make some closing observations.

13 MR. KANAREK: Your Honor, I would like at the outset (3)  
14 then, I would like to make a motion in connection with this  
15 purported domination by Mr. Manson. My motion is that the  
16 Court --

17 THE COURT: Counsel will approach the bench.

18 (The following proceedings were had at the  
19 bench out of the hearing of the jury:)

20 THE COURT: State your motion, Mr. Kanarek.

21 MR. KANAREK: My motion is this, your Honor:

22 That the Court instruct the jury that there is  
23 no evidence in this record which -- from which the jury can  
24 make any inference of any domination over --

25 THE COURT: Now, listen, Mr. Kanarek, I'm going to  
26 tell you something right now.

1 This is improper and you know it. You are  
2 interrupting the prosecution attorneys arguments, like you  
3 tried to disrupt the direct testimony of all of the key  
4 witnesses in this case from the beginning.

5 I warn you, sir, if you keep it up I will find  
6 you in contempt of court.

7 And I mean what I say.

8 MR. KANAREK: Your Honor has not even let me finish  
9 the motion.

10 THE COURT: I have heard enough. You can make all  
11 the legitimate objections you have a right to make, but when  
12 you start nonsense like this I am not going to let you get  
13 away with it.

14 MR. KANAREK: This is not nonsense.

15 THE COURT: Now, go back and sit down.

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

18 MR. BUGLIOSI: <sup>to</sup> No. 1, reasonable doubt and circum-  
19 stantial evidence.

20 No. 2, miscellaneous.

21 No. 3, Linda Kasabian.

22 No. 4, the main items of evidence against each  
23 defendant and, lastly, some final observations.

24 Let's talk about this doctrine of reasonable  
25 doubt:

26 The word "beyond," in the term "beyond

1 a reasonable doubt," is a rather confusing word, especially  
2 to lay people.

3 The principal definition of the word beyond  
4 in the dictionary is of course "more than, over and above."

5 This is not the sense in which the word beyond  
6 is used in the term beyond a reasonable doubt.

7 There is a secondary definition of the word  
8 beyond in the term beyond a reasonable doubt, and that is  
9 "to the exclusion of -- to the exclusion of."

10 This is the sense in which the word beyond is  
11 used in the term beyond a reasonable doubt.

12 The prosecution has the burden of proving the  
13 guilt of these defendants to the exclusion of all reasonable  
14 doubt, not all possible doubt, all reasonable doubt.

15 Of course there is all the difference in the  
16 world between a possible doubt and a reasonable doubt.  
17 So with this in mind, we can completely eliminate the word  
18 "beyond" from the term beyond a reasonable doubt, and come  
19 up with this:

20 If you do not have a reasonable doubt of the  
21 guilt of these defendants, convict.

22 If you do have a reasonable doubt of the guilt  
23 of these defendants, acquit.

24 ~~You~~ <sup>We</sup> have eliminated the word "beyond" from the  
25 term beyond a reasonable doubt, and we still have a very  
26 accurate statement and definition of the doctrine of



reasonable doubt.

Now, obviously, ladies and gentlemen of the jury, the doctrine of reasonable doubt certainly does not place an insurmountable burden on the prosecution because if it did we would never be able to secure a conviction in any case.

As his Honor will instruct you, a reasonable doubt is not a mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt.

His Honor will instruct you that the prosecution does not have the burden of offering that degree of proof which excludes all possibility of error, and produces absolute certainty *because*

~~such~~ Such degree of proof is rarely if ever possible.

Only moral certainty is required.

His Honor will instruct you that moral certainty is simply that degree of proof which produces conviction in an unprejudiced mind.

Now, Mr. Fitzgerald said that the prosecution has the burden of proving the guilt of these defendants to a near certainty.

His Honor will give you no such instruction. *Neither* neither absolute certainty nor near certainty is required.

Only moral certainty is required.



a-1  
1 MR. KANAREK: Your Honor, I must object to that because  
2 of the case law of the State of California which Mr.  
3 Fitzgerald pointed out to Mr. Bugliosi, your Honor --

4 THE COURT: Overruled.

5 MR. BUGLIOSI: Only moral certainty is required, ladies  
6 and gentlemen. You will take your law not from Mr.  
7 Fitzgerald nor from Mr. Kanarek, but from Judge Older.

8 Moral certainty is that degree of proof which  
9 produces conviction in an unprejudiced mind.

10 In summary, then, the prosecution does not, I  
11 repeat, the prosecution does not have the burden of proving  
12 the guilt of these defendants to the point where you are  
13 absolutely positive and absolutely certain and absolutely  
14 sure that they are guilty, and have no doubt <sup>whatever</sup> ~~whatever~~ in  
15 your mind of their guilt.

16 That is not the law, because, as his Honor will  
17 instruct you, such degree of proof is rarely if ever  
18 possible.

19 We only have the burden of proving the guilt of  
20 these defendants to the exclusion of all reasonable doubt,  
21 not all possible doubt.

22 So the fact that you might have some small doubt  
23 in your mind, back in the jury room, of the guilt of these  
24 defendants, and for the life of me I don't even know how  
25 you can have a small doubt, but assuming that you have a  
26 small doubt, this does not mean that you are thereby duty-  
bound to come back into this courtroom with a verdict

1 of not guilty.

2 It is only if you have a reasonable doubt.

3 *And you*  
4 ~~You~~ can define the word reasonable just as well as  
5 I can, <sup>it's a</sup> sound, sensible, logical doubt based on the evidence  
6 that came from that witness stand.

7 Of course, based on the evidence that came from  
8 that witness stand, ladies and gentlemen, not only isn't  
9 there a reasonable doubt of the guilt of these defendants,  
10 there is absolutely no doubt whatsoever that they are guilty  
11 as charged.

12 Defense counsel, particularly Mr. Keith, who  
13 argued it with more precision than the other defense  
14 attorneys, and he dwelt on it in greater depth, <sup>and</sup> all four  
15 of them argued that the People's case is based on circum-  
16 stantial evidence, and <sup>they</sup> ~~he~~ referred to the instruction  
17 "where the People's case is based on circumstantial evidence  
18 you cannot find the defendants guilty unless the proved  
19 circumstances are not only consistent with <sup>the</sup> theory they are  
20 guilty, but are irreconcilable with any other rational  
21 conclusion."

22 Let me make one point clear at the very beginning.

23 When his Honor gives you that instruction he is  
24 not telling you that the People's case is based on  
25 circumstantial evidence. He is telling you that if you  
26 find that the People's case is based on circumstantial  
evidence, then that instruction applies.

1 His Honor will give you this instruction, and I  
2 quote, this will be at the end of the instructions he  
3 gives you, he will say:

4 "You have been instructed as to all of  
5 the rules of law that may be necessary for you  
6 to reach a verdict. Whether some of the  
7 instructions will apply will depend upon your  
8 determination of the facts.

9 "You will disregard any instruction which  
10 applies to a state of facts which you determine  
11 does not exist.

12 "You must not conclude from the fact that  
13 an instruction has been given that the Court is  
14 expressing any opinion as to the facts."

15 So it is up to you, you folks, to make that  
16 determination.

17 Now, very arguably, that instruction on circum-  
18 stantial evidence does not apply to this case for the  
19 simple reason that the People's case was not only based  
20 on circumstantial evidence --

21 MR. KANAREK: Your Honor, as to Mr. Manson, that is  
22 improper argument. The prosecution has stated that  
23 Mr. Manson is not present at any of the scenes of these  
24 events, therefore, by definition the case must be circum-  
25 stantial as to Mr. Manson, and therefore I ask the Court  
26 to make the proper statement in that regard, because

1 clearly as to Mr. Manson his argument is improper.

2 THE COURT: Overruled.

3 Continue, Mr. Bugliosi.

4 MR. BUGLIOSI: The People's case, ladies and gentlemen,  
5 is based on circumstantial evidence and direct evidence.

6 Incidentally, I am going to have a few words to say  
7 about Irving Kanarek, just wait, it will be coming, maybe  
8 a half hour from now. *after lunch*

9 It is based on circumstantial and direct  
10 evidence. The direct evidence is that Linda Kasabian,  
11 ladies and gentlemen, was an eye witness to the murders of  
12 Steven Parent, Voltyck Frykowski and Abigail Folger, and  
13 of course eye witness testimony is direct evidence, not  
14 circumstantial.

15 And Linda Kasabian's testimony with respect to  
16 Manson's orders on the nights of the Tate and La Bianca  
17 murders, is direct evidence of Manson's membership in and  
18 leadership of the conspiracy to commit murder as alleged  
19 in Count number VIII of the Indictment.

20 MR. KANAREK: I must object to that, your Honor,  
21 that is an improper statement of the law. 6

22 THE COURT: Overruled.

23 MR. BUGLIOSI: In fact, Linda's testimony with  
24 respect to her being with the other defendants in this  
25 case on the two nights of murder is direct evidence  
26 against them of their membership in the conspiracy to

1 commit murder.

2 Actually, circumstantial evidence is all evidence  
3 other than eye witness testimony, <sup>but</sup> Eye witness testimony  
4 being direct evidence.

5 MR. KANAREK: Your Honor, I must object to that. (7)  
6 There are situations where direct --

7 MR. BUGLIOSI: Your Honor, may we approach the bench  
8 on this?

9 THE COURT: Yes, you may.

10 (The following proceedings were had at the  
11 bench out of the hearing of the jury:)

12 MR. BUGLIOSI: He is hurting the effectiveness of my  
13 argument.

14 THE COURT: Mr. Kanarek, I don't want to hear a word  
15 from you until I tell you --

16 MR. KANAREK: Very well.

17 MR. BUGLIOSI: He is hurting the effectiveness of my  
18 argument, your Honor.

19 THE COURT: There is no question about that, and there  
20 is no question about what he is trying to do. He has done  
21 it a number of times during this trial.

22 I had to find him in contempt twice for having  
23 done exactly the same thing. I am going to do it again.  
24 I warned you about it, Mr. Kanarek. This is your last  
25 warning.

26 MR. KANAREK: My argument is he is improperly arguing

1 the law.

2 THE COURT: You may disagree with his argument, that  
3 does not make it improper.

4 MR. KANAREK: He cannot argue improper law to the  
5 jury.

6 THE COURT: He is not arguing improper law to the jury.

7 Now, this is going to be your last warning,  
8 Mr. Kanarek. I am giving you fair warning if you keep  
9 trying to disrupt the prosecutor's argument like this, making  
10 these frivolous objections and motions, I am going to find  
11 you in contempt.

12 You are not precluded from making all reasonable  
13 arguments and motions -- you are interrupting me, sir.

14 This is your last warning, Mr. Kanarek. I want  
15 you to clearly understand that.

16 MR. KANAREK: When your Honor says that, then that  
17 denies the right to effective counsel --

18 THE COURT: You may make every objection you care to,  
19 but when you make frivolous objections, when it's obviously  
20 for the purpose of interrupting and distracting and  
21 disrupting the argument, or distracting the jury from the  
22 content of the argument, then I am going to do something  
23 about it, and that is exactly what you have been doing now.  
24 You have done it numerous times before in this trial.

