

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.

204

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, March 19, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
MAXWELL KEITH, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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

1-1

LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 19, 1971

9:08 o'clock a.m.

THE COURT: All of the defendants are present except Mr. Manson; all counsel and all jurors are present.

You may continue, Mr. Kanarek.

MR. KANAREK: Thank you, your Honor.

Good morning, ladies and gentlemen. I would like to, if I may, try to spell it right, right here the words, possible innocence, because in the absolute discretion that the jury has in the penalty phase, possible innocence is one of the criteria that the jury may use in exercising its absolute discretion, for the obvious reason that death is the final kind of action that is irreversible.

And in that connection, the Court -- now, let me back off a little bit.

Once again, once again we are asking you to consider, and you will be given by the Court, jury instructions, and these jury instructions that the Court is going to give in this case -- I mean at this point in the proceedings -- are jury instructions that refer to the matters that came out during the penalty phase, that is, they refer as far as Mr. Manson is concerned to the Gary Hinman matter and to the Bernard Crowe matter.

And so the Court is going to instruct us in

1 connection with several types of crimes, certain crimes
2 involving assault, certain crimes involving murder.

3 But these instructions and, if I may say this,
4 don't let anyone insult your intelligence.

5 What I am saying is there are people -- there
6 are people who would say, "Well, juries made up of this
7 that and the other type of person are incapable of under-
8 standing instructions."

9 You hear people say this from time to time.

10 We think there is nothing about those instruc-
11 tions that make it impossible for them to be understood,
12 and we think that those of us that are on the jury here,
13 certainly have as much gray matter as anybody on this side
14 of that particular partition (indicating).

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1 So, those jury instructions are made in the
2 English language and they are there, and they are the
3 tools.

4 These jury instructions don't contain words
5 like "monstrous," "mutation," they don't contain words of
6 hatred. They contain words of analysis, words that
7 should be used for deliberation.

8 We might think: What does deliberation mean?
9 Deliberation means when you sit down and discuss things,
10 not playing up to emotion but playing up to intellect,
11 playing up to reason.

12 So, there are really two sets of things you
13 might say that the jury is going to analyze.

14 One set is what we might call the pre-penalty
15 phase matters.

16 Now, as for the pre-penalty phase matters,
17 what we do is we apply, we suggest, that is, this is
18 within the absolute discretion of the jury; the jury has
19 many other things that the prosecution has for you to
20 consider, but we suggest that one of the things to be
21 considered is the possible innocence of Mr. Manson.

22 Now, that is the criteria that is used or
23 that is applicable to the pre-penalty phase, the matters
24 that we have already supposedly decided.

25 Now, we have another set. And this is the
26 penalty phase matters.

And as to Mr. Manson, there are two subtopics.

One is the guilt or innocence aspect; the other is the penalty phase of the case.

Now, as to these two matters, the Court is going to give you a complete set of instructions, and I don't want to attempt to paraphrase it completely or anything like that, but there are going to be instructions on what constitutes murder and assault, and included in these instructions there will be instructions as to accomplice, as to the law of accomplice, which will be similar to what we had before when we were debating the guilt or innocence aspect of the case, except for an interesting difference. And that is, the Court, instead of, as in the case of Linda Kasabian, saying that she was an accomplice as a matter of law, the Court, right now, as to this penalty phase, is going to say it is up to the jury to decide.

The members of the jury will decide whether or not a particular participant is an accomplice.

For instance, you will be given the definition of an accomplice.

"An accomplice is one who is liable to be prosecuted for the identical offense charged against the defendant on trial. To be an accomplice, the person must have knowingly and with criminal intent aided, promoted, encouraged or instigated by

1 "act or device or by act and advice the commission
2 of such an offense."

3 That is the definition of accomplice that the
4 Court will give you.

5 It is interesting to note that that is the
6 label that is Linda Kasabian.

7 Linda Kasabian, as a matter of law, in this
8 case has been deemed an accomplice, and so she is a
9 person who "knowingly and with criminal intent, aided,
10 promoted, encouraged or instigated by act or device" the
11 eight crimes that the jury has decided that certain
12 results, namely, first degree murder should ensue.

3 fls.

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1 So it is interesting, when we weigh the
2 equities, when we look at it, at this stage of the proceed-
3 ings, the jurors in their absolute discretion can take
4 into account things such as the fact that Linda Kasabian
5 is not only -- she is not given life, she is given
6 absolute complete 100 percent freedom.

7 We know she is an accomplice as a matter of
8 law.

9 So read this type of language, and perhaps it
10 might give us some idea as to the benefits that Linda
11 Kasabian received.

12 Now, is this something to consider, the
13 benefit she received with criminal intent, knowingly and
14 all of that which she did.

15 She is home free. Does that have any bearing
16 on what should be done to the rest of the defendants?
17 So, getting into the Gary Hinman matter, we have the
18 question of accomplice.

19 Preliminarily we will have to decide whether--
20 when we are analyzing this we are acting as judges in
21 the jury room -- we have to decide whether Mr. Manson has
22 any criminal responsibility for the Gary Hinman matter
23 because everything that came out in this courtroom, we
24 suggest, and other people -- I'm sure Mr. Keith will have
25 other suggestions to you concerning Leslie Van Houten,
26 but the question is, is there any evidence before us?

1 Is there any evidence before us that is
2 untainted by way of evidence from accomplice, because the
3 Court will also instruct us that if -- that you cannot
4 corroborate a accomplice on top of an accomplice.

5 In other words, one accomplice cannot
6 corroborate another accomplice.

7 And the prosecution is advocating that Mr.
8 Manson somehow or other had some responsibility for Mr.--
9 that is, the passing away of Mr. Hinman.

10 He is charged -- you will get this jury instruc-
11 tion -- a series of jury instructions, so we have the
12 interesting problem in logic to consider, because first of
13 all Susan Atkins has testified that she did certain things;
14 she has testified that she in fact used the knife and
15 caused Mr. Hinman to pass away.

16 She also testified, we have the language in
17 the transcript -- she also testified as to the fact that
18 Mr. Manson was there.

19 Mr. Bugliosi -- Mr. Bugliosi says -- indicated
20 to us yesterday they did not put on -- although certainly
21 this Juan Flynn and all of these people are still here,
22 still available for the prosecution, there was nothing
23 there, nothing that the prosecution offered us to show
24 that these girls are doing what Mr. Bugliosi suggests.

25 Mr. Bugliosi out of whole cloth is saying you
26 cannot believe these girls; that they have done all of

1 this just because of some attempt to save Mr. Manson.

2 Well, let's look at it; let's look at it.

3 For instance, Susan Atkins:

4 Susan Atkins on that witness stand, on that
5 witness stand told you, told us what place she said Mr.
6 Manson had in the Gary Hinman matter.

7 She did not leave Mr. Manson out of it.
8 When Mr. Manson had a place in it, according to her
9 viewpoint, she discussed it; she spoke of it; she did not
10 eliminate him.

11 And this is a charge of murder, this Gary Hinman
12 matter.

13 So it is something to think about as to, I
14 think -- it's very interesting to think about.

15 So whether or not -- as to whether or not
16 what these girls testified to is based upon sheer fabrica-
17 tion, because if such were the case she would not mention
18 Mr. Manson in connection with the Gary Hinman matter.

19 So it is one of the things that we have to
20 evaluate, as far as the Gary Hinman matter is concerned,
21 as far as the over-all result is concerned, because we
22 suggest that there is the showing of candor.

23 That is the little bit that, notwithstanding
24 the friendship and the relationship between these people,
25 there is something that shows that this girl is telling
26 the truth from that witness stand.

1 But nevertheless, as lawyers and as judges,
2 which we are when we are on the jury, we still have this
3 law of accomplice that we must -- that we must think
4 through before we can come to any kind of results as to
3a fls. 5 criminal culpability.
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1 And of course the interesting point is,
2 Susan Atkins would be an accomplice as far as Mr. Manson
3 is concerned on the Hinman matter.

4 Leslie Van Houten would be an accomplice as
5 far as the matter of Gary Hinman is concerned.

6 Now, interestingly enough, interestingly
7 enough the prosecution -- we may look at the testimony
8 of Mary Brunner in this regard.

9 The prosecution chose not to go into --
10 into the testimony of Mary Brunner.

11 When she was here we observed that the prosecu-
12 tion chose not to question here in connection with certain
13 matters which they could have, and the reason is because
14 the prosecution once again has suborned perjury as to the
15 Gary Hinman matter.

16 The prosecution -- Mary Brunner testified that
17 she testified before the Grand Jury. She said that she
18 placed herself -- she placed herself where Leslie Van
19 Houten was.

20 She said that from the witness stand.

21 Now, what it means is, remembering again this
22 lack of truthfulness before the Grand Jury, it means that
23 this witness, Mary Brunner, was before the Grand Jury
24 with only the prosecution present, only the court reporter
25 present and only the Grand Jury present.

26 And so if, if -- if Mary Brunner were not now

1 telling the story truthfully, the prosecution had the
2 capability by virtue of the testimony at the Grand Jury
3 and otherwise to bring before us something to show that
4 Mary Brunner is not telling the truth.

5 So the posture of the evidence is clear that
6 as to the Gary Hinman matter Mr. Manson -- Mr. Manson has
7 no culpability as a matter of law, because the only
8 testimony against Mr. Manson in the Gary Hinman matter is
9 by virtue of accomplices who are purported to be, and
10 see and do whatever.

11 But these people -- these people are accom-
12 plices, and the law that the Court is giving us in this
13 case will show clearly that they are accomplices, and if
14 the testimony of an accomplice is not corroborated, then
15 that means that we must completely disregard the Gary
16 Hinman matter.

17 Now, we sought through the transcript, we
18 tried to find some kind of corroboration. There isn't
19 any, because we go back to the discussions that we had
20 previously concerning accomplice, concerning Linda Kasabian.

21 There is nothing here. There is nothing here
22 to corroborate the testimony of these two accomplices,
23 Linda Kasabian and Leslie Van Houten.

24 And so, since we are in the penalty phase type
25 of discussion, it is apparent, it is apparent that the
26 Gary Hinman matter cannot be used against Mr. Manson for

any purpose because of this lack of corroboration.

Now, I'm sure the prosecution -- they will certainly try to present some other viewpoint on this.

We cannot foretell exactly what the prosecution will say but we know -- we know for instance Leslie Van Houten's testimony -- I believe she mentioned something about Mary Brunner and Pooh Bear, being Mary Brunner's little child, Mr. Manson's child by Mary Brunner, Michael Manson, and we can certainly infer because of what we know that the prosecution has done in connection with these matters, and what law enforcement has done with these matters, we can certainly infer that Mary Brunner was threatened that if she did not testify a certain way, they would take away her child and we could certainly infer that the prosecution told Mary Brunner --

MR. BUGLIOSI: Your Honor, I'm objecting to this. There is no evidence of this.

MR. KANAREK: It's a fair inference, your Honor.

MR. BUGLIOSI: He is drawing an inference in a vacuum, your Honor.

MR. KANAREK: I will show you the record.

THE COURT: Counsel may proceed.

MR. KANAREK: We can certainly infer that the relationship of Pooh Bear being the child of Mr. Manson, Michael Manson, the child, we can certainly infer that the prosecution threatened Mary Brunner at the time she

1 testified to the Grand Jury and before, that at the time
2 they wanted to get Mr. Manson that she would have to do
3 certain things if they were to accomplish some kind of
4 result as far as she were concerned.

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1 These are things, the prosecution can
2 certainly argue that this isn't so.