25 You are not going to get away with it.

26 MR. KANAREK: Your Honor is not listening to me.



1 THE COURT: That is all. Let's proceed.

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

4 MR. BUGLIOSI: As I was indicating, we are going to get  
5 through this argument despite his gross conduct, ladies  
6 and gentlemen.

7 MR. KANAREK: Your Honor, I must object to that, that  
8 comment of Mr. Bugliosi. May we approach the bench on that?

9 THE COURT: Overruled. Let's proceed. The jury will  
10 disregard the last comment of Mr. Bugliosi's.

11 Let's proceed.

12 MR. BUGLIOSI: As I was indicating, ladies and  
13 gentlemen, circumstantial evidence is all evidence other  
14 than direct evidence. Direct evidence being eye witness  
15 testimony.

16 Even ~~the~~ defendant's confession, even finger-  
17 prints are circumstantial evidence.

18 As I indicated during voir dire, about a half  
19 year ago -- I hate to say it's that long ago, but that is  
20 about when it was, it started on June 15th, direct  
21 evidence is evidence which proves a fact in issue without  
22 the necessity of drawing any inferences.

23 Circumstantial evidence, on the other hand, is  
24 evidence that tends to prove a fact in issue by proving  
25 another fact.

26 *Not*  
~~Now~~ only is Linda Kasabian's testimony with

*her*  
1 respect to ~~the~~ observing the murders of Steven Parent,  
2 Voityck Frykowski and Abigail Folger direct evidence, but  
3 Linda's testimony with respect to the other four murders is  
4 the virtual equivalent of direct evidence.

5 Linda's testimony, ladies and gentlemen, places  
6 Susan Atkins, Tex Watson and Patricia Krenwinkel at the  
7 scene of the Tate murders, and her testimony places Tex  
8 Watson, Patricia Krenwinkel and Leslie Van Houten right out  
9 in the street in front of the La Bianca residence.

10 Now, although she didn't actually observe the  
11 murders of Sharon Tate and Jay Sebring and Leno and Rosemary  
12 La Bianca, she physically places these defendants right at  
13 the two murder scenes, which is the virtual equivalent of  
14 direct evidence.

15 To believe that at the very same time these  
16 defendants were at the two murder scenes some unidentified  
17 party or third parties arrived at the scene and murdered  
18 Sharon Tate, Jay Sebring and Leno and Rosemary La Bianca  
19 is ridiculous.

20 *A typical*  
*↑ typical* circumstantial evidence situation in a  
21 criminal case would be exemplified by the example I gave  
22 you during voir dire. *The* the defendant is charged with a  
23 burglary of a TV repair shop; two TV sets are stolen; no  
24 eye witness to the burglary, no one can even place the  
25 defendant near the scene of the burglary. An hour or so  
26 later he is driving his vehicle; he is stopped by a police



1 officer for a traffic violation and the officer sees the two  
2 TV sets in the back seat of his car.

3 Now, the defendant's possession of those two TV  
4 sets is circumstantial evidence that it was he who  
5 committed the burglary.

6 This burglary, hypothetical, where there are no  
7 eye witnesses, and no one can even place the defendant at  
8 the scene, is a classic situation where the instruction on  
9 circumstantial evidence would apply.

10 The evidence in this trial simply does not fit  
11 comfortably into that instruction for the simple reason  
12 that Linda saw three of the murders, ladies and gentlemen.

13 *And her*  
↑ Her testimony with respect to the other four  
14 murders is the virtual equivalent of direct evidence.

15 *Substantive*  
↑ Let's assume for the sake of argument, let's  
16 assume for the sake of argument, that the People's case is  
17 based on circumstantial evidence.

18 Well, what in the world is wrong with circum-  
19 stantial evidence? It just happens to be the most common  
20 type of evidence in a criminal trial, and, as his Honor  
21 will instruct you, the law shows no preference for direct  
22 evidence over circumstantial evidence as a means of proof.

23 Sometimes direct evidence is better than circum-  
24 stantial evidence and sometimes the opposite is true.

25 A person with poor vision observes a burglar  
26 fleeing the scene of a burglary at night, and he only gets

1 a brief glance of that burglar. That is direct evidence.

2 Certainly it would not be nearly as robust,  
3 nearly as strong as the burglar's confession or his finger-  
4 prints being found at the scene.

5 Defense counsel want you to believe, ladies  
6 and gentlemen, that those instructions on circumstantial  
7 evidence favor their clients.

8 Well, let's put those instructions under a  
9 microscope. Let's put them under a microscope and see  
10 whether they favor the prosecution or the defense.

11 Let's closely go over the following instruction  
12 again:

13 "Where the People's case is based on circum-  
14 stantial evidence, you are not permitted to find the defen-  
15 dants guilty unless the proved circumstances are not only  
16 consistent with the theory they are guilty, but are  
17 irreconcilable with any other rational conclusion."

18 Now, note, the language of that instruction is  
19 not irreconcilable with any other conclusion, as Mr.  
20 Fitzgerald said once in his argument. He left out a word.

21 It is irreconcilable with any other rational  
22 conclusion.

23 And I submit that the word rational is somewhat  
24 synonymous with the word reasonable.

25 So the key word I want to emphasize and underline  
26 in your minds, the word which Mr. Fitzgerald glossed over,

1 is the word "rational."

2 The third and final time I will go over that  
3 instruction now, we will concentrate on that word  
4 rational:

5 "You are not permitted to find the defendants  
6 guilty unless the proved circumstances are not only  
7 consistent with the theory that they are guilty but are  
8 irreconcilable with any other rational conclusion."

9 Question: Besides the rational conclusion that  
10 the evidence in this case points towards the guilt of  
11 these defendants, would another rational conclusion be that  
12 the evidence in this case points towards their innocence?

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1 Would that be another rational conclusion? Or  
2 would that be one of these far out, imaginary, anything-  
3 is-possible type conclusions?

4 I submit, ladies and gentlemen, that a  
5 conclusion that the evidence in this case points towards  
6 the innocence of these defendants is so ridiculous, it  
7 doesn't even rise to the dignity of being absurd.

8 If the only rational conclusion from this  
9 evidence is that the evidence points towards guilt, and  
10 there is no other rational conclusion that it points toward  
11 innocence, then, under that very instruction, the one which  
12 Mr. Keith and his co-counsel say is favorable to the  
13 defense, under that very instruction, you should come back  
14 into this courtroom, as I know you will, with a verdict of  
15 guilty.

16 Of course, given any set of facts and circum-  
17 stances, people can reach as many conclusions as the  
18 power and fertility of their mind <sup>will</sup> ~~would~~ permit, but not  
19 all would be reasonable and rational conclusions.

20 Mr. Fitzgerald mentioned another instruction  
21 on circumstantial evidence. He misquoted it, leaving out  
22 the most important word in the instruction.

23 He said that in a circumstantial evidence case,  
24 if there are two interpretations of the evidence, you have  
25 to adopt that interpretation of the evidence that points  
26 towards innocence.

4-2

1 The instruction he misquoted, and the one he  
2 referred to, provides: If the evidence is susceptible of  
3 two reasonable -- there is that word "reasonable" again --  
4 two reasonable interpretations, one of which points toward  
5 the defendant's guilt and the other to his innocence, it  
6 is your duty to adopt that interpretation which points  
7 towards innocence and reject that interpretation which  
8 points towards guilt.

9 Let's stop and talk about that instruction for  
10 a moment.

11 The instruction doesn't say if one single  
12 solitary piece of evidence is susceptible to two reasonable  
13 interpretations. That instruction refers to looking at  
14 all the evidence in this case, all of the circumstances.

15 If, when you look at all the evidence, there  
16 are two reasonable interpretations, then and only then  
17 should you accept that interpretation of the evidence  
18 which points towards innocence. Because the instruction  
19 goes on to say -- the instruction goes on to say -- if there  
20 are two interpretations, one <sup>of</sup> which is reasonable and the  
21 other one which is unreasonable, as his Honor will instruct  
22 you, you should reject the unreasonable interpretation and  
23 accept the reasonable interpretation.

24 Certainly, ladies and gentlemen, the most  
25 reasonable interpretation of the evidence in this case is  
26 that these defendants are guilty.

4-3

1 An interpretation that the evidence points  
2 towards the innocence of these defendants has got to be  
3 unreasonable. It has got to be ridiculous. It has got to  
4 be absurd.

5 Mr. Fitzgerald told you that in a circumstantial  
6 evidence case each link in a chain of circumstances has to  
7 be proven beyond a reasonable doubt.

8 First of all, the instruction on circumstantial  
9 evidence doesn't talk about any chain.

10 It is a set of circumstances, not a chain of  
11 circumstances.

4a fls.

4a-1

1 That "link in the chain" argument is so old,  
2 I thought it went out with high button shoes. Yet Mr.  
3 Fitzgerald is talking about a link in a chain.

4 I will tell you in just a few moments why I  
5 think he used that word.

6 It is a set of circumstances, not a chain of  
7 circumstances.

8 I will tell you what defense counsel attempted  
9 to do during their arguments.

10 Without directly stating it, they tried to get  
11 you to believe that if there were 100 facts, or more facts,  
12 circumstantially pointing towards the guilt of their  
13 client, but two or three facts, or even one fact, pointing  
14 towards their innocence, you are duty bound to come back  
15 with a verdict of not guilty.

16 Now, they didn't come out and say it expressly.  
17 They didn't say it expressly because, No. 1, it is not the  
18 law. That is the first reason. No. 2, if they said it,  
19 you would reject it out of hand.

20 But by innuendo, it almost seems they tried  
21 to implant that idea in your minds, so you would unconsciously  
22 start thinking in that direction.

23 Ladies and gentlemen of the jury, it is up to  
24 each of you individually to decide what set of circumstances  
25 is necessary to personally convince you of the guilt of  
26 these defendants, and what facts are present or missing from



4a-2

1 that set of circumstances to personally convince you of the  
2 guilt of these defendants.

3 There is no specific set of facts, no specific  
4 set of circumstances, which, as a matter of law, has to be  
5 shown to you to convince you of the guilt of these  
6 defendants.

7 For instance, his Honor is not going to tell  
8 you that facts A, B, C, D, E, F and G have to be proven,  
9 and if one fact is missing you have to come back with a  
10 verdict of not guilty.

11 It is completely up to you, completely up to  
12 you, what set of circumstances and what facts are necessary  
13 to convince you of the guilt of these defendants.

14 Mr. Fitzgerald said that you could not consider  
15 any item of circumstantial evidence -- I am quoting him  
16 now -- unless it points unerringly to the guilt of these  
17 defendants.

18 There is absolutely no such rule of law, and  
19 his Honor is not going to give you any such instruction.

20 Mr. Shinn even went a step further and said:

21 You have to look at each piece of circumstantial  
22 evidence, and if it doesn't convince you beyond a reasonable  
23 doubt that the defendants are guilty, you have to disregard  
24 it.

25 There is no such rule of law, no such rule of  
26 law, and his Honor will give you no such instruction, ladies



and gentlemen.

I think the defense counsel's problem, I think their problem is that they misconceive, they misconceive circumstantial evidence.

Circumstantial evidence, ladies and gentlemen, is not like a chain the way Mr. Fitzgerald says. It is not like a chain at all.

If it were, then you could have a chain extending the span of the Atlantic Ocean, from Nova Scotia to Bordeaux, France, consisting of millions of links, and one weak link in that <sup>chain</sup> and the chain is broken.

4b fls.

4b-1

1 Circumstantial evidence, ladies and gentlemen,  
2 is like a rope. It is like a rope. And each fact is a  
3 strand of that rope. And as the prosecution piles one fact  
4 upon another, one circumstance upon another, we add strands  
5 and we add strength to that rope, until it is strong enough  
6 to bind these defendants to justice.

7 If one strand breaks -- and I am not conceding  
8 for a moment that any strand has broken in this case --  
9 but if one strand breaks, that rope is not broken like a  
10 chain is broken if one link breaks. The rope isn't even  
11 weakened. Its strength hasn't even been diminished.

12 Why? Because there are so many <sup>other</sup> ~~other~~ so many  
13 other strands of almost steel-like strength, that <sup>the rope is still</sup> ~~they are~~  
14 more than strong enough to bind these defendants to justice.

15 That is what circumstantial evidence is all about,  
16 ladies and gentlemen.

17 I wonder where Mr. Fitzgerald got the word "chain"?  
18 I wonder where he got the word "chain"? A link in a chain,  
19 he said.

20 Now, true, one isolated fact or circumstance  
21 might be compatible with innocence if you were to look at it  
22 in a vacuum, if you were to look at it by itself. <sup>but</sup> When you  
23 folks go back to that jury room, you are going to have to  
24 look at all the evidence, the totality of the evidence, all  
25 of the circumstances, the entire picture, not just one  
26 single, solitary isolated fact.

1 And when you do look at all the evidence and all  
2 of the circumstances in this case, you are led to the  
3 irresistible conclusion that these defendants are guilty.

4 So we see, ladies and gentlemen, that not only  
5 isn't this a classic case of circumstantial evidence,  
6 since we have eye witness testimony to three of the mur-  
7 ders, and the virtual equivalent of eye witness testimony  
8 to the other four, but even assuming that that instruction  
9 on circumstantial evidence is applicable, it favors the  
10 prosecution, not the defense.

11 Why? Because the circumstantial evidence in  
12 this case is so powerful, so massive, that the only rational  
13 conclusion, the only reasonable interpretation is that these  
14 defendants are guilty as charged.

15 Getting into the second phase of my final  
16 summation. I told you there would be five parts. Unfor-  
17 tunately, the second phase is not going to be quite as  
18 short as the first phase.

19 I want to clear up one point at the very  
20 beginning -- at the very beginning.

21 This is where I will respond to miscellaneous  
22 arguments made by the defense attorneys.

23 Defense counsel sought to imply to you, ladies  
24 and gentlemen -- they didn't come right out and say it,  
25 but they sought to imply it -- that somehow they couldn't  
26 subpoena witnesses to this stand -- to that stand -- like

4c-1

the prosecution did.

MR. KANAREK: Your Honor, may I --

MR. BUGLIOSI: Mr. Fitzgerald said this: --

MR. KANAREK: May I, either in the presence of the jury or at the bench?

THE COURT: You have already done it, Mr. Kanarek.

MR. KANAREK: I can only enunciate the objection, and I believe it is a valid objection, your Honor.

THE COURT: You asked to come to the bench earlier, and you made your objection. It is on the record.

MR. KANAREK: I am speaking of this particular point that he is on right now.

THE COURT: The objection is overruled.

MR. BUGLIOSI: Mr. Fitzgerald said that Linda testified that on the night of the Tate murders she got her change of clothing from Squeaky -- that is Lynne Fromme -- her knife from Larry Jones, her driver's license from Brenda McCann.

He said: Why didn't the prosecution call these three witnesses to the stand to verify Linda's story. And he said: Well, the reason they probably didn't is because it didn't happen the way Linda said it happened.

This is incredible sophistry, ladies and gentlemen. The defense attorneys in this case did not walk through that door handcuffed, gagged, and with their feet in chains.

Squeaky, Larry Jones, <sup>and</sup> Brenda McCann, are hard-core

1 members of Manson's Family.

2 Why didn't the defense call them to the witness  
3 stand if they could rebut what Linda Kasabian testified to?  
4 If it didn't happen the way Linda said it happened?

5 Why didn't these defense attorneys call these  
6 three witnesses to the stand?

7 Incredible sophistry.

8 Why didn't the prosecution call those three  
9 people to the stand? If the defense wanted to prove a point  
10 in this case or disprove a point made by the prosecution,  
11 why didn't they subpoena those witnesses who could give  
12 evidence on that point?

13 Stop to think about that for a moment.

14 The defense has the power to subpoena witnesses  
15 just like the prosecution, and if that witness doesn't  
16 show up in court, the defense can ask Judge Older to issue  
17 a bench warrant for that witness's arrest, and the defense  
18 attorneys don't even have to concern themselves with it.  
19 The Sheriff's Office will go out and pick up the witness  
20 and literally hand-carry the witness into court to testify.

21 I think it is the most reasonable assumption  
22 that people like Squeaky, Brenda McCann and Larry Jones,  
23 members of the Family, would testify even without a  
24 subpoena.

25 I hate to devote time talking about something  
26 like this, but you folks are lay people, you are lay people,

1 you are not attorneys, and you have no way of knowing whether  
2 the defense attorneys in this case, as opposed to the  
3 prosecution, are somehow operating under a legal infirmity  
4 which prevents them from calling witnesses to that stand.

4d fls.

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1 Just think about that now. You took some notes,  
2 you took a few notes when defense attorneys were arguing.  
3 Why didn't the prosecution call the witnesses to the stand?  
4 You toss that right back to them like I am going to do.

5 Why didn't they call witnesses to the stand?  
6 It is incredible sophistry to imply they couldn't do it,  
7 especially when we are talking about members of the Family.

8 Before I discuss some of these miscellaneous  
9 arguments, I would like to remind you of something that I  
10 am sure is already painfully obvious to all of you.

11 In a case of this magnitude and complexity and  
12 importance, obviously it is going to be hotly contested.

13 The trial of a lawsuit, ladies and gentlemen,  
14 as you have seen for six months, is not a tea party on a  
15 well-manicured back lawn of a Bel-Air mansion on Sunday  
16 afternoon. Now and then the going gets a little rough.

17 So, please don't look at defense counsels'  
18 arguments and my arguments in that light. In other words,  
19 we are not throwing kisses at each other.

20 Let's talk about Paul Fitzgerald.

21 When Mr. Fitzgerald addressed you, ladies and  
22 gentlemen, he misstated the evidence so many times -- and  
23 I will point this out to you -- that at first I absolutely  
24 could not believe what I was hearing.

25 The first spontaneous thought that came into my  
26 mind was that he was deliberately trying to deceive you folks.

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1 heard Steven Parent scream.

2 Then Mr. Fitzgerald said that the police con-  
3 cluded that the defendants, or the killers, whoever they  
4 were, entered through the bedroom of the Tate residence.

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1 Now, where he got that, I don't know. The only  
2 evidence at this trial shows that they entered through the  
3 dining room window. That is the window where the screen  
4 had been removed and there was a horizontal slit.

5 Yet he said the bedroom window.

6 Then Mr. Fitzgerald said that Voityck Frykowski  
7 was stabbed 53 times and struck over the head 21 times.

8 How many times has it been mentioned during  
9 this trial, and of course confirmed by Dr. Noguchi, that  
10 Voityck Frykowski was stabbed 51 times and struck viciously  
11 over the head 13 times?

12 Mr. Fitzgerald then said there was a bloody  
13 shoe heel print, not a footprint, on the front porch of the  
14 Tate residence.

15 Of course, Officer Granada testified it was a  
16 footprint, not a shoeprint.

17 Then Mr. Fitzgerald said that Linda Kasabian  
18 testified there were five knives in the car and one gun.  
19 Five knives.

20 Of course, there is People's 39, the Buck  
21 knife, and the other two knives, the dimensions of which we  
22 discussed ad nauseam during this trial. Three knives.

23 He says five knives.

24 Then Mr. Fitzgerald said that Linda testified  
25 that she threw the revolver out of the car.

26 Did any of you folks hear any of that testimony?

1 Linda Kasabian specifically testified that she  
2 doesn't recall throwing the revolver out of the car.  
3 She said she may have, and maybe she didn't. She doesn't  
4 know. She can't remember.

5 Paul Fitzgerald said Linda testified she  
6 flung the revolver out of the car.

7 I mean, where he got this stuff, I don't  
8 know. He wasn't trying to deceive you. He is not that  
9 type of guy.

10 Then he started talking about the La Bianca  
11 murders, and listen to this, if you can believe it.

12 He says Linda testified that Manson and two  
13 girls walked up Harold True's driveway. Manson and two  
14 girls walked up Harold True's driveway.

15 Did any of you hear anything like that during  
16 this trial?

17 If it was mentioned once, it was mentioned at  
18 least 20 times, that Manson got out of the car by himself  
19 and he alone walked up Harold True's driveway, and Linda  
20 Kasabian observed Manson walk out of her sight by looking  
21 over her left shoulder.

22 What can I say? What can I say? Manson and  
23 two girls?

4f fls.

4f

1 Then Mr. Fitzgerald said that the length of time  
2 that Manson was gone from the car was the length of time  
3 it took Linda Kasabian to smoke one-third of a cigarette.

4 Of course, Linda testified that the length of  
5 time Manson was gone was the length of time it took her to  
6 smoke three-quarters of a Pall Mall cigarette.

7 Now, that is not nit-picking, of course, because  
8 in terms of minutes, since the defense attorneys are talking  
9 about minutes, they are saying: How could Manson have done  
10 all those things in a few minutes? Then it becomes very  
11 relevant whether it was one-third of a cigarette or three-  
12 quarters of a cigarette. We are talking about 33-1/3  
13 per cent vis-a-vis 75 per cent.

14 Then he said that Linda testified that she drove  
15 the car to Sylmar.

16 She didn't testify to that. She testified that  
17 Manson drove the car to Sylmar.

18 Then Mr. Fitzgerald said that Linda got the milk  
19 shakes.

20 Of course, she testified that Manson got the  
21 milk shakes. She was inside the restroom hiding that wallet.  
22 When she came out, Manson had four chocolate milk shakes.

23 Then he said that Deputy Olmstead pulled  
24 Charlie Manson out by his hair from underneath the building  
25 at Spahn Ranch on August 16th, 1969.

26 Deputy Olmstead wasn't even there on August 16,

1 1969. He didn't participate in that raid.

2 Deputy Donald Dunlop is the one that pulled  
3 Charles Manson out by his long hair, flushed him out  
4 from beneath that building.

5 He kept going on and on, and I will point out  
6 the additional things.

7 Then he said that Paul Watkins and Brooks Posten  
8 had aliases.

9 There is no testimony that came from that witness  
10 stand, as far as I know, that they had aliases.

11 Where he got that, I don't know. You will have  
12 to ask Mr. Fitzgerald about that.

13 Then Mr. Fitzgerald started reading to you some  
14 statements about Dianne Lake, allegedly made by Linda  
15 Hall, a social worker at Patton Hospital.