3 All we have to do is look at what Sergeant
4 Gutierrez told Dianne Bluestein, and there is no reason
5 to expect that it would be any different with Mary
6 Brunner than anyone else.

7 And this is all important in this particular
8 phase of the case because of the absolute discretion that
9 is vested in the jury in deciding it.

10 It is fair and reasonable to accept that such
11 is the case. We think that there is no question, no
12 question, but what it is fair and reasonable to infer
13 that these kinds of pressures were placed upon Mary
14 Brunner.

15 So, we have the law of accomplice as to the
16 Gary Hinman matter. And the Court will give you an
17 instruction on reasonable doubt and all of that.

18 Now, as to the Bernard Crowe matter.

19 There, of course, is the situation as we have
20 discussed it yesterday.

21 There is a question: Is this a situation
22 where Mr. Manson did something that was beyond the pale,
23 so to speak, in view of the threats that occurred, that
24 were made, concerning the Spahn Ranch?

25 If we look at it in context, there has been
26 a narcotics transaction, and Mr. Crowe, who is obviously

1 engaged in the narcotics business in some fashion or
2 other, was beguiled out of his money by Mr. Watson, who
3 is supposed to be a puppydog, who is supposed to be a
4 kind of person that none of us, if we saw him, he would
5 just be a robot. We heard all of that concerning Mr.
6 Watson.

7 Well, Mr. Watson's activities in connection
8 with that narcotics transaction on August 1, 1969 --
9 remember, this was August 1, 1969, just a few days before
10 the other incident -- Mr. Watson is out there wheeling and
11 dealing on the street in probably the roughest area of
12 crime, because people in the narcotics business are
13 dangerous people. They are the kind of people that they
14 don't give up their money unless they get whatever they
15 are supposed to get in return.

16 And so, it is very fair and reasonable to
17 assume that Mr. Crowe was a very unhappy man when that
18 money -- I think it was \$2,000 -- when that money was
19 given and he didn't get what he was supposed to get.

20 So, he called up the ranch and said what he
21 said.

22 He says from the witness stand -- Mr. Crowe --
23 he says that he didn't care about it. It was just some-
24 thing comme ci comme ca. It was just one of those things
25 that happened and he wasn't concerned about that \$2,000.

26 Do we believe that? We suggest that this is

beyond belief.

Mr. Crowe was a very unhappy man when he was,
as the saying goes on the street, burned for this money.

He went out to El Monte, he went out there,
Mr. Watson left the car, Mr. Watson obviously had a plan,
there was probably someone in another car waiting for him;
and so he gets out of the car with the money, meets his
friend, whoever it was that he was waiting for, or who
was waiting for him, and off they went. And Mr. Crowe is
without his \$2,000.

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1 Then, on top of that, there is a gun in the
2 room, according to Mr. Crowe.

3 So, we have heard all of the evidence in that
4 regard as to what Mr. Manson supposedly did, and so forth.

5 So, the question is: In deciding that, the
6 Bernard Crowe matter, is there a reasonable doubt in
7 connection with Mr. Manson's actions as far as the penalty
8 phase aspect of this is concerned?

9 The question, again, is up to the jury to
10 decide.

11 And we think that it is very significant,
12 as we said yesterday, that in this situation, what is really
13 more important, because Mr. Manson is in custody, Mr. Manson
14 is in the type of custody that is just unbelievable, Mr.
15 Manson, we can infer, is searched and re-searched day in and
16 day out many times a day in the kind of custody that he is
17 in with the focus that is upon him, and so, in evaluating
18 the Bernard Crowe matter as far as the penalty phase goes,
19 we think it is more significant and we suggest that it is
20 more significant to show Mr. Manson's personality than it
21 is to show any kind of criminal culpability as far as this
22 penalty phase is concerned.

23 The reason is, as we have said, and we would
24 like to emphasize it, it shows that when Mr. Manson is
25 involved in something and has some desire, he does it himself.
26 He doesn't foist it upon other people and hide behind these

other people.

And this is the theme of the prosecution in this trial. Throughout this trial the theme has been that Mr. Manson is having other people go out and do some kind of dirty work.

That just didn't happen. It just didn't happen.

Linda Kasabian went on two of her creepy crawl missions, and these results came about.

So, it is something that we should consider.

Now, we have had in this case a marked lack of candor. We should expect more from our public officials than what was done in this case. I think we have a right to expect more from our public officials than what was done in this case.

For instance, when the prosecution is putting on a case trying to get an indictment from the Grand Jury, it would seem that the prosecution should put on all the evidence.

For instance, we all know that when that matter was presented to the Grand Jury, the prosecution had divergent statements concerning how Sharon Tate passed away. The Roni Howard and Virginia Graham statements were taken before December 5, 1969. They were taken in the Thanksgiving period. They had November dates. We all remember that.

And in those statements, supposedly -- and

1 Mr. Caballero said he knew about those statements when he
2 talked to Susan Atkins at the office, before she testified
3 before the Grand Jury -- in those statements, supposedly,
4 Susan Atkins said that she had stabbed Sharon Tate.

5 So, the District Attorney, in going to the
6 Grand Jury and presenting evidence, deliberately withheld
7 truth as they / ^{view} it in this court.

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1 In this court they didn't present the other
2 view. In this court they presented the Roni Howard and
3 Virginia Graham view.

4 So, then, when they went before the Grand
5 Jury they deliberately withheld what they are telling us
6 they believe to be truthful statements as to how Sharon
7 Tate passed away.

8 What did they do? They only put in the
9 statement of Susan Atkins that she held Sharon Tate while
10 Tex Watson stabbed her.

11 Now, why was this done? That was done for
12 the very same reason that the prosecution has done other
13 things in this case: To get a conviction at any price
14 regardless of whether or not there is any basis for it,
15 but get Mr. Manson.

16 Mr. Manson is the focal point of somebody's
17 vendetta.

18 So, therefore, instead of the prosecution saying
19 to the Grand Jury -- and the Grand Jury is supposed to
20 deliberate the same way as when we are on the jury we
21 deliberate and come to a decision -- the Grand Jury is
22 supposed to deliberate whether or not an indictment should
23 take place.

24 And so, you see, if the District Attorney had
25 presented the Roni Howard and Virginia Graham statements
26 along with what Susan Atkins said, the Grand Jury might

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1 well never have indicted Charles Manson, along with the
2 fact if they had gone into the ingestion of LSD and other
3 narcotics.

4 It might well be that Mr. Manson would never
5 have been indicted. These other people might never have
6 been indicted.

7 Susan Atkins might have been indicted had
8 the different statements been presented to the Grand Jury
9 but at that time -- at that time -- Susan Atkins was the
10 darling of the District Attorney's office. At that time,
11 Susan Atkins was the one who was represented by the
12 friend of Mr. Younger, by Mr. Caruso and Mr. Caballero,
13 who had been a Deputy District Attorney, who had friends
14 in the District Attorney's Office of many years standing,
15 and it just wouldn't be, there would be no purpose, from
16 their standpoint, to just indict Susan Atkins because what
17 they wanted to get especially was Charles Manson.

18 So, they deliberately, maliciously and with
19 the intent to deceive the Grand Jury, withheld the Roni
20 Howard and Virginia Graham statements.

21 There can be no other reason for it. Because
22 Roni Howard and Virginia Graham were in custody. They
23 could have brought them over and had them testify. They
24 could have had the police officers testify as to what
25 the statements were. They were in absolute 100 percent
26 control of that Grand Jury.

1 So, these are some of the things that we
2 should think about in connection with the exercise of
3 this absolute discretion. Is there something there that
4 smells? Was the wool pulled over the eyes of the Grand
5 Jurors?

6 If the wool was pulled over the eyes of the
7 Grand Jurors there, there is no reason to believe that
8 somebody may not be trying to pull the wool over the eyes
9 of the jury in this case right now.

10 So, these are some of the things we must
11 think about because of the absolute finality of death.

12 Now, again, for whatever it may be worth,
13 is this People's Exhibit 261.

14 We will remember that the prosecution introduced
15 this exhibit. Supposedly this exhibit had some kind of
16 reference to events at the Spahn Ranch.

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1 We feel the evidence makes it very clear that
2 this exhibit, this panel which was in the cupboard of
3 Randy Starr's trailer, this exhibit wasn't even in existence
4 on August the 8th, 9th and 10th of 1969.

5 The panel may have been in existence, but the
6 evidence in this case is clear, crystal-clear, that what
7 was written on here was not in existence on August 8th, 9th
8 and 10th.

9 And the interesting thing to think about is
10 that the prosecution still has the original of this. They
11 took the picture. I am sure we can infer they took the
12 picture because the picture -- we may not know why they
13 took the picture instead of bringing in the panel, but they
14 chose to take the picture instead of bringing in the panel,
15 this panel is in existence, and the prosecution could have
16 brought it in here.

17 Again, this is very significant. This was
18 found in Juan Flynn's trailer. And Juan Flynn was not
19 brought in here. And Juan Flynn certainly is a witness
20 that is friendly to the prosecution.

21 Juan Flynn was not brought here to refute the
22 absolutely unrefuted testimony before us which we have
23 received during this penalty phase that this panel
24 with the "happy, one, two, three, four, five, six, seven,
25 all good children go to heaven," this "helter skelter,"
26 there has been nothing to refute the synthetic evidence

1 that this panel is, because it certainly is clear that
2 this panel with that wording on it wasn't in existence at the
3 time of the so-called race war type ideas.

4 So, in exercising our absolute discretion,
5 this is something that we can think about. Because why
6 wasn't this refuted?

7 Even the police officer that testified
8 concerning this wasn't brought in to refute this as far as
9 what we have discussed here.

10 This is of extreme significance in this case
11 especially where the prosecution is doing the things that
12 they are doing.

13 I submit it is something to turn our minds on.

14 This is the testimony of Patricia Krenwinkel.
15 Patricia Krenwinkel testified, in answer to the question:

16 "It makes you feel good, is that it,
17 when you take acid?

18 "A I take acid because I take acid.
19 When it is there, I take it, I don't even think
20 about taking it. If I see it and it is there
21 and I feel like taking some, I take it.

22 "Q Does it open up new areas of
23 thought for you? Is that one of the reasons
24 you take it?

25 "A I have taken so much acid, I am
26 acid. I don't ever come down. I don't even know

1 how to try to relate to you between what something does
2 then or how or whatever. All of that is just, phew, it is
3 sure a lot of meaningless words. It is just there."

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1 Now, in deciding this case we have to use the
2 English language in conveying ideas in the courtroom. That
3 is our language.

4 But don't we get the feel, somehow or other,
5 that the English language is inadequate as a means of
6 expressing whatever happens to people when they take LSD
7 the way these people take it?

8 And that includes Linda Kasabian.

9 Don't we get to feel that no matter how there
10 is the attempt to describe and put into words what occurs
11 that in fact this is almost impossible to convey, whatever
12 happens to somebody who takes acid, and when we consider --
13 when we consider that these people were on acid and that
14 Tex Watson was doing what he was doing, when we consider
15 that Linda Kasabian certainly has, you know what material
16 she has ingested.

17 When Patricia Krenwinkel says, "I am acid."
18 How is she any different than Linda Kasabian?

19 Now, Linda Kasabian is a smoothie.

20 I mean, there is no question about it that
21 Linda Kasabian -- plus Linda Kasabian had very capable
22 lawyers.

23 Mr. Fleischman and Mr. Goldman did a beautiful
24 legal job for Linda Kasabian, beautiful! There is no question
25 about the fact that they did.

26 And I suppose the same thing would have resulted

1 for Susan Atkins if Mr. Younger's friends had stayed in as
2 representing her.

3 But apart from lawyers and legalities, is there
4 any reason to believe, is there any reason to believe that
5 Linda Kasabian is any different in her thinking and her
6 observations and her perception than Katie Krenwinkel is
7 in connection with what she testified to?

8 We suggest this is something for us to consider
9 because again we get back to the possible innocence aspect
10 of this case, because Linda Kasabian, speaking from that
11 witness stand, knowing that she is the darling of the
12 prosecution, knowing that no matter what she does it's
13 right, it has got to be right, and knowing that she has
14 the results, the benefits that she is getting, this is
15 specially -- specially important and significant in a
16 penalty phase where the result -- where the result is
17 irreversible.

18 Death is irreversible.

19 And so we are asked to commit murder ourselves.
20 The prosecution is asking us to do that, to deliberately
21 kill, based upon -- based upon this type of evidence.

22 And so this is something to consider because
23 certainly Linda Kasabian is Katie Krenwinkel, as far as
24 the ingestion of LSD is concerned.

25 Now, you remember, ladies and gentleman of the
26 jury, you can choose not to believe this if you so wish,

1 out do you remember that we -- the first question, I think,
2 that we asked Miss Krenwinkel:

3 "Miss Krenwinkel, have I ever discussed
4 this case with you?"

5 The answer was no.

6 Now, we suggest that that is true; that is true.

7 Now, if you observed, the prosecution has made
8 much of what has taken place in the courtroom itself. I
9 don't know if those of us on the jury observed it or not.

10 But when fellow counsel went upstairs during
11 these times to see these girls, the question for you to
12 consider is where was I?

13 I mean, in other words, is this true? Do any
14 of us that are on the jury think that that statement is
15 untrue?

16 We suggest that the statement is true; that
17 Patricia Krenwinkel never, never -- I never discussed this
18 case with Patricia Krenwinkel.

19 And that is significant because of this picture.
20 This is the first time that I discussed this case with
21 Patricia Krenwinkel, and so I brought out this picture to
22 her and I said: "Now, directing your attention to this
23 what appears to be a panel on the door, there was a door
24 knob there," that language.

25 "Well, first the picture itself, you have never
26 seen before -- that is, you may have seen this picture

1 before but you have never seen what is pictured there before,
2 is that correct?

3 "A. No, I have not.

4 "Q. To your knowledge do you know who put --
5 who wrote, who drew or whatever, whatever is set out in that
6 picture?

7 "A. No, I have no idea.

8 "Q. Now, then, are you telling us that people at
9 Spahn Ranch never gathered around this as a rallying point
10 for some race war?

11 "A. No.

12 "Q. Pardon?

13 "A. No.

14 "Q. Directing your attention to the people at
15 Spahn Ranch, was there ever a gathering where people, where
16 everybody sat down and discussed or planned some kind of a
17 race war or confrontation between black people and white
18 people?

19 "A. No."

20 Now, so the question is whether or not Patricia
21 Krenwinkel is telling the truth in that regard.

22 The question is whether Mary Brunner is telling
23 the truth in that regard.

5a-1

1 Now, again getting back to the proximate
2 cause -- that is why we think that the testimony here is
3 much better than anything that we can use by way of
4 synopsis or summary:

5 "Q What was going through your mind,
6 Miss Krenwinkel, when you were moving the knife
7 that you have spoken of in this courtroom?

8 "A Nothing.

9 "Q Your mind was a complete blank?

10 "THE COURT: What was the answer?

11 "THE REPORTER: 'Nothing.'

12 "Q Is that a fair statement?

13 "A Yes, I would imagine so."

14 Now, again, does that have any bearing, does
15 that have any bearing on the possible innocence of Mr.
16 Manson?

17 Does that have any relationship to his
18 possible innocence, which is what we can use our absolute
19 discretion in evaluating?

20 I'm sure that none of us -- none of us -- no
21 matter how emotional we are -- wish to kill someone who
22 is innocent.

23 We may remember -- I'm sure all of us remember
24 the case -- we don't have to go back to the 18th Century.

25 I am sure we will remember the case in
26 England just a few years ago where a person -- after a

5a-2

1 person was killed, executed, it was conclusively proved,
2 the Crown, the Home Secretary, the government of England
3 conceded there was no question that the person was wrong-
4 fully executed.

5 And when we have what we have in this case,
6 the possible innocence of Mr. Manson, it overwhelms us.

7 There is no question that he is possibly innocent,
8 to say the least.

9 And so some of these things are significant in
10 evaluating that matter of possible innocence, because, if
11 Patricia Krenwinkel, Patricia Krenwinkel were the robot,
12 if she were operating the way the prosecution would have us
13 operate, then she would have a pre-existing intent at some
14 time -- at some time she would know what she was going to
15 do.

16 And in connection with that use of the word,
17 robot, the prosecution has -- has -- they have weasled on
18 the use of that word, as we recall undoubtedly from the
19 first address that the prosecution gave us in the guilt or
20 innocence phase, these people were called robots.

21 And then when it came out -- when we discussed
22 that robots are unthinking, have no thoughts, and the word
23 automaton was used, then the prosecution changed the meaning
24 of the word robot.

25 But these are robots that think!

26 So therefore the prosecution is giving us now a

5a-3

1 new definition. They are playing Webster or something like
2 that because they say in one breath that these people are
3 robots, and then when it is pointed out what robots really
4 are and what automatons really are, then they say "Well,
5 they are not."

6 But no matter what, what words or what label you
7 put on it, the fact remains that there was no pre-existing
8 intent to go out and do whatever these people did.

9 And if they had no pre-existing intent to do it,
10 then Mr. Manson has no culpability and no responsibility
11 any more than anyone of us would have a responsibility for
12 any relative or friend or child that we are close to who
13 may go out and do something.

14 So it is something to consider, something to
15 consider as far as possible innocence is concerned.

16 Because I am sure -- I am sure we would all of
17 us be very disappointed, be very unhappy, whether we have
18 a religious bent or not; whether we are people who go to
19 church every Sunday; whether we are devout in a particular
20 way or whether we are devout in a way that is not particular-
21 ized, that is, whether we follow a particular denomination
22 or whether we have faith in God based upon something that
23 is not set out as particular ritual.

24 I am sure we would be very unhappy to pick up
25 Linda Kasabian's book some day and find out that she made
26 a few mistakes that, let's say, she is now writing her

1 memoirs, and in writing her memoirs and in discussing her
2 memoirs with whoever is writing the book for her or
3 collaborating with her, she points out a few things that
4 may be just a little bit inconsistent or a little bit at
5 odds with what we heard in this courtroom, and it may
6 strike us as suggesting one thing or the other.

7 If these people are dead at that time, it is a
8 little bit late, even though Linda Kasabian may still be
9 picking up her royalty checks on her book.

5b fls.

5b-1

1 So the fact of the matter is that this possible
2 innocence that we are speaking about is something that
3 should perhaps have been brought into the discussion with
4 the things like this.

5 This is a question of Patricia Krenwinkel:

6 "Q At sometime that evening did
7 you find yourself inside the house?

8 "A Yes.

9 "Q Had any of the family came to
10 the house with you?

11 "A Yes.

12 "Q Would you tell us the people that
13 were inside the house at the time?

14 "A We were all inside the house.

15 "Q Would you name the people?

16 "A Linda, Sadie, Tex and myself.

17 "Q Were all inside the house,
18 right?

19 "A Yes."

20 Now, furthermore, and this is evidence from the
21 witness stand because these girls are defendants does not
22 mean that they should be demeaned the way the prosecution
23 would have us believe.

24 There are indications here -- we look at what
25 motivates people -- there are indications here that what
26 these girls are saying is the gospel truth rather than

1 something else.

2 The question:

3 "Do you know who the person was that made
4 the statement that you referred to?

5 "A. No."

6 I have to go back. I want to make sure I just
7 read what the Court offered into evidence.

8 This is Page 23,882 if Mr. Bugliosi wishes to
9 check on this.

10 "Q. I see, they were all in the living
11 room at the same time?

12 "A. I believe so.

13 "Q. At a time when Linda was there?

14 "Now, at some time when all these people
15 were in the living room with you, were these
16 people, these two women and these two men that
17 you have spoken of, were they unrestrained, that
18 is, was there a time when you were in the living
19 room with them and a time Linda Kasabian was
20 in the living room with them when they were not
21 restrained by ropes or any other physical
22 device?

23 "Do you follow me?

24 "A. Yes.

25 "Q. Did that occur?

26 "A. Yeah.

1 "Q And how long was it after you
2 came inside of the Tate residence that these
3 two women and these two men were in the living
4 room unrestrained?

5 "A I don't know.

6 "Q Was it shortly after or can
7 you give us any kind of an estimate how long
8 it was?

9 "A I have no idea, none whatsoever.

10 "Q So now we have a picture of these
11 two women and these two men who are people
12 who did not come to the Cielo residence with,
13 who are now in the living room.

14 "At some time -- at some time did there
15 develop an altercation, a fight or some kind of
16 difference of opinion between the two women and
17 the two men that you are speaking of and those
18 of you that came to the Cielo residence address
19 in the car?

20 "(No response.)

21 "Q Did that develop into some kind
22 of a physical encounter?

23 "A Yes.

24 "Q And would you tell us, how did
25 this physical encounter come about, what happened?

26 "A I don't know, words were said, some^{one}

1 "was shot.

2 "Q Pardon?

3 "A I said words were said, some-
4 one was shot.

5 "There began a struggle among us all.
6 Whatever you want to call it, a fight, whatever.

7 "Q Words were said. Could you tell
8 us what words were said?

9 "A I don't know what words were said.

10 "Q Can you give us some kind of --

11 "A If I would even be giving you
12 an example I would be giving you a lie.

13 "If any of you can remember what you said
14 five minutes ago, you know, I don't understand,
15 I really don't understand your thinking or even
16 trying to believe what somebody would say what
17 they said about three years ago.

18 "If you would believe somebody saying that,
19 it would seem foolish to me, because you don't --
20 unless all of you try to completely remember
21 everything everyone has already said to you from
22 the time you get up" --

23 "THE COURT: You answered the question. You
24 don't know the answer, is that right?

25 "THE WITNESS: Right.

26 "THE COURT: All right. Ask your next

1 "question.

2 "Q Do you know who the person
3 was that made the statement that you have
4 referred to?

5 "A No.

6 "Q When a shot was fired, where
7 were you in the room when the shot was fired?

8 "A I don't know, wherever I was
9 standing.

10 "Q Where was Linda?

11 "A I don't know, wherever she was
12 standing.

13 "Q She was standing in the room when
14 the shot was fired?

15 "A Yes, she was there as we were all
16 there."

17 Now, is that -- what Miss Krenwinkel is saying
18 there -- is that fabricated? Is that unbelievable? Is
19 that untrue?

20 The fact of the matter is that when you read her
21 colloquy here, when you read what she says, she is not a
22 friendly witness.

23 When I am asking her those questions, she says
24 it's foolish; she says the question -- how can you remember
25 what happened three years ago?

26 Linda Kasabian -- Linda Kasabian was tutored.

Linda Kasabian was spoken to and respoken to.

Linda Kasabian was told what to say by -- and we say this is a fair inference -- by what happened at the Grand Jury.

What the prosecution did in this case with Linda Kasabian is, they took, when they no longer had Susan Atkins, they took the Grand Jury testimony and the tape that Mr. Caballero had and then they tutored Linda Kasabian.

MR. BUGLIOSI: There is no evidence of this, your Honor, and I object on that ground, absolutely no evidence.

MR. KANAREK: It's a fair inference, your Honor.