16 Now, I don't know where he got what he was  
17 reading, but it didn't come from that witness stand,  
18 ladies and gentlemen. When I objected, Judge Older  
19 sustained the objection.

5-1

1 Then Mr. Fitzgerald said that Juan Flynn got 16  
2 ~~the~~ \$1100 out of an interview he gave on a book about the  
3 Family.

4 That is again misstating the testimony. Let's  
5 take a look at what the evidence is on that point:

6 "Q And they told you they were going to  
7 make a book of what you had to say, is that right?

8 "A No, they didn't tell me nothing, you  
9 see.

10 "Now, the power of attorney was given  
11 to Mr. Paul Crockett, you see, by I.

12 "Q Your power of attorney?

13 "A Yes.

14 "Q To sell your literary property, is that  
15 right?

16 "A I did not say that.

17 "I said the power of attorney in the  
18 things that was doing together, you see." -- Juan  
19 with his broken English.

20 "Q What were you doing?

21 "A Well, what was we doing, we was making  
22 music up in the desert up until we got disturbed.

23 "Q You did not get any money from the story,  
24 is that right?

25 "A Well, the money was taken by Paul and  
26 company and taken to the desert and they bought

1 "music equipment and stuff like that.

2 "Like I said, it just lasted until I  
3 got drunk and I got mad at them and left."

4 So 'keep the money' --

5 In other words, Juan told them he was keeping  
6 the money; he was bailing out.

7 "So 'keep the money and music recordings,'  
8 you know.

9 "Q But you were to share one-third in the  
10 proceeds of the story, isn't that right?

11 "A I wouldn't say that, you see, the story  
12 was sold by Bruce Poston, Paul Watkins and Paul  
13 Crockett, you see, and they have the contracts of  
14 this, you know. They have the contracts of this.

15 "The only thing that Paul Crockett  
16 has with me is the power of attorney, you see, you  
17 see. The story that was sold was sold by Paul  
18 Watkins, you see, and Bruce Poston and Paul Crockett.

19 "Q What about the book by Ivar Davis?

20 "A Well, what about it? It's out.

21 "Q You got paid for that, right?

22 "A Well, if you think so, yes.

23 "Q Well, I'm asking you a question. Did  
24 you get paid for it?

25 "A Well, if I got paid for it, you know,  
26 I must have been asleep, you know, because, you know--



1 "Q Did your share of the money go to Mr.  
2 Crockett or Mr. Watkins?

3 "A I did not question that; I did not  
4 question that -- I did not question that."

5 From that colloquy Mr. Fitzgerald comes up with  
6 the conclusion that Juan Flynn got \$1100.

7 Then Mr. Fitzgerald said at the time Jay  
8 Sebring was suspended in the air by the rope he was already  
9 injured.

10 There was no testimony in this trial that Jay  
11 Sebring was hanged, absolutely not.

12 Dr. Noguchi said that it was Sharon Tate who  
13 was hanged, Sharon Tate.

14 You recall there were two rope burn abrasions  
15 to Sharon's left cheek.

16 Dr. Noguchi said it was Sharon Tate who was  
17 hanged, not Jay Sebring.

18 Of course Officer Granada testified <sup>that</sup> the way the  
19 rope was thrown over the ~~people~~ <sup>people's</sup> if one were to pull that  
20 rope it would have tightened around Sharon's neck, not  
21 Jay's.

22 Mr. Fitzgerald said Jay Sebring was the one that  
23 was hanged. In fact, on my direct examination of Dr. Noguchi,  
24 there was such a torrent, such a blizzard of objections that  
25 poor Dr. Noguchi hardly got in the record that Sharon was  
26 hanged.

1 But Mr. Fitzgerald, being the considerate fellow  
2 that he is, on cross-examination, asked Dr. Noguchi:

3 "Q Are you able to answer my question whether  
4 or not, in your opinion, Sharon Marie Polanski was  
5 suspended by a rope with her full body weight before  
6 death?

7 "A I believe I would be able to answer your  
8 question.

9 "Q Would you please? What is your opinion?

10 "A I would be glad to.

11 "I believe, based on wound findings on  
12 the left side of the cheek and the way the rope was  
13 tied at the scene that I personally observed, the  
14 way the rope was placed over the beam of the living  
15 room, I would form the opinion that Miss Sharon Tate  
16 had been suspended, perhaps not too long a period,  
17 but perhaps a partial suspension for a short time.

18 "As to whether or not this was caused  
19 after death or before death, it appears that the  
20 abrasion is a dark -- pardon me -- it is sort of  
21 light reddish, and I believe that the suspension  
22 was caused during the agonal stage."

23 That is the stage where a person was just,  
24 going through the process of dying:

25 "Q I didn't hear that last word.

26 "A Agonal stage; during the dying process."

1 Then he says "during the dying process."

2 Mr. Fitzgerald said it was Jay Sebring who was  
3 hanged.

4 THE COURT: We will take our recess at this time,  
5 Mr. Bugliosi.

6 Ladies and gentlemen, do not converse with  
7 anyone or form or express an opinion regarding this case  
8 until it is finally submitted to you.

9 The court will recess for 15 minutes.

10 (Recess.)

5a fls.

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All counsel and jurors are present.

Will counsel approach the bench for a moment,  
please?

(The following proceedings were had at the  
bench outside of the hearing of the jury:)

THE COURT: I am concerned about the remark you made,  
Mr. Bugliosi, to the effect that you were going to have  
something to say about Mr. Kanarek further on in your  
argument.

Of course I have no way of knowing what you are  
going to say, but I want to call to your attention it  
would be improper to make an appeal of passion against  
opposing counsel, I am sure you are aware. Read People  
vs. McCracken, 39 Cal. 2d.

MR. BUGLIOSI: Well, the point is this, your Honor,  
and I have ample evidence to support this.

Mr. Kanarek accused, made no bones about it,  
accused the prosecution witnesses of perjury; that they  
were robots for the prosecution; that we programmed them  
and he accused us of subornation of perjury, planting  
evidence, it is clear, your Honor, I have got 15 direct  
quotes from him.

THE COURT: I was here, I heard him.

MR. BUGLIOSI: Right, right. Now I can respond to  
that.

If he is going to accuse the prosecution and law

1 enforcement of subornation of perjury, of course he did  
2 not use those exact words.

3 THE COURT: I am talking now about a personal  
4 attack. Certainly you can answer his argument.

5 MR. BUGLIOSI: I am going to respond to that, that he  
6 made a vicious attack on the prosecution's witnesses, on  
7 the prosecution and on law enforcement in general, and I  
8 am not going to accuse him of a crime.

9 In my opinion he accused several people of  
10 capital crimes. There is no other way to slice it, he did  
11 not use the word, he did not say perjury or subornation of  
12 perjury, but he accused us of a capital crime, and when  
13 you accuse someone of that, I have got to be strong in my  
14 response.

15 The jury could say conceivably he's got something  
16 there. I've got to be strong in my response to an attack  
17 on the prosecution's witnesses, if I am weak on that,  
18 your Honor, if I am weak on that, conceivably a juror  
19 could pick it up and say, maybe he's got something.

20 THE COURT: I would suggest before you do it that  
21 you give the case I referred to a careful reading, and  
22 some of the other cases, before you engage in any excess  
23 that I could not cure.

24 So I am just giving you fair warning what the  
25 law is.

26 MR. BUGLIOSI: I am going to talk about what he told

1 Juan Flynn. I am just going to talk about the evidence,  
2 your Honor.

3 THE COURT: All right.

4 MR. BUGLIOSI: Thank you.

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

7 THE COURT: You may proceed, Mr. Bugliosi.

8 MR. BUGLIOSI: Thank you, your Honor.

9 Then Mr. Fitzgerald went on, ladies and gentlemen,  
10 and said that there was an unmatched latent print on the  
11 green Heineken beer bottle inside the Tate residence, and  
12 it did not belong to Jay Sebring.

13 Of course Sergeant Dolan testified that the  
14 print on the Heineken beer bottle did belong to Jay Sebring.

15 Then Mr. Fitzgerald said that the prosecution  
16 put on evidence that Manson forced ~~the~~ people to engage  
17 in sexual orgies.

18 We never put on any evidence of that. He spoke  
19 in the plural. We only spoke about one sexual orgy in  
20 mid-July in the back house at Spahn Ranch.

21 Other than the young girl, there is no evidence,  
22 that Manson forced any members of his Family to engage in  
23 that orgy.

24 Then Mr. Fitzgerald said that you should take  
25 into consideration that many of the prosecution witnesses  
26 have committed perjury on prior occasions, again speaking

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1 in the plural, in terms of the number of witnesses and  
2 number of prior occasions.

3 Not only is there ~~not~~ evidence that many  
4 prosecution witnesses committed perjury on prior occasions,  
5 there is no evidence that even one prosecution witness  
6 committed perjury.

7 Mr. Fitzgerald himself said that what Dianne  
8 Lake did at the Grand Jury was not legal perjury. Yet he  
9 said many prosecution witnesses committed perjury on many  
10 prior occasions.

11 Where he got that I don't know.

12 Then Mr. Fitzgerald said there were five articles  
13 of clothing found over the side of the hill on Benedict  
14 Canyon Road. 22

15 Of course, there were seven articles of clothing  
16 found over the side of the hill, People's 50 through 56.

17 And then I think Mr. Fitzgerald showed the  
18 final ultimate confusion.

19 Old Joe Hollombe there is one of the finest  
20 court reporters in the business, but if I wasn't here and  
21 I didn't hear this with my own two ears, ladies and  
22 gentlemen, I would have questioned Joe's transcript.

23 Mr. Fitzgerald's last final plea, ladies and  
24 gentlemen, his last final plea was for Charles Manson. 23

25 He said this is not a case of the People vs.  
26 Krenwinkel, Atkins and Van Houten. It is a case of the



1 People vs. Manson, and there is no evidence against  
2 Charles Manson.

3 Not once during his entire argument did he tell  
4 you that he believed that his client, Patricia Krenwinkel,  
5 was not guilty.

6 MR. FITZGERALD: I am going to object to that. It  
7 would be improper for me to make such a reference, your  
8 Honor, ethically and under the law of the State of  
9 California.

10 MR. BUGLIOSI: He said there was no evidence against  
11 Manson, but nothing against Krenwinkel.

12 THE COURT: Well, the jury heard the arguments.  
13 Proceed.

14 MR. BUGLIOSI: Incidentally, Mr. Fitzgerald also told  
15 you that you were the first jury to be sequestered in  
16 California history.

17 There have been many juries sequestered before  
18 you folks.

19 There is even a statute in the Penal Code covering  
20 the sequestration of juries.

21 The last jury to be sequestered, of course, was  
22 the Sirhan jury. I think they stayed at the Biltmore.  
23 I think you folks have it a little better over at the  
24 Ambassador.

25 When Mr. Fitzgerald finally did get around,  
26 ladies and gentlemen, to not misstating the evidence, the

inferences he drew from <sup>the</sup> evidence, by and large, were completely erroneous.

For instance, he said that the prosecution urged that association with Charles Manson was evidence of guilt against the co-defendants.