THE COURT: You did not state it that way, sir. The objection is sustained.

MR. KANAREK: It is a fair inference, we suggest, that if we considered the testimony here in court as to what Susan Atkins said, when we consider what the prosecution had when they were at the interview at Mr. Caruso's office, when you consider those words, the word-for-word answers that were given there by Susan Atkins supposedly, and compare them with what Linda Kasabian said, what we have is a Broadway production.

6-1

1 What we have is Linda Kasabian being schooled
2 by virtue of the interview with Mr. Caballero.

3 We say this is an inference that can be made.
4 And this is done by the very clever technique of not taking
5 Linda Kasabian's statement down on tape.

6 Now, it is very interesting, it is very
7 interesting, when the prosecution was going to go before
8 the Grand Jury, the prosecution went to great pains, the
9 prosecution saw to it, along with using the power of the
10 court to see to it that Susan Atkins was brought to the
11 offices of Mr. Caballero, she was brought to the offices
12 of Mr. Caballero and there was a tape recording made. The
13 prosecution used that tape recording as they saw fit,
14 taking what they wished to use at the Grand Jury, not
15 taking everything, and they used that at the Grand Jury.

16 They had this tape. They had these questions
17 all prepared.

18 But there was no tape recording made of Linda
19 Kasabian.

20 Now, that was for us in this courtroom. And
21 there was a deliberate reason, we suggest, why there was no
22 tape recording or stenographic notes made of Linda Kasabian.
23 So that when she came to this courtroom there would be no
24 way of impeaching her. No way, because the only way -- if
25 she just gives it orally that way, there is no tape.

26 The prosecution wasn't going to let happen what

6-2

1 happened with Sergeant Gutierrez and Dianne Bluestein
2 when he suggested to her that she would go to the gas
3 chamber if she didn't give answers that they wanted
4 involving getting the No. 1 man.

5 Sergeant Gutierrez, who is still part of this
6 investigation, he hovered around Linda Kasabian just like
7 a glove. The same Sergeant Gutierrez who told Dianne
8 Bluestein "You know who we want."

9 And so, we have every reason to believe that
10 similar language was used and similar conduct was used in
11 connection with Linda Kasabian.

12 And what is the acid proof -- if I may, forgive
13 the expression in this case, using that term -- the acid
14 proof is the fact that there was no statement recorded of
15 Linda Kasabian.

16 And it is very, very significant and it is
17 very important when we consider the doctrine of possible
18 innocence as far as Mr. Manson is concerned.

19 And along that line, Patricia Krenwinkel is
20 testifying at page 23,926 in Volume 185.

21 And again, there is the matter of circumstances.
22 Law enforcement in this county was out to get Charles
23 Manson. There is no question about it from the August
24 16th raid. There is no question about it from testimony
25 here in court by the police officers, the prosecution's
26 own witnesses.

6-3

And this is referring to the raid:

"And he weighed about what he weighs now, some 130 or 140 pounds?

"Yes.

"Did you hear any statements to the effect that 'We want to get Manson' or 'Charles Manson,' or something like that?

"That is what the police always say.

"I am asking about this occasion.

"Yes.

"They came up and they said, 'Where is Mr. Manson? We have got to get Mr. Manson. We have got to get Charlie. Where is Charlie?'

"'Hey, I have got him. He is over here.'

"You know, it was just mass -- all you would hear would be his name. And besides, everybody else is speaking, and just like I say, it was about 200 voices all at once.

"And before August the 16th, 1969, did the police come there on occasions looking for Charles Manson?

"They came up at least two or three times a day, every day, and they would come up and they would just be searching and looking, and they would always be trying to find Charlie, asking us

6-4

"about Charlie.

"Or they would come up and just be looking, you know, like watching some of the girls.

"They would pull over, you know, just constant 'Where is your ID?' Where is this and that? And where did you get that? Did you steal that over there.

"And you know, just constant, you know.

"We always had to have somebody around in order to be there to see the police because they were always there making their rounds."

6a fls.

6a-1

1 So, again, what we have to consider in connec-
2 tion with the possible innocence of Mr. Manson is the over-
3 whelming pressure on the part of law enforcement to just
4 get a conviction of Mr. Manson regardless of what.

5 I don't know if any of us have had the experi-
6 ence of sometime wanting to get a prosecution. I am sure
7 that all of us have had the occasion when we go to a
8 police station, and people who practice law know it from
9 experience, we go to a police station, a wife says that
10 a husband is doing this and that which may hurt somebody,
11 or a man says that his wife is doing this or that where
12 someone may get hurt, and they won't even take a report.

13 You go to the Van Nuys Police Station and they
14 say if it is a domestic matter, let the divorce court, let
15 the civil courts handle it. They won't even take a report.

16 They say we are afraid that one of the witnesses
17 may back out.

18 When you ask them, when you interrogate the man,
19 the watch commander, you say: But officer, this woman is
20 liable to be killed.

21 He says: I am sorry. We have had so much
22 experience with people backing out and refusing to prose-
23 cute that we just don't want to waste our time on this
24 paper work.

25 And we know what happens. We read it in the
26 paper. And the police won't do anything.

1 Why? Because in those cases there is no police
2 interest in getting that prosecution. There is no police
3 interest.

4 And so they say: Let them fight it out. They
5 deserve to kill each other.

6 You get those kinds of statements when you
7 try to get someone just to take a report, just to take a
8 report so that you could take it to the City Attorney or
9 the District Attorney. Without those reports, the District
10 Attorney and the City Attorney won't act.

11 So, the important thing to consider is: Is
12 this that kind of law enforcement? Or is this just the
13 opposite? Is this the kind of law enforcement where some-
14 body wants a particular result, come what may?

15 And we say, in connection with the possible
16 innocence of Mr. Manson, these are the kinds of things
17 that perhaps should be considered in determining whether or
18 not the penalty should be one way or the other.

19 THE COURT: We will take our recess at this time.

20 Ladies and gentlemen, do not converse with
21 anyone or form or express any opinion regarding penalty
22 until that question is finally submitted to you.

23 The Court will recess for 15 minutes.

24 (Recess.)
25
26

7-1

1 THE COURT: All parties are present except Mr. Manson.
2 All counsel and all jurors are present.

3 You may continue.

4 MR. KANAREK: Yes, thank you, your Honor.

5 I am sure that all of us will recall a most
6 unusual statement which occurred when Mr. Bugliosi was
7 questioning Patricia Krenwinkel, Page 23,958.

8 He asked her, he said:

9 "Are you willing to suffer the death
10 penalty for the murders you have committed?"

11 And the answer is yes.

12 That simple question and answer conjures up --
13 conjures up questions such as is this any insight into whether
14 or not Patricia Krenwinkel is telling the truth?

15 Because this is a very -- this is a very candid
16 type of answer, it certainly is not -- there is nothing
17 about that that would make us think that she is telling
18 anything but the truth.

19 The prosecution has dwelt upon this aspect of
20 remorse.

21 Now I suppose when -- I suppose when someone is
22 accused of murder, if that person takes the witness stand
23 and gives a show and lets the tears drop, is this genuine
24 remorse from the prosecution's standpoint? Is this the kind
25 of thing that is -- that is the state of mind that says,
26 "Well, therefore we should give that person his or her life

1 because they are showing remorse"?

2 Well, that is part of the absolute discretion
3 that the jury has. If the jury feels that this is important,
4 then it is important.

5 We are suggesting that it be considered now,
6 not so much for that particular issue of shall Patricia
7 Krenwinkel be given life or not, but it is important because
8 it gives an insight into Patricia Krenwinkel on the witness
9 stand.

10 Because what we have, the raw material we have
11 in the courtroom is evidence.

12 We have exhibits and we have testimony and we
13 have things like that that we have to work with, and we
14 think that that statement is indicative of the fact that
15 this girl is telling the truth.

16 She is just telling it that way.

17 The prosecution is going to say, "Well, she is
18 doing this for Charles Manson."

19 Let's face it, Charles Manson is not a deity.
20 Charles Manson is flesh and blood like all of us and when
21 will Patricia Krenwinkel in her lifetime ever see Charles
22 Manson again after this courtroom? When? When will she
23 ever see Charles Manson in her lifetime ever?

24 If the jury gives life in the exercise of its
25 absolute discretion to Mr. Manson, he will be in one part of
26 the State of California, in the kind of custody that is more

1 than 24 hours, let's say 37 hours per day, so to speak,
2 kind of custody.

3 And Patricia Krenwinkel, she is going to be
4 over here probably in Corona, the California Institution
5 For Women that is just south of the San Bernardino Freeway,
6 not far from Pomona. That is where she will be.

7 So -- so, -- there is nothing -- there is
8 nothing except -- I mean from that standpoint, using it as
9 an index, some kind of an inkling as to whether or not she
10 is telling the truth, it is there for us to consider.

11 Because if Patricia Krenwinkel is telling the
12 truth, then, of course -- of course not only Mr. Manson is
13 just possibly innocent, he is innocent.

14 In human affairs, and so forth, we cannot get
15 -- we cannot get that absolute certainty. Very rarely can
16 we get that absolute certainty.

17 And we know that people of different religious
18 convictions have had much to say concerning capital
19 punishment.

20 And a thought that may be something to consider,
21 when we consider life or death is a statement -- this is
22 not my statement, but I think it is a statement worthy of
23 some consideration:

24 But can we speak at all of absolute guilt
25 when we know so much about social involvement and social
26 guilt and the complexity of the unconscious?

1 Can we speak at all of absolute guilt when we
2 know so much about social involvement and social guilt and
3 the complexity of the unconscious?

4 The same way that we cannot tell -- we cannot
5 tell whether Patricia Krenwinkel is telling absolute truth
6 there, we certainly now, we certainly know that Linda
7 Kasabian has lied on that witness stand.

8 We know that.

9 It's -- it's just the bare typing on the page
10 tells us that in connection, for instance, with the \$5,000.

11 And so when we have the irreversible idea of
12 death before us, we must think in terms of absolute guilt.

13 As we look at Charles Manson, is our desire to
14 kill Charles Manson, is that a desire on the part of some
15 of us -- maybe to think that maybe this will wipe away our
16 responsibility.

17 Whatever it may be, our collective responsibility
18 in the people that we elect to public office and in the
19 people that do what they do in public life, is this a way
20 that we can somehow or other rationalize what our
21 responsibility may be?

22 Now, it is true, and of course that is one thing
23 about California, California is sort of a melting pot.
24 We have people here from all over everywhere.

25 And it is true that Mr. Manson's early life was
26 in other states and we -- whatever our systems may be or

1 have been in the past, in California, when we speak
2 collectively we mean we are speaking of the environment;
3 we are speaking of whatever Mr. Manson was submitted to.

4 Now the record here, the prosecution -- despite
5 the fact the Attorney General of the United States, Mr.
6 Mitchell, for some reason --

7 MR. BUGLIOSI: I object, he is starting to quote what
8 other people say about the death penalty.

9 MR. KANAREK: I am not talking about the death
10 penalty, your Honor.

11 THE COURT: Go ahead.

12 MR. KANAREK: What we are speaking of is his refusal
13 to open up the records.

14 What reason can there be for not opening up the
15 records of Charles Manson so that the complete file on his
16 background while he was in federal custody could be before
17 us?

18 I am sure it has nothing to do with any kind
19 of international affair of any type.

20 There are no treaties involved, no foreign
21 governments involved.

22 It is an indication of how sometimes, of how
23 sometimes government is arbitrary.

24 Of how sometimes people in authority use
25 authority arbitrarily, capriciously, just because they have
26 the authority to do it, just because the power is there, the

1 naked power is used, and it is used in a mean, in a way
2 that there is no rhyme or reason for it.
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1 But in any event, Mr. Mitchell has said that
2 we can't have the complete file on Mr. Manson.

3 But we do know, and it is in this record --
4 it is in this record -- that from a very tender age --
5 from a very tender age -- and really, what Mr. Bugliosi
6 said, he mentioned something about that, we are going to
7 be begging for the lives of these defendants. Well, I
8 think what we are begging for is really our own conscience.
9 What we are begging for is our own peace of mind.

10 When we allow Mr. Manson to live, what we are
11 doing is we are giving solace to ourselves. What we are
12 begging for is that for all of us in this courtroom who
13 don't happen to have had the misfortune of some kind of a
14 background, here is a person, at the age of eight years,
15 he is thrown into a reform school at the age of eight.
16 I don't know how wrong you can be at the age of eight,
17 but no matter what you have done at eight, there is no,
18 absolutely no, excuse for the happenings occurring which
19 happened to Mr. Manson.

20 We have funds for all kinds of adventures in
21 all kinds of places.

22 Mr. Manson is presently, let's say, 35 or 36
23 years old. Take away eight years. That would be about
24 28 years ago.

25 So, that isn't any prehistoric era.

26 Obviously his parents, for whatever their

8-2

1 purpose may have been, he was turned loose, in wherever it
2 may be, among people in communities, and the record
3 reveals from Mr. Barrett's testimony, he was in the
4 States of West Virginia, around Washington, D.C., maybe
5 around Ohio, maybe around Chicago. And he was sent to a
6 reform school.

7 And so, Mr. Manson doesn't have any family to
8 come here like Patricia Krenwinkel has or Leslie Van Houten
9 has. He has no family to come here to testify.

10 Because biological parenthood is one thing.
11 I mean, sure, he may have someone who is biologically his
12 father and he may have someone who is biologically his
13 mother, but it takes more to being a mother and father
14 than just being the physical parents.

15 With this kind of a background, Mr. Manson,
16 for all intents and purposes, had no parents.

17 And so his parents, his family, is the
18 penitentiary. The evidence is clear as to that.

19 The prosecution could put on all kinds of
20 evidence if they wanted to concerning Mr. Manson and whatever
21 his conduct was in the penitentiary. They put on -- they
22 have an exhibit here that shows that some years ago Mr.
23 Manson escaped.

24 That is before you. That is something, I
25 suppose, of all of the things that the prosecution offered
26 into evidence, that was it. They offered that into

8-3

8a

evidence.

1 It is also before us that Mr. Manson did seven
2 years for a \$17 check.

3 Mr. Manson has been in jail, the evidence
4 reveals, some 23 years of his life. So, you have great
5 difficulty in bringing the kind of people in that Mr.
6 Fitzgerald was able to bring to this courtroom. He was
7 able to bring Mr. and Mrs. Krenwinkel.

8 We can't do that for Charles Manson. We have
9 to look at his background in other ways. We have to bring
10 in Mr. Barrett.

11 Let's look at any child of ours, any child
12 who may, let's say, at a tender age went to a reform school.

13 I am sure that some of the people that run some
14 of these places, or at least have run them in the past,
15 have not been as kind to children as they probably should
16 be. But in any event, Mr. Manson spent his formative
17 years in this kind of custody.

18 Now, Mr. Manson didn't have the background or
19 the benefit of the background that these female defendants
20 that are before us had, or that Mr. Watson, as the record
21 here reveals that Mr. Watson had, who is not before us.
22 He is a man with a college education. He is a man with
23 some college background. You can infer that from this
24 record. Therefore, he graduated from high school.

25 As to the backgrounds of the female defendants
26

1 here, certainly, we can say that each of them is at least
2 a high school graduate.

3 And certainly in the case of Patricia Krenwinkel,
4 she has had some college, I believe. And Leslie Van Houten
5 had some post-high school background.

6 So, we have here a situation, and the record
7 will reveal that from Mr. Barrett, we have a man who has
8 had -- what has Mr. Manson had? -- third, fourth, fifth
9 grade education.

10 The record reveals here that Mr. Manson, at
11 least until the time of this time that he went into
12 custody here, we can infer that his spelling, and so forth,
13 is not what it should be, that his reading and writing
14 are less than desirable, equivalent to whatever the third,
15 fourth or fifth grade is, whatever educational level we
16 want to pick and say that he has.

17 So, if we compare Mr. Manson with these
18 defendants and look at his possible innocence in connec-
19 tion with what he did -- after all, we are here, this
20 indictment here is still before us, those are the charges--
21 but when we look at what Mr. Manson did, would it be the
22 height of barbarous type of conduct to kill Mr. Manson,
23 to snuff out his life, when we look again at the equities,
24 when we speak of the absolute discretion of the jury?

8b fls.

8b

1 We are now talking about human values. We
2 can pander to what the prosecution, to the monstrousness
3 that the prosecution speaks about. We can pander to our
4 basic motives, if we wish, and we can execute Mr. Manson if
5 we wish, because this is within the absolute discretion of
6 what we can do when we are on the jury.

7 Is this fitting? Is this fitting in this case?

8 As we say, when we compare Mr. Manson with the
9 rest of these defendants, compare him with Linda Kasabian,
10 Linda Kasabian, look at her background, she came from a
11 broken home, it is true, but it appears that she at least
12 had the benefit of a mother who was somewhat stable. In
13 any event, she has her complete freedom, as we know, and
14 this is something to think about. She is now going to be
15 able to take care of Tanya and her baby and maybe live
16 decently, and so forth, live comfortably, because of this
17 very case.

18 So, on the relative merits of this, it would
19 seem like allowing Mr. Manson to live in the type of
20 surrounding that he will live in, it is certainly something
21 that doesn't seem to be unreasonable.

22 We possibly can take guidance -- I don't know
23 if any of us have had an opportunity to watch how judges
24 operate in a courtroom -- many times -- and lawyers and
25 courts will certainly agree on this, I think -- the Court
26 tries to -- let's say, forget a death sentence case, forget

1 death, forget murder, but let's say that three or four
2 defendants are arrested for stealing an automobile. And
3 let's say that they are found guilty, all of them are
4 guilty. And let's say that during the pendency of that
5 matter -- an automobile theft is not as serious as murder
6 and it is a bailable offense -- so let's say that one of
7 those defendants couldn't make bail.

8 Let's say that bail is \$625, and that one
9 defendant couldn't make bail and he was in custody pending
10 the disposition of the matter for, let's say, three months.

11 The court, many times -- the court doesn't
12 have to do it -- the court, in exercising its discretion
13 within the statute has various alternatives for stealing
14 an automobile, including going to the State Prison, if the
15 Court wishes to send a person to the State Prison -- but
16 what the Court many times will do in a case like that will
17 try to equalize the sentence.

9-1

1 The Court will say, "Well, this man couldn't
2 make bail; these other boys were out on bail during the
3 entire pendency of the proceedings; he spent three months
4 in jail."

5 "We will give him credit for time served and
6 maybe we will sentence the others to three months now."

7 Something like that.

8 In other words, it is a common practice -- it
9 is a common practice in the criminal courts for judges
10 to try and make the result as equitable as possible among
11 the people who are guilty.

12 And if we take that general, that broad
13 principle of the way judges operate, this is just an
14 inherent sense of fairness.

15 If the man has been in jail, then -- for a
16 certain period -- and they are all guilty --

17 I mean it is -- it is just plain old common
18 sense which tells us this is the way to look at it.

19 So if we look at the equities in this case,
20 the begging is that we give these people, and I'm speaking
21 now specifically of Mr. Manson, life as opposed to death,
22 because, first of all, there is Linda Kasabian that we
23 have spoken of.

24 We look at the background, even assuming
25 matters concerning Mr. Manson, this is the logical, sensible,
26 rational mature approach to it because it is just incredible

9-2

1 that one person who the Court has defined as an accomplice,
2 and knowing what an accomplice means, it is incredible that
3 one would get that kind of result by the happenstance of
4 what occurred in connection with Linda Kasabian.

5 This would be grossly unfair, we suggest this
6 is something to consider -- that the jury consider in its
7 exercise of its absolute discretion.

8 Then we look and compare Mr. Manson and his
9 background with these girls.

10 I think these girls have had the benefit of
11 some kind of a family influence upon them.

12 The family influence did not take, for whatever
13 the reason may be, and I'm sure that each of the lawyers
14 representing each of those girls will discuss that with
15 you.

16 But looking at it -- looking at it -- forgetting
17 that this is a courtroom, just like if you were sitting in
18 your own living room discussing it, it is just a reasonable
19 result because then we have done away with the brutality,
20 with all of that which is attached to execution.

21 So we look at the fact that Mr. Manson has had
22 this background.

23 We know for instance, it is in the record here
24 from Mr. Barrett, it appeared -- it would appear -- it
25 is certainly reasonable to infer that outside of these
26 events, if you step back and look at it, look at it like

1 from on top of Mount Baldy, except for these events which
2 are very --

3 We are not trying to run down the tragedy of
4 these events, but except for these events, Mr. Manson --
5 we may approach what went on at the Spahn Ranch. Here was
6 someone that was under police scrutiny on the outside
7 and he did not misbehave to the point that anything was --
8 his conduct was the best in terms -- except for the fact--
9 I see Mr. Bugliosi is snickering.

10 MR. BUGLIOSI: I object, your Honor, I am not
11 snickering. I object to that statement.

12 THE COURT: Let's proceed.

13 MR. KANAREK: But it is clear, look at the pressure,
14 look at --

15 None of us, I don't think, know anyone who was
16 ever under closer police scrutiny than Mr. Manson was at the
17 Spahn Ranch for a period of a couple of years.

18 Like we said before, we would be willing to
19 bet there were informers in that Spahn Ranch, people who
20 came in who looked to be hippies; that there was enforcement--

21 This is the way that law enforcement works;
22 they put undoubtedly people that -- they have them look like
23 hippies, go in there and have them find out what is going
24 on.

25 There is still nothing wrong came up, so when a
26 whole bunch of people were arrested they were released.

1 We are mentioning this because of the absolute
2 discretion of the jury in connection with penalty.

3 Mr. Manson was under the -- was under the
4 supervision of Mr. Barrett.

5 He was under the supervision of the United
6 States Probation and Parole Service.

7 He was there.

8 Except for these events there is no indication
9 that he was doing anything that was violative of anything
10 in connection with the federal courts.

9a fls,

9a

1 And when we remember the custody that he has been
2 in. He was accused of stealing a car, accused of that \$17
3 check.

4 Does that have anything to do with this social
5 involvement so that the jury in the exercise of its
6 absolute discretion may give Mr. Manson his life?

7 Now, the interesting thing about this, when we
8 think of Mr. Manson's conduct on the outside, because the
9 kind of custody he is going to be in for the rest of his
10 life is, as I say, it is unbelievable to us.

11 I am sure we can sort of think about what it
12 would be, but it is almost impossible to -- almost impossible
13 to actually feel it.

14 The fact is, and the suggestion I am now going
15 to broach I don't wish to -- may I preface it by saying the
16 prosecution is going to say that -- whatever they are going
17 to say.

18 But as far as -- now, this subject I am broaching
19 because these events, we think, at least as far as the
20 Tate house is concerned, would not have occurred, would not
21 have occurred except for the fact that those people themselves
22 were using narcotics.

23 Now, the evidence is clear -- now, this is
24 something -- that is what I say, I don't know what -- I
25 know that the prosecution is going to say that I am
26 demeaning the five people that passed away at the Tate home.