There was testimony in this trial about many, many other members of Charles Manson's family, but they are not on trial right now. They are not on trial.

There was testimony about Sandra Goode and Squeaky and Snake and Gypsy. They are not on trial.

Paul Fitzgerald's client, Patricia Krenwinkel, is on trial because of Linda Kasabian's testimony, because her fingerprints were found at the scene, and because she made a confession to Dianne Lake, together with much other evidence. That is why she is on trial; not because she knew Charles Manson, or associated with <sup>him</sup> ~~her~~ or lived with him.

Mr. Fitzgerald said that why would the killers take a .22 caliber revolver to the Tate residence if they wanted to kill someone?

Now, during argument I sit here, and I face the front of the Court, but when he said that I looked over to you. I thought maybe he was trying to be funny, but I did not see any smiles on any of your faces.

Why would they take a .22 caliber revolver? It just happens to be one of the most deadly of all firearms.

Was it deadly in this case? Yes,

Steven Parent was shot to death with that revolver, and Dr. Noguchi testified that one out of the two gunshot wounds to Voityck Frykowski, fatal in and of itself; the other gunshot wound, of course, was on Voityck Frykowski's leg, No firearm would cause a fatal wound, normally, if the bullet entered a leg.

And Dr. Noguchi testified the one gunshot wound to Jay Sebring also was fatal, <sup>in and of</sup> unto itself.

Mr. Fitzgerald said, "Why take a .22 revolver?"

Referring to the Tate murders, Mr. Fitzgerald said, "Why would Manson send three girls and only one man out on a mission of murder?"

Well, who else would he send? What other man would he have sent?

We all know about Danny De Carlo. He was either pretty high or with the girls out there; he wasn't too much concerned with anything else.

Clem Tufts, well Manson did take Clem Tufts the second night.

Other than those two, who else was there? There was Bruce Davis. For all we know Bruce Davis wasn't even on the premises of the Spahn Ranch on the evening of August 8th, 1969. He was there the following night. You recall as they drove out of the parking lot, Manson borrowed some money from Bruce Davis.

1 In any event, is Mr. Fitzgerald suggesting that  
2 Tex, Katie, Sadie and Leslie Van Houten were inadequate to  
3 do the job? Ladies and gentlemen, we are talking about the  
4 Tate murders themselves. There were 102 stab wounds.

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1 The victims were brutally slaughtered,  
2 butchered to death.

3 Isn't Mr. Fitzgerald satisfied with the handi-  
4 work of Tex, Katie and Sadie?

5 Moreover, Tex Watson is six feet two inches  
6 tall; he had a revolver; he had a sharp knife, Tex and  
7 Sadie and Katie had knives. There is no evidence that any  
8 of the Tate victims were armed.

9 With that type of a mismatch, they were more  
10 than adequate to carry out their master, Charles Manson's  
11 mission of murder.

12 Incidentally, Mr. Fitzgerald said I was  
13 indicating some type of favoritism towards Linda Kasabian.  
14 He said if Linda was not a prosecution witness I would  
15 not be calling her "Linda."

16 Apparently Mr. Fitzgerald has forgotten the fact  
17 that during this entire trial I referred to his client by  
18 the name of Katie no more or no less than two or three  
19 hundred times.

20 Somehow he thinks I am only calling Linda  
21 Kasabian by her first name.

22 Mr. Fitzgerald said that when Linda Kasabian  
23 was arrested in New Hampshire, December 2nd, 1969, how  
24 noble it was of Linda not to resist extradition.

25 Then he went on to say what good would it have  
26 done Linda.

5b-2

1 I suggest that Paul Fitzgerald ask his own  
2 client that question, Patricia Krenwinkel. Patricia  
3 Krenwinkel was arrested in Mobile, Alabama, December 1st,  
4 1969. She was not returned to Los Angeles until February  
5 21st, 1970, almost three months later.

6 Apparently Patricia Krenwinkel isn't quite as  
7 noble as Linda.

8 Mr. Fitzgerald said that the prosecution put  
9 on the fact that Manson had committed a number of other  
10 crimes.

11 Actually there was some rather astonishing  
12 cross-examination by Mr. Fitzgerald himself that brought  
13 out that fact.

14 Deputy Grap was on the stand, Mr. Fitzgerald  
15 asked Grap if Manson's name appeared on the wall of the  
16 Malibu Sheriff's Office even before these murders, and  
17 Grap replied that Manson's name was not on the wall, but  
18 there was an outstanding warrant out for his arrest.

19 Why <sup>a</sup>the defense attorney would ask/question like <sup>a</sup> ✓  
20 that I don't know, <sup>and</sup> then Mr. Fitzgerald went even further  
21 and asked Grap:

22 "Had you heard other police officers  
23 discuss Mr. Manson before July 28th, 1969?"

24 And Grap replied:

25 "Only that Manson had been arrested for  
26 various crimes."

5b-3

1 Mr. Fitzgerald said the prosecution is putting  
2 on evidence that Manson had been involved in other crimes.

3 Mr. Fitzgerald said Officer Escalante, the  
4 officer who rolled Tex Watson's fingerprints on April 23,  
5 1969, Fitzgerald said that Escalante could not remember who  
6 Watson was, and maybe the prints on the exemplar card,  
7 which is People's 245, did not belong to Tex Watson.

8 The only problem is that that exemplar card,  
9 People's 245, contains Charles "Tex" Watson's name on it.

10 And also Escalante testified that People's 36,  
11 the photograph of Tex Watson, definitely is the person  
12 whose prints he rolled on April 23rd, 1969.

13 There was no equivocation at all in Officer  
14 Escalante's testimony.

15 There is no reason to believe that those were  
16 not Tex Watson's fingerprints. All we have is Mr. Fitz-  
17 gerald's bald, naked declaration to the contrary.

18 There is no evidence of that. The only  
19 evidence is that was Tex Watson's fingerprints on those  
20 cards.

21 Mr. Fitzgerald said, why didn't the prosecution  
22 call representatives of the Jack Frost store to the stand  
23 to testify that they sold Charles Manson some rope in June  
24 of 1969.

25 No. 1, ladies and gentlemen, Danny DeCarlo was  
26 there and he testified that Manson bought the 150 feet of



1 white, three-strand, nylon rope.

2 Danny is no enemy of Charles Manson. He testi-  
3 fied on the stand that he loved him. He didn't hate Charlie.  
4 So we did have Danny DeCarlo's testimony.

5 No. 2, DeCarlo testified that Manson paid cash  
6 for that rope. Obviously, paying cash is that much more  
7 difficult to trace.

8 And, No. 3, how can Mr. Fitzgerald say that  
9 we should have called the sales people to the stand, when  
10 a minute or two earlier his express words were to you that  
11 sales people cannot remember the faces of people to whom  
12 they sell merchandise.

13 You remember him telling you that on another  
14 point.

15 But then when it came to Charles Manson buying  
16 the rope in Santa Monica, apparently that principle of  
17 Mr. Fitzgerald's no longer applied.

18 This was his statement, that sales people cannot  
19 remember faces.

20 He turns around a minute or so later and says  
21 "Why didn't you call the sales people?"

22 Now, we get into the robot argument. ✓

23 Mr. Fitzgerald alleged that since I said these  
24 defendants were robots and Zombies and automatons, they  
25 could not premeditate, hence they could not be guilty of  
26 first degree murder.

1 Mr. Kanarek and Mr. Keith said if they were  
2 robots they would not be guilty of any crime at all.

3 Of course, ladies and gentlemen, Mr. Fitzgerald  
4 and Mr. Keith and Mr. Kanarek know very very well, know  
5 very very well that the words robot and Zombies and  
6 automations are merely a figure of speech to refer to someone  
7 who was slavishly obedient to someone else, as these  
8 defendants were to Charles ~~Tex~~ <sup>Manson</sup> Watson.

9 I wasn't referring to a clinking armor type of  
10 robot, or someone whose brains had been surgically removed.

11 And they know that.

12 It shows the desperation, ladies and gentlemen,  
13 the incredible desperation of their position, to hang on  
14 a figure of speech.

15 If, by robot, Zombies and automations, I meant  
16 what these three defense attorneys said I meant, not only  
17 wouldn't these defendants be guilty of first degree murder,  
18 they wouldn't even be guilty of second degree murder,  
19 although Mr. Fitzgerald somehow thinks they would be guilty  
20 of second degree murder, but, as Mr. Kanarek and Mr. Keith  
21 pointed out, and I agree, they would not be guilty of  
22 any crime at all if they were true robots, because second  
23 degree murder requires an intent to kill also.

24 Mr. Keith bought the fact, he bought the fact,  
25 Mr. Keith, that Manson completely dominated these co-  
26 defendants, Tex Watson and the three female defendants.

1 Mr. Keith went on to suggest that Watson and  
2 the three girls had some type of a mental disability, those  
3 were his words, which prevented them from deliberating and  
4 premeditating, even prevented them from having malice  
5 aforethought.

6 He said that for all intents and purposes they  
7 didn't have their own mind; that it was Charles Manson's  
8 mind, it was a case of transferred intent.

9 Well, there are several problems, ladies and  
10 gentlemen, with Mr. Keith's position.

11 The first problem is this, which completely  
12 negates this baloney about their being robots and they didn't  
13 know what they were doing, they were Zombies and had no minds.  
14 It completely negates what they said.

15 Judge Older will give you this instruction,  
16 ladies and gentlemen, if you want to write it down -- he  
17 might not give you the number, it's 3-34. These are the  
18 exact words that Judge Older will give you you.

19 "The intent with which an act is done  
20 is shown by the circumstances attending the act,  
21 the manner in which it is done, the means used  
22 and the soundness of mind and discretion of the  
23 person committing the act."

24 Here is the crucial paragraph which completely  
25 buries and sets aside this ridiculous time-consuming  
26 argument by the defense attorneys:

1 "For the purposes of the case on trial  
2 you must" --

3 This is a command; this is not discretionary --  
4 "-- you must assume that each defendant was of  
5 sound mind at the time of his alleged conduct,  
6 which, it is charged, constitutes the crime  
7 described in the indictment."

8 Judge Older will give you that instruction.

9 In other words, ladies and gentlemen, as a  
10 matter of law, as a matter of law, you must treat Charles  
11 Manson, Susan Atkins, Patricia Krenwinkel and Leslie Van  
12 Houten as having sound minds, in other words, not impaired  
13 by any type of mental infirmity or disability.

14 And this is so because the defense attorneys  
15 never put on any defense in this case of insanity or  
16 diminished capacity; there was no defense like that, and  
17 that is why Judge Older is going to give you this instruc-  
18 tion.

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1 That instruction alone completely eliminates,  
2 discards, jettisons, throws out the window this ridiculous  
3 preposterous argument of theirs.

4 There are other problems with Mr. Keith's  
5 argument.

6 Before he gave you his argument he should have  
7 talked to Paul Fitzgerald. In fact, before Paul Fitzgerald  
8 spoke, Mr. Keith should have spoken to Paul Fitzgerald.  
9 I will tell you why, because here is what Paul Fitzgerald  
10 himself said about these three female defendants, com-  
11 pletely giving a lie to the robot argument.