1 I am not demeaning them.

2 I am not demeaning these people, and I don't
3 intend to demean them, but what we are saying is, in the
4 exercise of the jury's absolute discretion we think that
5 the jury -- that all of us should take into account that
6 these events at the Tate house probably would not have
7 occurred.

8 That is, these people, assuming for the sake of
9 argument certain things which we would not belabor about
10 the knifings and all of that.

11 But for the fact that these people, that these
12 people, at least some of them, and probably all of them,
13 were themselves engaged in a narcotic episode of some type,
14 these events would not have taken place.

15 If Mr. Frykowski had had all of his faculties.

16 If Abigail Folger had had all of her faculties.

17 If Mr. Sebring -- Sharon Tate -- I don't know
18 about Steven Parent, probably I can say that in his
19 connection.

20 But for whatever it may be worth, for whatever
21 it may be worth, there could have been something done.

22 It doesn't mean -- it does not mean that anyone
23 had any right or any privilege to kill anybody, but
24 certainly if we think of it, if we have all of our
25 faculties about us, we are able to do certain things,
26 whatever it might be.

1 Now, this is something to consider because --
2 because we really -- we really --

3 Because of the state of mind of these defendants
4 and Linda Kasabian and the acid which we suggest that she
5 was under, we really don't know the true events or the true
6 relationships.

7 Remember, there is in this evidence, and it is
8 uncontroverted, it is uncontroverted, and it is associated
9 with this aspect of possible innocence that we have spoken
10 of.

11 It is uncontroverted that Linda Kasabian had
12 some -- she was burnt for \$1,000 in connection with the
13 purchase or some kind of narcotic transaction.

14 And Susan Atkins testified about that in her
15 going to the Tate home.

16 Now, Linda Kasabian could have been questioned
17 by the prosecution, and I'm sure we can infer that prior
18 to the time that she took the witness stand people on the
19 prosecution's side asked her about what Susan Atkins had
20 said concerning this thousand dollar burning or this fact
21 that she had some kind of an association at the Tate home
22 involving the narcotic purchase or whatever it may be.

23 So it is just a circumstance, a circumstance
24 that we have to consider in connection with the possible
25 innocence of Mr. Manson, as well as looking at the
26 equities of it for whatever that may be.

1 The fact of the matter is because people are --
2 people are -- people imbibe in these kinds of activities,
3 unusual results take place and we can think, for instance,
4 of the place of Mr. Watson, since the last time we spoke
5 to you Mr. Watson, it turns out -- it turns out, it is clear
6 that Mr. Watson was heavily engaged in the narcotic traffic.

7 The amount of narcotics that were there in
8 Mr. Sebring's automobile, the narcotics that were found in
9 the house there, it is not beyond belief and it is certainly
10 fair inference to make that somebody on those premises
11 may have been dealing in narcotics at the Tate home.

9b

9b-1

1 We don't have Mr. Watson here to find out if
2 this is true, or if this is not true.

3 All we have is a statement by the prosecution
4 about a monstrosity, which it is, there is no question
5 about it, that these are horrible things.

6 But when we think of the evidence that is
7 before us as to the narcotics on those premises, and also
8 the fact that Mr. Watson may well have pilfered -- may
9 well have pilfered a large quantity of narcotics.

10 He may have gone there very much with Linda
11 Kasabian in connection with this burning, this thousand
12 dollars that was spoken of, and concerning which the
13 prosecution chose not to interrogate Linda Kasabian about.

14 When she finished here the prosecution was very
15 glad to see her leave without any questions, and go back,
16 because this might put some kind of a damper upon some of
17 the viewpoints that the prosecution has.

18 And when we think about the various places
19 narcotics were found, and we think about this testimony,
20 these are matters which -- which bear -- which bear some
21 kind of attention.

22 Because it may well be -- it may well be that
23 Mr. Watson -- there is reason to -- when we look at that
24 narcotic transaction involving Mr. Crowe, for instance.

25 Mr. Crowe was burnt. Mr. Crowe made the
26 threat that we have heard of in this courtroom.

9b-2

1 It may well be that Mr. Watson and Linda
2 Kasabian had some kind of a gripe, had some kind of
3 a feeling of unhappiness about something that had taken
4 place.

5 When we look at the Bernard Crowe incident,
6 this is one week later.

7 There is no reason to expect that if Mr. Watson
8 was engaged in narcotics matters on August 1st, 1969, that
9 he would not be engaged in them on August the 8th, 9th and
10 10th, 1969.

11 And if we add to that, if we add to that the
12 fact that Linda Kasabian drove the car to Harold True's
13 house, not knowing that Harold True no longer lived there,
14 when we have all --

15 And that also involves the narcotics, when we
16 look at the Gary Hinman house that --

17 It is clear the record shows that there is
18 evidence before us that Gary Hinman was engaged in narcotics.

19 It appears that certainly there is some of this,
20 some of this that goes in favor of our granting life to a
21 person who may be, as we put it, and it is not just beyond
22 the reasonable doubt, this is any possible doubt, any
23 possible innocence.

24 There is no showing to us, and I'm sure it would
25 be here -- the prosecution would have it here -- had Mr.
26 Manson been involved in any kind of narcotics traffic.

1 There is no showing of that.

2 And this penalty phase, it's wide open. In
3 the penalty phase the prosecution brought in evidence
4 about Mr. Manson supposedly, in the Bernard Crowe matter
5 they brought in certain matters concerning other things
6 that we have been -- that have been brought to our
7 attention.

8 They did not bring anything showing Mr.
9 Manson was engaged in narcotics.

10 As a matter of fact -- as a matter of fact it's
11 just the opposite.

12 The evidence here indicates that Mr. Manson
13 disapproved of what were called downers, and disapproved
14 of -- of -- guns being brought to the ranch.

15 So what we have here before us is a chain of
16 circumstances that did not start -- that did not start on
17 August the 8th, 1969.

18 We have a chain of circumstances that appears
19 to have started earlier.

20 For whatever that might be worth, it would
21 appear -- it would appear that Susan Atkins, Susan Atkins
22 had some kind of responsibility beginning with the political
23 piggy in the kitchen there, and going on through to August
24 the 10th.

25 So these are all things that -- that bring up
26 subject matter which -- which is subject matter that we

1 should think about in terms of what penalty should be
2 invoked as to Mr. Manson.

3 This has to do with this, as to when did these
4 events really -- when did these events really begin.

5 Page 23,789, the examination by the prosecution:

6 "Q Katie, what was your intent on the night
7 of the Tate murders when you left the Spahn Ranch?

8 "A What was my intent?

9 "Q Yes, what did you intend to do that
10 night when you left Spahn Ranch, that is, the night
11 of the Tate murders, what was your state of mind?

12 "A I wasn't intending to do anything."

13 Then further on:

14 "Q When, then, did it become your intent
15 to commit murder?

16 "A It never was my intent."

10 fls. 17
18
19
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21
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26

9a-I

1 Q "When you were stabbing Abigail Folger,
2 you knew you were killing her; right?

3 "A I knew I was killing her.

4 "Q Let's tell the truth now, Katie,

5 "A I am telling you the truth.

6 "Q All right.

7 "When did it become your intent to kill
8 these people? At what point in time?

9 "A There was never that point in time.
10 I wasn't thinking anything about anything I did."

11 She says never.

12 Now, we can think of that. Is she telling the
13 truth or is she not telling the truth?

14 Because if she is telling the truth at this
15 point, it means that Mr. Manson should be allowed to have
16 at least possible innocence, if she is telling the truth.

17 And there is nothing -- the prosecution had an
18 opportunity here with Linda Kasabian in connection with
19 some of these matters, she was back here, and the prosecution
20 chose not to ask her one question.

21 "Q All right. When did it become
22 your intent to kill these people? At what
23 point in time?

24 "A There was never that point in time.
25 I wasn't thinking anything about anything I did.

26 "Q You knew you were --

1 "A It was just a reaction.

2 "Q You knew you were stabbing?

3 "A Yes, I knew I was stabbing.

4 It was just a motion.

5 "Q Did you intend to stab anyone
6 when you left the Spahn Ranch that night?

7 "A No.

8 "Q When did it become your intent
9 to start stabbing people?

10 "A The minute I -- it would be --
11 even that is not the answer to your question, but
12 all it is, to see within a motion and reacting
13 to it. I was with a woman that was fighting me.
14 I had a knife in my hand. That was it.

15 "Q You were just killing her in self-
16 defense, were you, Katie?

17 "A I am not saying that. You are."

18 And there is a little insight.

19 This girl -- there is an opportunity, the
20 prosecution asks her a question, and she had the power, at
21 that point, to say: Yes. Yes, we got into it, and I was
22 trying to fight for my life. Or something like that.

23 But she doesn't. She doesn't.

24 So, the interesting thing about it, the
25 interesting thing about it is that the integration of her
26 testimony with the physical evidence, the stabbing, for

1 instance, the picture or pictures of Abigail Folger, if you
2 integrate that with the medical testimony about her
3 perseveration, it is clear that Mr. Manson is at least
4 possibly innocent. Because absent that kind of intent,
5 some kind of something or other from Mr. Manson, then, of
6 course, he is not responsible.

10a

1 And is it coincidence that all of the homes
2 involved here involved narcotics?

3 Every gross incident that is brought before us
4 here, everyone, Bernard Crowe, Gary Hinman, La Bianca and
5 Tate, involved narcotics, involved dangerous drugs,
6 involved LSD or STP, marijuana. Each one of those homes.

7 The La Bianca home turned out to be the scene
8 of tragedy because Harold True wasn't home. He wasn't
9 living there any more, and Linda Kasabian didn't know that
10 when she drove there with Mr. Watson. She didn't know that
11 Harold True wasn't there.

12 Is this coincidence? Is this coincidence that
13 each of these events involved something concerning nar-
14 cotics?

15 Does that fact, the fact that each of them
16 involves narcotics, somehow or other, is that in favor of
17 the possible innocence of Mr. Manson?

18 Especially in view of the large void, the big
19 gap, the Grand Canyon in this trial because of the lack of
20 the presence of Mr. Watson and what part he played.

21 Mr. Watson is a forceful, strong, dynamic
22 person. He is no puppy dog, as we can see from the Bernard
23 Crowe incident.

24 Now, here we get to a place where really words,
25 what we have spoken of, the fact that words somehow just
26 cannot convey the entire situation.

When the prosecution asks:

"Q Why did you write the words
'Death to Pigs' in blood on the living room
wall then?

"A I don't know. It was just
written.

"Q Why did you write these particu-
lar words 'Death to Pigs'?

"THE COURT: What was the answer?

"THE REPORTER: I don't know. It was
just written.

"Q Why did you write those particular
words, 'death to pigs'? You didn't think they
were pigs?

"A I don't know. Maybe they just
come to thought, because I know 'political
piggy' had been written, too.

"It is all just from a thought that
amongst ourselves had been passed. Where it
came from -- it was just there.

"Q Why did you write the word or
print the word 'helter skelter' in blood on the
refrigerator door?

"A I don't know. I just put it
there.

"Q Pardon?

1 "A I said I don't know, I just put
2 it there.

3 "Q Why did you choose that particular
4 word?

5 "A I didn't think about it. I just
6 wrote it.

7 "Q I know you wrote it, but why did
8 you write that particular word, 'Helter Skelter'?

9 "A I don't know. It was just in my
10 head, I guess.

11 "Q What about the word 'Rise,'
12 r-i-s-e? How come you printed that word in blood
13 on the living room wall?

14 "A I don't know why any of those
15 words were written.

16 "Q You are the one that wrote them;
17 right?

18 "A Yes.

19 "Q You don't deny that?

20 "A No.

21 "Q You printed those words in blood;
22 is that correct?

23 "A Yes.

24 "Q Where did you get the blood?

25 "A Off the man's stomach."

26 And so forth.

10b-1

1 Now, if you take the kind of influence that
2 LSD, acid, has upon people, and if you take the fact that
3 on August the 4th Mr. Beausoleil had been arrested, you
4 take the fact that these people -- there is no question
5 about it -- had discussed getting Bobby Beausoleil out of
6 jail, how to get Bobby Beausoleil out of jail, if you take
7 all of that and you put a person in an emotional situation
8 like she was confronted with when she came in there and
9 saw Mr. Watson, it is in the context of those surroundings
10 and in the context of the medical testimony that what we
11 see and hear in this testimony is not unreasonable.

12 Does it point to the possible innocence of Mr.
13 Manson? Did Mr. Manson have anything to do with this?

14 This is the question that we have.

15 Did Mr. Manson have anything to do -- don't
16 forget, at the same time, Danny DeCarlo was there, all these
17 other people were at the ranch. Is there some reason why
18 Mr. Watson did what he did?

19 Like we have said, Linda Kasabian grudgingly,
20 in the penalty phase, tells us that maybe it is possible
21 Mr. Watson had some speed the second night. And the
22 prosecution doesn't ask any questions of him.

23 Then we get to this statement:

24 "Q Do you have any remorse for these
25 murders that you committed?

26 "A I don't even know what the word means.

10b-2

1 "Q Well, do you have any sorrow for having
2 murdered these people?

3 "A No.

4 "Q You feel you did the right thing; is
5 that correct?

6 "A It was the right thing, yes.

7 "Q And you still feel it was right; is
8 that correct?

9 "A It was right then, yes.

10 "Q You still feel it is right; is that
11 correct?

12 "A Uh-huh."

13 Now, is that girl telling us the truth? Is
14 there any reason to believe, is there any reason to believe
15 that she is not, that she is lying to us about her state
16 of mind?

17 The reason that is significant, again, is
18 because it is an ingredient by means of which we can
19 test whether or not she is telling the truth in other
20 respects.

21 It is a horrible thing to think about, and it
22 may not agree with what our thinking might be, but she is
23 telling it the way it is. That is what is significant.

24 Linda Kasabian comes to this courtroom and she
25 gives this lip service, this kind of statement, the kind
26 of statements that are self-serving. She came to this

10b-3

1 courtroom and told us things that were for her own self
2 interest.

3 The only way you could get Linda Kasabian to
4 tell the truth is when you corner her.

5 We went through the transcript. I am sure
6 that we all remember.

7 On direct examination -- that is when we spoke
8 before -- and when you compare Linda Kasabian's testimony,
9 when you compare it, one part of it with another part of
10 it, for instance, how that \$5,000 was dragged out of her,
11 it had to be literally pulled out of her like a dentist
12 yanks a tooth.

13 It didn't come out in the direct examination of
14 her. It didn't come out until well in her cross-examina-
15 tion. And then it came out grudgingly.

16 She did everything she could to keep it from
17 coming out because she knew -- she knew -- that her testimony
18 had to be a certain way.

10c fls.

10c-1

1 And if we look at the equities of it, what
2 about all the burglaries?

3 Every time that Linda Kasabian entered a home,
4 every time that she went and did her creepy crawling, that
5 was a burglary.

6 The \$5,000, that was a theft. That is grand
7 theft.

8 Nobody even talks about any possibility of
9 anybody filing any charges on her for that.

10 The crime that that girl has committed in
11 connection with these supposed -- that is, the Tate-
12 La Bianca matters, and the collateral and direct, and
13 whatever way you want to term it, so far as these events
14 are concerned, the crimes that that girl has committed,
15 they are beyond number.

16 And she has absolute complete, 100 percent
17 immunity.

18 Does that have any significance? Does that
19 have any significance in assessing the penalty in this
20 case? Doesn't it?

21 It would seem like it should have some bearing
22 when we weigh the equities between life and death as to
23 Mr. Manson.

24 Now, page 23,805. A question by Mr.
25 Bugliosi.

26 "Q Now, none of you girls, either Linda or

10c-2

1 "yourself, Leslie or Sadie, reached any firm
2 agreement, did you, to kill other people in
3 order to try and clear Bobby Beausoleil?

4 "A No, it was just a thought."

5 Now, we have seen from the medical testimony
6 how the effect of LSD is upon people, evidently, from what
7 these doctors tell us.

8 She could have said at that point, she could
9 have said, instead of "No, it was just a thought," she
10 could have made up a story. She could have made up a
11 Linda Kasabian-type of story where Linda tells us that
12 she left the Spahn Ranch because she was so scared. She
13 was utterly and absolutely just so scared, petrified. That
14 is why she ran away.

15 But we know she ran away because she was
16 involved in killing these people. That is why. That is
17 why Linda Kasabian left the Spahn Ranch.

18 Linda Kasabian wasn't candid like that.

19 Katie Krenwinkel says, "No, it was just a
20 thought," which is much more powerful than sitting there
21 and telling us about a big artificial conference.

22 She could have said a lot of things at that
23 point; that we sat around and we decided this and that
24 and the other thing.

25 But, no, she told you the way it was, which
26 is probably exactly the way it happened. Because of

1 whatever effect these chemicals have upon people's minds,
2 whatever it may be, some points, some things begin to
3 happen that are unexplained.

4 The doctors indicated that we can't here in
5 a courtroom absolutely 100 percent determine these events,
6 and that is why the law wisely provides, at the penalty
7 phase, for possible innocence, because if there is possible
8 innocence, then, in our absolute discretion, the bringing
9 in of a death type of result we could say certainly would
10 be improper.

11 But let's go one step further.

12 We certainly can say that we know of situations
13 -- without numbering them 1, 2, 3, 4, 5 -- where there is
14 no question, there is no question that someone murdered,
15 and the result was life.

10d fls.

10d-1

1 Without naming any of the cases, we all know
2 that there are situations where there is absolutely no
3 question, after the first-degree murder conviction comes in,
4 that the defendant did it. And there are people who have
5 been given life in that context.

6 The reason that there is no question is because
7 it happens where there are actual eye witnesses who are not
8 defendants.

9 A liquor store is held up. Someone is killed.
10 One of the examples that Mr. Bugliosi speaks about. A
11 liquor store is held up. A person is killed. It is first-
12 degree felony murder.

13 And there^{are}, as we know, many, many situations of
14 that type, where the person comes from a certain background,
15 or whatever it may be, and there is life.

16 As a matter of fact, the District Attorney
17 doesn't even ask for death in some of those situations.

18 But those are not publicized cases. Those are
19 cases which are cases that have the benefit of going through
20 the court without all the attendant publicity.

21 And in those cases, there is no question, not
22 only is the person guilty, but the person is the actual
23 one who did the killing.

24 So, certainly, in this case, where there is no
25 question that Mr. Manson, no question about it, that
26 Mr. Manson had nothing to do with, in fact, causing the

1 death of any of these people, wielding any knife, wielding
2 any gun, and we have these various matters that we are
3 speaking of concerning possible innocence, then it would
4 seem like -- it would seem like --this request that we have
5 for a life sentence is one that is reasonable.

6 After she says "No, it was just a thought,"
7 Mr. Bugliosi says:

8 "Q You all talked about it, as I
9 understand it? Is that correct?

10 "A Yes. We talked about many
11 things."

12 Now, if she was out just to help Charles Manson
13 by testimony, just to utter words that would help him, the
14 way Linda Kasabian was there just uttering words to help the
15 prosecution and make everything shipshape, instead of saying,
16 "Yes, we talked about many things," she would say there was
17 a plan, this is what we did."

18 "Q I understand that. But did you
19 talk sort of in general terms, conversational
20 matter about what to do about Bobby Beausoleil?

21 "A Yes.

22 "Q And did the thought come up that
23 perhaps killing other people might persuade the
24 police they had the wrong man?"

25 This is Mr. Bugliosi asking the questions.

26 "A Yes.

1 "Q Bobby Beausoleil, that is?

2 "No response.)

3 "Q None of you ever reached any
4 firm understanding or agreement that is what
5 you were going to do; is that correct; go out
6 and kill other people?

7 "A No.

8 "Q And the homicides at the Tate
9 residence and the La Bianca residence had nothing
10 to do, did they, with trying to get Bobby
11 Beausoleil out of jail?

12 "A Well, it is hard to explain. It
13 is just the thought, and the thought came to be."

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1 And if we think of the medical testimony of
2 these doctors and what they say the LSD does, the effect
3 it has upon people, this kind of answer involving the
4 word "thought" certainly coincides with this approach
5 that we have been given by these four doctors.

6 "Q When you got there, got inside the
7 house, what was your state of mind when you saw
8 Tex standing there near two people, one of whom
9 was tied up? Did you think anything about it?

10 "A No. No, you just look at it. It
11 is hard to say. You live with a thought, and
12 all it is, you know, everything is just before you.

13 "Q You were not surprised?

14 "A Surprised? Yes, it could be a surprise.

15 "Q Did you ask Tex what was going on?

16 "A No.

17 "Q Did he tell you what was going on?

18 "A No.

19 "Q Did he say anything at all?

20 "A I don't know. I don't remember if he
21 was saying anything. He could have been.

22 "Q Manson wasn't there, was he?

23 "A No.

24 "Q Manson wasn't in that car, was he?

25 "A No.

26 "Q Are you afraid of Mr. Manson? You are

1 "not afraid of him, are you?

2 "A No."

3 Now, why, if a person takes the witness stand
4 and says that they are willing -- when Mr. Bugliosi asks
5 concerning the death sentence and she said she is willing
6 to submit to the death verdict, the death result, why is
7 it that she would be afraid of Mr. Manson? Even in the
8 context of this?

9 What can Mr. Manson do to her? What is he
10 going to do to her?

11 I mean, we have got to realize that Mr. Manson
12 is not the Svengali that Mr. Caballero suggested in his
13 recording with Susan Atkins.

14 He told Susan Atkins what the prosecution's
15 viewpoint was. You remember. Right there at the end of
16 his interview on December the 14th, 1969. He said something
17 to the effect: We are going to get that Svengali.

18 But Mr. Manson is not a Svengali.

19 I mean, he may be an unusual type of person,
20 he may be whatever his background is -- he spent time
21 in custody and all of that -- but there is no reason,
22 no reason in the world, to expect or to believe that Mr.
23 Manson is anything but just a guy who weighs a hundred and
11 fl 24 40 pounds who likes girls.

11-1

1 That is about the way it is. Mr. Manson has had
2 quite a share of trouble because of the fact that he likes
3 girls.

4 His troubles probably revolve around that old
5 ancient feeling that men have for women, and these girls go
6 out, Susan Atkins goes out, writes "political piggy," and
7 when she wrote that political piggy, she had had a long,
8 long history of whatever her feelings were, long before she
9 met Mr. Manson.

10 When she left her home in Northern California
11 and went to San Francisco and whatever she did, she had
12 these attitudes and she had these feelings and when she
13 wrote political piggy on there, she was exercising her own
14 idea which, which has snowballed, by virtue of these tragic
15 events into -- into our being in this courtroom right now.

16 But Mr. Manson -- Mr. Manson may have -- there
17 may be some kind of -- whatever it may be, whatever his way
18 may be with these girls, but certainly, certainly -- let's
19 put it this way:

20 This race war, this race war approach that the
21 prosecution has suggested, is there anything here, is there
22 anything here concerning that that shows that Mr. Manson
23 started it?