12 Here is what Paul Fitzgerald said:

13 "These defendants are bright; they are  
14 intuitive; they are perceptive, and they had  
15 the benefit of the same training and education  
16 that we have."

17 You recall Paul Fitzgerald telling you that?  
18 Maybe they should have had some type of conference before  
19 they hung their hat on this robot argument.

20 In fact, even if they had looked at this  
21 instruction they would not have made an argument like that.  
22 Maybe they thought I was unaware of this particular  
23 instruction.

24 The third problem with Mr. Keith's argument, the  
25 third problem, as if we need a third problem, the first  
26 instruction alone completely negates that argument.

1           The third problem is that there is absolutely  
2 no evidence in this record, no evidence that came from  
3 that witness stand that these defendants were suffering  
4 from any type of mental infirmity.

5           To the contrary, these defendants were thinking  
6 very, very clearly on these two nights of murder.

7           You recall Patricia Krenwinkel going down to  
8 Parent's car where Linda was, and telling Linda,  
9 "Linda, listen for sounds."

10           Does that sound like a robot?

11           You recall Tex Watson telling Linda Kasabian  
12 to wipe the prints off the knives before she threw them out  
13 of the car; thinking very, very clearly.

14           Do you recall Tex, Sadie and Katie washing the  
15 blood off their bodies in the early morning hours of  
16 August 9th in front of Rudolf Weber's home, the obvious  
17 purpose of which, if they were stopped later by the police,  
18 they would not look suspicious having blood on their  
19 clothing, ~~and~~ <sup>and</sup> in addition to throwing the knives out of the  
20 window, they disposed of the clothing and the revolver, ~~and~~  
21 Leslie Van Houten <sup>wiped</sup> wiping off fingerprints at the La Bianca  
22 residence.

23           *There absolutely*  
24 Absolutely no question that these defendants  
25 were thinking very, very clearly on these two horrendous  
26 nights of murder.

          Mr. Keith said, again going on the robot argument,



1 "If these people are robots" --

2 Of course, we have proven that they are not --  
3 "that there was no intent to kill the victims in this case."

4 He said, "It's just as reasonable to believe  
5 that these defendants never intended to kill the victims  
6 in this case."

7 Jay Sebring--I'm not going to be like Mr. Kanarek  
8 and show you all these pictures, you have already seen  
9 them, just briefly--Jay Sebring, ladies and gentlemen,  
10 Abigail Folger, look at those wounds, ~~entranced~~<sup>stunned</sup> in blood,  
11 Rosemary La Bianca, 41 stab wounds!

12 Here is a picture of Leno La Bianca, ~~so~~<sup>so</sup> horrendous  
13 no one even can look at it.

14 Voityck Frykowski, 51 stab wounds, struck  
15 viciously over the head 13 times.



*The*

★ beautiful honey blonde, Sharon Tate, bathed in blood, cut up savagely like an animal.

Steven Parent, brutally murdered in his car.

And Mr. Keith has the audacity to say: "Maybe these defendants weren't trying to kill these people."

What were they trying to do? Hurt them or frighten them?

With humor like that, if they ever go out of the legal profession, they can perform on the stage, if you want to buy that type of sick humor.

The Tate-La Bianca victims were stabbed 169 times. And Mr. Keith gets up in front of you and says it is just as reasonable to believe that they weren't trying to kill these people.

Well, you know, ladies and gentlemen, this is a free country, like Mr. Kanarek said, the First Amendment; you can say anything you want to.

You can come up to someone and say, "I heard a cow speak ~~the~~ the Spanish language." You can say you saw an alligator doing the polka. It is a free country. But that doesn't mean anyone has to buy what you are saying. It doesn't mean on the open market there is any value to what you are saying.

And the intent to kill in this case wasn't a spur-of-the-moment, instantaneous intent to kill, ladies and gentlemen. The mission on both nights was murder.

1           The intent to kill couldn't possibly have been  
2 more premeditated.

3           Susan Atkins herself told Virginia Graham that it  
4 didn't make any difference who was in the Tate residence  
5 that night, they all were going to be killed.

6           That is premeditation.

7           Tex, Sadie, Katie and Leslie definitely were  
8 robots and zombies and automatons, no question about it,  
9 but only in the sense that they did whatever Charles Manson  
10 told them to do and never disobeyed him. Only in that  
11 sense.

12           This does not mean that they did not want to  
13 do what Charles Manson told them to do and weren't very  
14 willing participants in these murders.

15           To the contrary, all of the evidence goes the  
16 other way. There is no evidence that any one of these  
17 defendants objected to Charles Manson about these two  
18 horrendous nights of murder.

19           Only Linda Kasabian, down in Venice, said:  
20 "Charlie, I am not you. I can't kill."

21           That is Linda. I am talking about these three  
22 female defendants here.

23           And the overkill, the overkill, like  
24 stabbing Voityck Frykowski 51 times. Doesn't that show  
25 willing participation?

26           And when Tex, Katie and Sadie are watching Channel

1 2 at 6:00 o'clock on August the 9th, and they see the news  
2 accounts of the Tate murders, they laugh. Ladies and ✓  
3 gentlemen, they laugh.  
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1           What were can I use for that? Unbelievable?  
2 Incredible?

3           The announcer is talking about the Tate murders;  
4 probably on television it showed the five bodies being  
5 taken from the scene: Tex, Katie, Sadie are laughing.  
6 Laughing, ladies and gentlemen.

7           Doesn't this show they were very, very willing  
8 participants in what they did?

9           They enjoyed it. Susan told Virginia Graham  
10 and Roni Howard that she enjoyed stabbing people. She  
11 analogized it to a sexual climax, only she said that it  
12 was better.

13           Leslie Van Houten told Dianne Lake that the  
14 more she stabbed, the more she enjoyed it. ✓

15           The fact that these three female defendants  
16 obeyed Charles Manson and did whatever he told them to do,  
17 does not immunize them from a conviction of first-degree  
18 murder. It offers no insulation, no protection whatsoever.

19           If it did, then hired killers or trigger men  
20 for the Mafia would have a built-in defense for murder. ✓  
21 All they would have to say is: Well, I did what my boss  
22 told me to do. I did what my boss told me to do. I can't  
23 disobey my boss.

24           Well, it is not quite that easy, ladies and  
25 gentlemen, and when you come back into this courtroom  
26 with your verdict of not -- verdict of guilty -- you are

1 going to tell these defendants that it is not quite that  
2 easy. That you don't just say: Well, I did what Charlie  
3 told me to do.

4 You don't escape criminal responsibility that  
5 easily, ladies and gentlemen.

6 Tex Watson, Susan Atkins, Patricia Krenwinkel  
7 and Leslie Van Houten definitely were robots, automatons  
8 and zombies, <sup>but</sup> only in the sense that they were totally  
9 subservient and obsequious and servile to Charles Manson.  
10 That is the only sense.

11 Their conduct clearly and unequivocally shows  
12 that on both nights they knew exactly what they were doing,  
13 they intended to kill, they did kill, and they did every-  
14 thing possible to avoid detection.

15 They weren't suffering, ladies and gentlemen,  
16 from any diminished mental capacity. They were suffering  
17 from a diminished heart, a diminished soul.

18 Mr. Fitzgerald said that Linda Kasabian was  
19 part of the inner circle, and yet she testified that she  
20 never knew that the mission on the first night was going  
21 to be murder.

22 Mr. Kanarek said that if Linda was intimate  
23 with everything that happened at the ranch, why was she  
24 left out from knowing what was going to happen the first  
25 night?

26 Mr. Kanarek also asked: Why was Linda picked to

1 go on the first night?

2 Number one, ladies and gentlemen, it seems  
3 rather obvious that Linda Kasabian was not a member of the  
4 inner circle of Charles Manson's Family.

5 Number one, she had just joined the Family about  
6 a month earlier prior to these murders.

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1 Susan Atkins had been with Charlie for over  
2 two years. Leslie Van Houten and Patricia Krenwinkel had  
3 been with Charlie for over one year.

4 Moreover, the fact that Linda Kasabian, only  
5 she fled the Family and Spahn Ranch after these murders,  
6 certainly shows that among Tex, Katie, Sadie and Leslie,  
7 she and only she totally and completely rejected what had  
8 happened on these two nights.

9 And of course, there is no evidence that Linda  
10 Kasabian was intimate with everything that was going on at  
11 Spahn Ranch.

12 According to the girls, there was only one  
13 person who had the powers of God, who could see all and know  
14 all.

15 That is Charlie Manson.

16 No. 2, ladies and gentlemen, and I admit that  
17 this is just speculation on my part because I have no way of  
18 knowing this, but there is a distinct possibility that the  
19 only reason Charles Manson asked Linda Kasabian to go  
20 along on these two nights of murder was that she had a  
21 driver's license, and I will tell you why.

22 You recall, Linda Kasabian testified that one  
23 of Manson's orders at Spahn Ranch <sup>was</sup> ~~is~~ that whenever the  
24 Family went into town he only wanted those members of the  
25 Family to drive who had a driver's license. And Linda  
26 Kasabian testified that only she and Mary Brunner had



6b-2

1 driver's licenses.

2 If you recall, on the afternoon of August the  
3 8th, 1969, Mary Brunner was arrested with Sandra Good. That  
4 is the afternoon of the Tate murders. So, apparently Linda  
5 Kasabian was the only other member of the Family, as far  
6 as we know, with a driver's license upon whom Charles Manson  
7 could call.

8 And you will recall, ladies and gentlemen, that  
9 on both nights Charles Manson told Linda Kasabian: Go get  
10 your driver's license.

11 He didn't tell Tex, as far as we know, or Katie  
12 or Sadie or Leslie.

13 And we know that on the first night, ladies and  
14 gentlemen, when Tex Watson wasn't driving, Linda Kasabian  
15 was driving the car, not Katie or Sadie.

16 And on the second night, when there were seven  
17 people in that car, when Charles Manson wasn't driving,  
18 only Linda Kasabian was driving.

19 Again, speculation on my part, why Charles Manson  
20 would ask Linda Kasabian to accompany him on these two nights  
21 of murder, but I think it is certainly a reasonable inference  
22 based on the evidence.

23 Mr. Fitzgerald said that since the Los Angeles  
24 Police Department knew, as of August the 12th, 1969, that  
25 the murder weapon was a .22 caliber High Standard revolver,  
26 and the revolver was turned in to the Valley Services Division

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1 of the Los Angeles Police Department on September the 1st,  
2 1969, how come Sergeant Calkins didn't pick up the  
3 revolver until December the 16th, 1969, especially in view  
4 of the fact, as he said, the LAPD sent flyers out describing  
5 the weapon that they were looking for to law enforcement  
6 agencies everywhere in the country.

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1 Mr. Fitzgerald wasn't listening to the evidence,  
2 ladies and gentlemen, because Sergeant Calkins testified  
3 that the Homicide Division of the Los Angeles Police  
4 Department did not send a copy of the flier out to the  
5 Valley Services Division of the Los Angeles Police  
6 Department.

7 Police officers, ladies and gentlemen, as we  
8 have seen in this case, are human beings just like anyone-  
9 else and they can make mistakes.

10 No copy of the flier was sent out to the Valley  
11 Services Division, and this is why, of course, the  
12 revolver wasn't picked up until Steven Weiss' father  
13 called the Los Angeles Police Department and suggested that  
14 maybe they <sup>had</sup> have the Tate murder weapon, the weapon that  
15 his son Steven found on September the 1st, 1969.

16 Mr. Fitzgerald complained over and over again  
17 that several of the prosecution witnesses couldn't remember  
18 what other people were present during conversations they  
19 had with the defendants in this case, and he said this  
20 smacked of something suspicious, maybe the conversations  
21 didn't take place.

22 I suggest this is specious argument, ladies  
23 and gentlemen.

24 When we speak to someone amidst a group of  
25 people, we can't remember who the other people were who <sup>were</sup> ~~are~~  
26 in our presence.

1           Why? Because it is totally irrelevant. We  
2 don't concern ourselves with such things.

3           When Dianne Lake was speaking to Patricia  
4 Krenwinkel in late August or early September at Willow  
5 Springs and Death Valley, if she knew at that time that a  
6 year later some attorney was going to ask her who else was  
7 in your presence, then maybe she would have looked to her  
8 left and right and made a mental note of it, and maybe  
9 she would have remembered. But otherwise, people don't  
10 look at things like that.

11           You can call on your own human experience.  
12 You don't remember who was in your immediate presence at  
13 a conversation a year ago, a month ago, a week ago, or  
14 even a day ago.

15           In fact, while the conversation is actually taking  
16 place, most of us don't know who is in our immediate  
17 presence unless we look to our left or our right.

18           I suggest that the next time someone speaks to  
19 Mr. Fitzgerald at the break, they ask him who is in the  
20 immediate presence during the conversation, and ask  
21 Mr. Fitzgerald to answer that question without looking to  
22 his left or right. And if he can't answer the question,  
23 maybe that means that he is not talking to the person.

24           It is a specious argument that is  
25 completely incompatible with our human experience.

26           Mr. Fitzgerald said that it is not a fact that

1 Abigail Folger's blood was on the back door of the Tate  
2 residence since Voityck Frykowski had the same blood type.  
3 I guess it is B-MN. MN being the subblood type, and B  
4 the main blood type.

6d

6d-1

1 With respect to whether the B type blood is  
2 Abigail Folger's or Voityck Frykowski's, it is pretty  
3 obvious that it was Abigail's.

4 I say this for two reasons. No. 1, Linda  
5 Kasabian testified to seeing Patricia Krenwinkel chase  
6 Abigail Folger, not Voityck Frykowski, in the vicinity of  
7 the back of the residence near the pool. In other words,  
8 close to the back door.

9 Furthermore, when the police arrived the  
10 following morning, they found Abigail Folger's body much  
11 closer to the back door than Voityck Frykowski's body.

12 So, in view of Linda's testimony, and the  
13 physical location of the bodies, there is no question but  
14 that the B type blood was Abigail Folger's.

15 Mr. Fitzgerald said that Sharon Tate and Jay  
16 Sebring's blood was found outside the front door of the  
17 Tate residence.

18 I went into that<sup>in</sup> detail in my opening argument,  
19 and he just repeated it, but he never stated the relevance.  
20 He repeated the fact that the blood was found outside the  
21 front door.

22 Mr. Kanarek carried it a step further and said  
23 that since their blood was found outside the front door of  
24 the Tate residence, how come Linda never testified to  
25 seeing Sharon Tate and Jay Sebring outside the front door  
26 of the Tate residence?

6d-2

1 Well, in the first place, there probably was  
2 a virtual river, a river of blood, inside the Tate residence,  
3 and it is entirely possible that Tex, Katie or Sadie, or  
4 even Voityck Frykowski, stepped on Sharon Tate's or Jay  
5 Sebring's blood and carried it out with them.

6 But even assuming, even assuming, that Sharon  
7 and Jay themselves carried their blood out the front door  
8 of the Tate residence, that is not inconsistent with  
9 Linda Kasabian's testimony.

10 It is obvious, if they did that, it was at a  
11 time when Linda was somewhere else on the premises.

12 Linda testified that before she saw Tex stab  
13 Frykowski, she was down by Steven Parent's car. Do you  
14 recall that? Before she saw Tex stab Voityck Frykowski,  
15 she was down by Steven Parent's car.

16 At that time, Sharon Tate or Jay Sebring could  
17 have run out the front door of the Tate residence and left  
18 their blood on the front porch.

19 Linda also testified that after Tex Watson stabbed  
20 Voityck Frykowski, she ran down the bottom of the hill and  
21 waited by Johnny Swartz's car, and she said that several  
22 minutes later Tex, Katie and Sadie arrived.

23 So, during that several minute~~s~~ interlude,  
24 Sharon Tate and Jay Sebring may have run outside.

6e fls.



6e-1

1 In any event, keep two things in mind, ladies  
2 and gentlemen.

3 No. 1, the fact that their blood was outside  
4 is not inconsistent with Linda Kasabian's testimony because  
5 she, at no time -- she at no time -- said that she was  
6 present in front of the Tate residence during every  
7 second of these murders. Keep that in mind.

8 No. 2, it is incredible <sup>that</sup> Mr. Kanarek can expect  
9 a complete, exact, precise explanation, ladies and gentle-  
10 men, from Linda Kasabian as to everything that happened  
11 that night.

12 There was a virtual orgy of murder going on,  
13 ladies and gentlemen. A virtual orgy.

14 Tex, Katie and Sadie viciously stabbing Voityck  
15 Frykowski, Jay Sebring, Sharon Tate and Abigail Folger in  
16 the chest and in the heart, and the victims screaming out  
17 into the night, running desperately for their lives.

18 There must have been such an unbelievable flurry  
19 of wild and frantic confusion and hysteria that even a  
20 motion picture camera would have had a difficult time  
21 capturing everything that happened.

22 Yet Mr. Kanarek expects exactitude and precision.

23 I suggest: Let him play those little games by  
24 himself.

25 Mr. Fitzgerald said that the police checked the  
26 Benedict Canyon area in November of '69 and couldn't find

1 the clothing.

2 Don't forget that the Benedict Canyon area is  
3 a mountainous, hilly, winding road area with a very, very  
4 thick growth.

5 Yet he goes on to say that a Channel 7 crew  
6 found the clothing on December the 15th, 1969, and he  
7 thinks this is somewhat suspicious; he said that he doubts  
8 that the clothing belongs to the Tate killers.

9 I went into considerable depth during my  
10 opening argument, I think, conclusively showing that this  
11 clothing did belong to the Tate killers.

12 Mr. Fitzgerald went on to say that maybe Linda  
13 went back there and left the clothing there. Paul Fitz-  
14 gerald is telling you that.

15 Well, if Mr. Fitzgerald claims that the clothing  
16 was not there in November of 1969, he is necessarily saying,  
17 then, that Linda must have gone back after November of  
18 '69 and left the clothing there.

19 The only problem with that wild type of reason-  
20 ing is that Linda Kasabian was arrested on December the 2nd,  
21 1969, in New Hampshire, she was taken into custody, and  
22 she was brought out here in custody.

23 Unless Mr. Fitzgerald wants you folks to believe  
24 that one night between December the 2nd or 3rd, 1969, and  
25 December the 15th, 1969, Linda snuck out of her room at  
26 Sybil Brand, rounded up some clothing, put some blood on

1 them, hitchhiked out ~~the~~ Benedict Canyon road, threw the  
2 clothing over the side of the hill, then hitchhiked back  
3 to the jail and snuck back into her room.

4 If he wants you to believe that, I don't think  
5 he is going to have too much luck.

6f fls.

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1 Mr. Fitzgerald says that the killer or killers  
2 of the Tate victims -- that the glasses that were found  
3 belong to one of the killers of the Tate victims.

4 Well, I don't have to show you the glasses.  
5 You know what they are. People's 243.

6 Mr. Fitzgerald says those glasses belong to the  
7 Tate killers. He has no evidence to support this. This  
8 is wild speculation on his part. But that is his con-  
9 tention.

10 I think it is rather clear, ladies and gentlemen,  
11 that someone who had visited the Tate residence on a  
12 prior occasion inadvertently left those glasses there,  
13 and one can readily understand why that person would not  
14 dare come forward, not dare come forward and claim those  
15 glasses.

16 Would it be worth getting back a pair of cheap  
17 glasses, ladies and gentlemen, when Mr. Fitzgerald said,  
18 right here in court, talking about another item of evidence:  
19 Let's find the registered owner of that revolver and accuse  
20 him of these murders.

21 Would it be worth the owner of those glasses  
22 coming back to claim a cheap pair of glasses when someone  
23 like Mr. Fitzgerald, or Mr. Kanarek, would probably pub-  
24 licly accuse them of these murders?

25 I think it is worth buying a new pair. Don't  
26 you think so?

1 I will admit that we do not know to whom those  
2 glasses belong, but we do know one thing: They do not  
3 belong to the Tate killers, and I will tell you why.

4 Because, number one, there is a massive,  
5 prodigious amount of evidence showing that the Tate killers  
6 were Tex Watson, Susan Atkins and Patricia Krenwinkel.

7 Not only Linda Kasabian's testimony, but the  
8 confessions and the fingerprints, the firearms evidence.

9 We know that the glasses do not belong to Tex,  
10 Katie or Sadie; ergo, we know that the glasses do not  
11 belong to the Tate killers.

12 Number two, Susan Atkins, ladies and gentlemen,  
13 herself one of the Tate killers, said, in so many words,  
14 that those glasses do not belong to one of the killers.

15 Let's look at what Susan Atkins told Roseanne  
16 Walker.

17 I am questioning Roseanne Walker.

18 "Then you and Susan Atkins had a conversation  
19 with respect to these glasses?"

20 You recall, there was a radio broadcast about  
21 the glasses at Sybil Brand.

22 "A. Yes.

23 "What did you say and what did she say?

24 "I said, now that they found the glasses,  
25 they will find whoever did it."

26 And she said -- we were arguing -- she thought

1 I meant whoever owned the glasses was the person who did it,  
2 you know.

3 "This was your position?

4 "Yeah,

5 "And what was her position?"

6 This is Susan Atkins' position:

7 "Her position was, well, she said it would  
8 be okay if they found the person that owned the  
9 glasses and they blamed him, and the only thing  
10 he did was drop glasses there. All he was guilty  
11 of was losing his glasses."

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6g

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1 Susan Atkins, herself one of the Tate killers,  
2 ladies and gentlemen, should know. After all, she was there.  
3 And Susan Atkins said, in so many words, those glasses do  
4 not belong to the Tate killers.

5 Susan Atkins, one of the Tate killers who was  
6 present at the scene of these murders, who <sup>is</sup> ~~was~~ charged  
7 with the five Tate murders, who is a defendant in this  
8 case, has no doubt in her mind that these glasses belong  
9 to some innocent person who just left them at the scene.

10 But Paul Fitzgerald, ladies and gentlemen,  
11 who was not one of the Tate killers, who was not present at  
12 the scene of the murders, who <sup>is</sup> ~~was~~ not charged with these  
13 crimes, who <sup>is</sup> ~~was~~ not a defendant, somehow knows that these  
14 glasses belong to one of the killers.

15 Well, as they say in Akron, Ohio, ladies and  
16 gentlemen, "Ho hum."

17 I will get back to Mr. Fitzgerald later on.

18 With respect to Mr. Shinn, my friend Daye  
19 Shinn.

20 He got up -- Daye said one thing which I think  
21 I can apologize to you for him.

22 You recall, he said that one of the prosecution  
23 witnesses had 18 aliases. He said none of you folks have  
24 more than five.

25 Well, I don't think Daye meant that, and I  
26 will apologize to you for him.



6g-2

1 MR. SHINN: Thank you.

2 MR. BUGLIOSI: I will get back to Mr. Shinn later  
3 with respect to some of the arguments that he made.

4 Let's talk about Irving Kanarek.

5 I am not very good at telling stories, but I  
6 think one story comes to my mind which is applicable,  
7 particularly to Irving Kanarek.

8 There is such an overwhelming amount of evidence  
9 in this case against these defendants, including Mr. Manson,  
10 that it is almost ridiculous, and yet Irving Kanarek said:  
11 None of the evidence means anything; nothing <sup>is</sup> suspicious,  
12 nothing is incriminating; confession, fingerprints? So  
13 what. Nothing means <sup>anything</sup> ~~everything~~. Everything is reasonable,  
14 understandable. Nothing incriminating.

15 That reminds me, of course, of the gentleman  
16 who comes home early from work one day. He goes into the  
17 bedroom and he finds his wife with her negligee on. He  
18 goes into the closet and he is hanging his coat in the  
19 closet and he sees a man hiding in the closet.

20 He says: What are you doing here?

21 The man looks up and says: Sir, everyone  
22 has to be somewhere.

23 And I think Irving Kanarek would agree with that  
24 man. That is true, everyone does have to be somewhere.  
25 There is nothing suspicious about that.

26 Well, that is Irving Kanarek for you, ladies

6g-3.

1 and gentlemen. I think he would say that there is nothing  
2 incriminating about that.

3 Mr. Kanarek, in his argument to you folks, not  
4 only misstated the evidence, Irving Kanarek went much  
5 farther than that, ladies and gentlemen. ~~And~~ Maybe the  
6 proper grammar would be that he went much further than  
7 that.

8 Irving Kanarek actually created and manufactured  
9 and invented his own evidence.

6h fls.

6h-1

1 Any connection, ladies and gentlemen, between  
2 Irving Kanarek's version of what happened on these two  
3 nights of murder and the testimony that came from that  
4 witness stand has got to be accidental. It has got to be  
5 accidental. It is one of these mathematical things that  
6 happens now and then in life. Any connection at all is  
7 just a mathematical accident.

8 By and large, Mr. Kanarek totally blocked  
9 himself out from the evidence that came from that witness  
10 stand, and in lieu thereof, he wrote his own scenario of  
11 what happened on these two nights of murder.

12 The scenario wasn't based on the evidence that  
13 came from the witness stand under oath. It was based on  
14 Irving Kanarek's pregnant, fertile world of Alice in  
15 Wonderland, sprinkled very heavily, of course, with just  
16 plain old wishful thinking on his part.

17 You know, it is customary for lawyers during  
18 their arguments to you to give wings to their imagination.  
19 It is perfectly all right, perfectly permissible.

20 *But when*  
When Mr. Kanarek was telling you folks what  
21 happened at the Tate residence, actually, I looked at the  
22 windows in this courtroom and I was relieved to see they  
23 were closed, because if they weren't closed, that man would  
24 have flown right out of this courtroom.

25 Either Irving Kanarek has a severe, incurable  
26 allergy to the evidence that came from the witness stand or

1 he attended a trial that you and I weren't privileged to  
2 attend.

3 Maybe after we all went home at night, ladies  
4 and gentlemen, and we were in bed, Irving Kanarek, hand  
5 in hand with the goblins -- here comes that word "goblins"  
6 again -- snuck back into this courtroom and conducted his  
7 own trial with marionettes and harlequins, and Irving  
8 was the maestro and conducted the entire proceedings.

9 Of course, you can bet your last penny that he  
10 didn't offer any evidence against Charlie Manson. In fact,  
11 he erased Charlie Manson's name from the indictment.

12 I often wondered why Irving Kanarek had a  
13 smile on his face every morning when he came into the  
14 courtroom. He was intoxicated with the flush of success  
15 that he had enjoyed throughout the night.

16 In fact, last Friday morning, ladies and  
17 gentlemen -- and this is in the transcript -- Murray  
18 Mehlman will read it back to you -- last Friday morning,  
19 believe it or not, here is what Mr. Kanarek said:

20 First, he said good morning to you. And then  
21 he said: We were speaking last night about alibi.

22 ~~Last night~~ <sup>Last night</sup> we were talking about an alibi?

23 Well, I hate to bring Mr. Kanarek back into the  
24 world of reality, ladies and gentlemen, but in <sup>the</sup> trial that  
25 has been taking place in this courtroom during daylight  
26 hours, the evidence overwhelmingly shows that his client,

Charles Manson, ordered the seven Tate-La Bianca murders. )

As his Honor will instruct you, you have to base your verdict in this case on the evidence that came from that stand.

Mr. Kanarek's topsy-turvy assertion of what happened at the Tate-La Bianca residence is not based on one shred of evidence, and as he went on he became more wild and abandoned in his assertions.

At one point he said that ~~the~~ <sup>some of these murders, members of</sup> the Los Angeles Police Department ~~was~~ <sup>were</sup> at the Spahn Ranch dressed as hippies and acting as informers.

Do you recall his telling you that?

Without any evidence to support what he said, he claimed, for instance, that Linda Kasabian was outside the Tate residence, and when she decided that Charles Manson was not God, she ran into the house to get her knife, because she had a strong affinity for the knife.

He never bothered to explain to you the connection between Linda deciding that Manson was not God and going into the Tate residence to get her knife. He never explained any connection between the two.

Then he said that Linda was in love with Tex, and Tex was inside the house, and Linda heard something coming from inside the house, so she ran into the Tate residence to protect Watson.

To protect Watson, mind you.

Sharon Tate, Jay Sebring, Voltyck Frykowski, and

1 Abigail Folger being brutally, savagely butchered to death  
2 by Tex, Katie and Sadie, and Irving Kanarek says that Linda  
3 went in there to protect Tex Watson.

4 Then Mr. Kanarek says that Linda dropped her knife  
5 inside the house, and she either wrote "pig" on the front  
6 door before or after she dropped her knife inside the  
7 residence.

8 Of course, there is no evidence at all that  
9 Linda wrote the word "pig" on the outside of the front door  
10 of the Tate residence, but he just baldly came out and said  
11 that Linda is the one that wrote the word "pig."

12 Why did Linda Kasabian write the word "pig"?  
13 Listen to this, according to Mr. Kanarek, who was apparently  
14 present that night. Listen to what he says: Linda wrote  
15 the word "pig" -- listen to this -- because she saw her  
16 boy friend, Tex, mercilessly stab people, and out of a  
17 feeling for Tex printed the word "pig."

18 In other words, Tex Watson is brutally stabbing  
19 people to death, and somehow Linda feels sorry for Tex,  
20 so she writes "pig" on the front door.

6j-1

1 Now, am I suffering from an intellectual hernia,  
2 or is Irving Kanarek? I don't know.

3 I mean, what type of madness is this, ladies and  
4 gentlemen?

5 Then he said: Maybe Linda dropped her knife  
6 inside the residence while she wrote the word "pig" on the  
7 door.

8 Of course, this would be impossible because  
9 people's 39, the Buck knife, was found on a sofa inside  
10 the living room of the Tate residence. So, how can she  
11 write it there when she is writing "Pig" outside the door  
12 of the Tate residence.

13 Impossibilities never bother Irving Kanarek. ✓

14 Then he said: Linda was probably moving everyone  
15 around at knife point, and Garretson appeared and chased  
16 Linda away.

17 Do you remember his telling you that?

18 Why did Tex and Linda go to the Tate residence?  
19 According to Mr. Kanarek, Linda was out of LSD. So her  
20 boy friend Tex took her to the Tate residence to get some  
21 LSD, and apparently Tex felt he may just as well kill  
22 two birds with one stone, and he just somewhat incidentally  
23 murdered the five Tate victims.

24 By the way, ladies and gentlemen, although the  
25 Tate victims were stabbed 102 times and shot seven times,  
26 and of course Voltyck Frykowski was hit over the head 13



6j-2

times, according to Irving Kanarek, none of these victims  
were murdered. They weren't even killed, ladies and gentlemen.  
You remember, they just passed away. You remember that,  
they just passed away. He must have told you that 30 times.

7 fls.

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1           Mr. Kanarek said the stab wounds of the Tate  
2 victims show they were inflicted by people under the  
3 influence of drugs, by drug-crazed people.

4           How he can look at these photographs of the  
5 victims and conclude that I don't know. You'll have to  
6 ask Irving Kanarek about that.

7           Then he went on to say that the wounds inflicted  
8 by drug-crazed people is consistent with the fact that  
9 Linda most likely was under the influence of LSD or mari-  
10 juana on both nights.

11           You recall he had just told us that Linda was  
12 out of drugs and Tex went to the Tate residence with her  
13 to get some drugs for her.

14           As to the La Bianca murders, Mr. Kanarek said  
15 that Tex Watson and Linda also committed those murders,  
16 and the thongs tied around Leno La Bianca's wrists are  
17 Linda Kasabian's thongs.

18           He never did get around to telling you why  
19 Tex and Linda went to the La Bianca residence. I thought  
20 he was going to say something about Linda was a coin  
21 collector, and she and Tex went to the La Bianca residence  
22 to look at some foreign coins, so Tex takes her there and  
23 once there Tex decides to kill two birds with one stone,  
24 and kills Mr. . and Mrs. La Bianca.

25           Mr. Kanarek went on and on and on with his  
26 pipe dream, ladies and gentlemen, as to how these murders

1 were committed.

2 Mr. Kanarek for some strange reason believes  
3 that Rosemary La Bianca's wallet was found in the men's  
4 rest-room at the gasoline station at Sylmar.

5 If he turned to page 14,812 of the transcript,  
6 he would see that Charles Koenig, the attendant, testified  
7 the wallet was found in the woman's rest-room.

8 Of course Linda Kasabian testified on page 5,305  
9 that she left the wallet in the woman's rest-room.

10 Irving Kanarek said that Linda loved Tex,  
11 and wants to protect him in any way she can.

12 You remember his telling you that she wants to  
13 protect Tex because she is in love with Tex, one of these  
14 hearts and flowers situations.

15 Well, Linda testified that Tex Watson shot  
16 Steven Parent to death, stabbed Voltyek Frykowski to death,  
17 and Linda also testified that Tex was dropped off at the  
18 La Bianca residence on the night of the La Bianca murders.

19 How in the world was Linda protecting Tex  
20 by that type of testimony? Again you will have to ask  
21 him about that.

22 As you know, one of the principal points of  
23 Mr. Kanarek's argument about who was behind these murders  
24 was to put the hat on Charles Tex Watson.

25 He constantly said that Charles Watson was  
26 not a follower of Charles Manson. He was independent of...