24 Because the start was the political piggy at
25 the Hinman home, that is where the start was.

26 Susan Atkins felt that way towards Gary Hinman

1 probably because of some dope situation. The record
2 reveals that she felt, I guess, that he dealt in bad dope or
3 something like that, or she felt he dealt in bad dope.

4 He had certain characteristics that she felt
5 she did not like him, so she wrote "political piggy" on the
6 wall.

7 Now, if we are going to have a race war concept,
8 and we are dealing with very sophisticated people on the
9 prosecution end of this thing, we are dealing with people
10 that are very smart, there is no question about it, they are
11 very smart, and they have got the manpower to go out there.

12 They have a building across here on Spring Street
13 that is just chuck full of investigators.

14 They have three, four -- I don't know, maybe I
15 shouldn't say three or four hundred, but I know there is a
16 whole building over there right next to this side of the
17 Esperanza Restaurant facing Spring Street near the freeway,
18 filled with investigators.

19 If there was a race war aspect to this thing,
20 maybe this is something we should think about because why
21 didn't it start at the Hinman house?

22 Why has the prosecution artificially excised,
23 stricken, removed, taken away, not considered the political
24 piggy at the Hinman house?

25 If we had not had that come in here in connection
26 with this penalty phase, that political piggy aspect of it

1 would not be before us.

2 Now, the same prosecution, the same outfit that
3 is prosecuting this case is prosecuting in connection with
4 the Hinman matter.

5 Now, it would seem like if there was a race
6 war kind of thing, that that political piggy evidence would
7 be just as valuable, just as valuable as "pig," "rise,"
8 "death to pigs," "helter skelter."

9 MR. BUGLIOSI: Your Honor, I object, this is improper
10 argument. I allege it is not made in good faith, your
11 Honor.

12 MR. KANAREK: It certainly is made in good faith.

13 MR. BUGLIOSI: I would like to approach the bench,
14 your Honor.

15 THE COURT: Very well.

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

18 MR. BUGLIOSI: Number one, your Honor, I filed a
19 motion to consolidate the Hinman murder with the Tate-
20 La Bianca murders at the start of this trial and apparently
21 Judge Dell in Department 100 ruled the cases could not be
22 consolidated.

23 Number two, during the penalty trial I sought
24 to introduce the Hinman murder and the Court ruled we could
25 not do it.

26 Now, Mr. Kanarek --

That cannot be a good faith argument, why didn't

1 the prosecution bring in the Hinman murder.

2 He said that several times, not just now, how
3 come the Hinman murder was not joined.

4 This is an improper argument and he knows it is
5 improper. He was a party to the effort by the prosecution
6 to bring in this other murder.

7 MR. KANAREK: That is so superficial and specious --

8 MR. BUGLIOSI: Why?

9 MR. KANAREK: I will tell you why it is superficial and
10 specious, because you did it at a time when there was no
11 possibility of preparing for it. You did it on a
12 Johnny-come-lately basis just as we were ready to go to
13 trial in this case.

14 You did not do it at the Grand Jury just as you
15 did at the Shea and Hinman. --

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THE COURT: Whether it's timely or not is not the question.

It would appear your statement would be incorrect.

MR. KANAREK: My statement is incorrect? My statement is absolutely correct.

The reason was --

THE COURT: It is not evidence in this case. That is the objection.

MR. KANAREK: It is argument.

Mr. Bugliosi has told the Court you can have the wings and let your imagination take wings.

THE COURT: It is not proper argument when you misrepresent.

MR. KANAREK: I am not misrepresenting at all.

THE COURT: You say he did not try to bring it in or did not bring it in. That is a misrepresentation.

MR. KANAREK: Bringing it in --

THE COURT: The objection is sustained.

MR. BUGLIOSI: Would the Court admonish the jury to disregard the last.

MR. KANAREK: I object to that. That is a denial of a fair trial, a fair trial under the penalty phase for Mr. Manson.

MR. BUGLIOSI: I noticed a couple of jurors were taking notes on this point. That is why I ask to approach

11a-2

1 the bench. They might think he is making a valid point
2 here; that we were trying to conceal the Hinman murder,
3 which we weren't.

4 THE COURT: You are going to have a chance to answer
5 this argument.

6 MR. BUGLIOSI: I cannot argue that I made a motion
7 to consolidate.

8 THE COURT: You can argue there is not a shred of
9 evidence in Mr. Kanarek's assertion.

10 MR. KANAREK: Your Honor, if I may I would like to
11 have a conference in connection with the use of that Brown
12 report, because it is my belief your Honor in foreclosing
13 my argument in the use of the Brown report is denying Mr.
14 Manson a fair trial and fair penalty phase in violation of
15 due process and equal protection and a denial to the right
16 to confront --

17 THE COURT: Save it, Mr. Kanarek, these machinegun
18 fire objections are a total waste of time.

19 Get to the point.

20 MR. KANAREK: The point is that that Brown report,
21 that Brown report was brought into this case by Mr. Bugliosi.

22 He started it with his examination and he used
23 Mr. Manson, he brought in deliberately --

24 THE COURT: Who?

25 MR. KANAREK: Mr. Bugliosi, he injected the statement.

26 THE COURT: He did not give the doctor the report,

11a-3

1 Mr. Fitzgerald did.

2 MR. KANAREK: I know, but it was done in connection --

3 He brought in the fact that supposedly Mr.
4 Manson dominated her.

5 We have a right, we have a right to go into
6 that.

7 THE COURT: How did he bring it in? What are you
8 talking about?

9 MR. KANAREK: By questioning the doctor as to whether
10 he took into account that statement in there, the alleged
11 domination by Mr. Manson of Patricia Krenwinkel.

12 THE COURT: He may ask the question what he relied
13 on.

14 MR. KANAREK: We also have a right to refute the
15 implication because of the fact he did that strictly --

16 THE COURT: You seem to misconceive, and I think it
17 is intentional, Mr. Kanarek, the purpose of that report.

18 The credibility of Dr. Brown is not in issue.

19 The credibility of Dr. Tweed is.

20 If Dr. Tweed relied on that report, he is entitled
21 to consider it.

22 But you cannot go behind that.

23 MR. FITZGERALD: And I will show you in the transcript
24 where Mr. Kanarek asked Dr. Tweed what in that report he
25 took into consideration in forming his opinion and Dr. Tweed
26 said "I took every word and sentence into consideration."

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1 THE COURT: I think I asked the doctor a question, too,
2 because I wanted to be sure the record was clear on that and
3 he replied the same.

4 MR. KANAREK: So I have a right to read that report,
5 your Honor, and your Honor foreclosed me from that yester-
6 day.

7 THE COURT: You started to go behind and argue the
8 credibility of Dr. Brown and the credibility and the quality
9 of the statements made by Krenwinkel.

10 In other words, you tried to argue Krenwinkel's
11 statements to Dr. Brown as substantive evidence in this case.

12 You knew what you were doing, Mr. Kanarek, and
13 you knew it was wrong.

14 I am telling you now it is wrong and you are
15 not going to do it.

16 Now, let's get on with it.

17 MR. KANAREK: Your Honor, I wish to make one point if
18 I may.

19 THE COURT: You have made all your points. Now,
20 let's get on with it.

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

23 THE COURT: Ladies and gentlemen, do not converse with
24 anyone else or form or express any opinion as to penalty
25 until that issue is finally submitted to you.

26 The court will recess until 1:45.

(Noon recess.)

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LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 19, 1971

1:55 P.M.

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(The following proceedings occur in open court.

All jurors and counsel present. All defendants except Mr. Manson present.)

THE COURT: All the parties are present except Mr. Manson. All counsel and all jurors are present.

MR. FITZGERALD: Could we approach the bench on a legal matter, your Honor?

THE COURT: If it has to do with that letter, why, I am not going to take the time now.

MR. FITZGERALD: It does.

THE COURT: All right. Let's proceed.

MR. KANAREK: In connection with this letter from Dr. Brown that we have heard about, I don't think the jury has had the opportunity to see it yet, the Court is instructing us that this letter is to be used only in connection with the evaluation of Dr. Tweed's -- I want to say it right -- in connection with his evaluation of the state of mind of Patricia Krenwinkel.

Now, in order that we approach this, in order that we follow the Court's instructions on this without any questions, what we are going to do is discuss this principle of law.

Now, the Court is instructing that this letter

1 cannot be used for the truth of the matters asserted in the
2 document.

3 What that means is that you can't use this
4 letter to try to prove anything that is set out in the
5 letter.

6 In other words, for instance, there is a
7 statement in here to the effect that Charles Manson was
8 awakened, for instance -- that is, Patricia Krenwinkel was
9 awakened by Charles Manson. It doesn't say "Manson," it
10 says "Charles."

11 That cannot be used to prove or cannot be
12 used in our discussions to prove -- when I say "our
13 discussions," I mean the jury's discussions -- to prove
14 that Charles Manson awakened Patricia Krenwinkel or anyone
15 else.

16 Any of the statements in this letter, all of the
17 statements in this letter, cannot be used to prove anything
18 that is set out in the letter.

19 For instance, let's say this letter had in it
20 a statement that I went to Phoenix, Arizona -- which it
21 doesn't. You couldn't use this letter to tend to prove
22 that I went to Phoenix, Arizona.

23 The only purpose that this letter serves is
24 to use it as sort of a backdrop to determine the merit,
25 the demerit, the worth, lack of worth, utility, lack of
26 utility, of Dr. Tweed's analysis concerning Patricia
Krenwinkel.

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1 In other words, this letter cannot be used
2 against Charles Manson for any purpose whatsoever to prove
3 anything that Mr. Manson supposedly did or did not do.

4 For instance if there is a statement in here
5 about Mr. Manson's purported influence, and so forth, over
6 Patricia Krenwinkel, that cannot be used to prove that
7 Patricia Krenwinkel was influenced by Charles Manson.

8 In other words, this letter is to be used
9 only -- only in determining whether Dr. Tweed had any basis
10 for making any kind of an analysis of the thinking of
11 Patricia Krenwinkel.

12 Now, this may seem -- this may seem a bit hard
13 to do.

14 In other words, you have to walk a tightrope,
15 so to speak, with this kind of an instruction, but that is
16 what law is, many times there are these types of things
17 that occur, and so when Mr. Bugliosi for instance, and we
18 all remember it in this trial brought up a matter concern-
19 ing Charles Manson and this letter, when he was interrogating,
20 we must, according to the Court's instruction, not use that
21 to prove that Charles Manson did do anything or did not
22 do anything.

23 It has only to do with the evaluation of
24 Patricia Krenwinkel from the psychiatric basis by the
25 doctor.

26 And so, if we keep that in mind, then we have

1 the perspective of this letter as to whether the jury
2 considers it for any purpose.

3 Maybe the jury will decide that in the serious-
4 ness of the matters that we have here before the Court,
5 where it is a matter of life or death, that perhaps this
6 letter, unauthenticated, no penalty of perjury, no restraint
7 on anybody who sent this letter --

8 The person who sent this letter could be
9 completely, absolutely willfully wrong and false and
10 vicious, whatever, and there is no restraint, there is no
11 legal restraint on them.

12 They cannot be prosecuted for perjury in Alabama
13 or California.

14 So that is a matter of some importance in
15 connection with the use of the letter.

16 Now, during the guilt or innocence phase of
17 the trial we did not have the benefit of any medical
18 testimony.

19 It is interesting to consider -- interesting to
20 consider -- it is interesting to consider the testimony of
21 these girls in perspective, and having in mind the doctors'
22 testimony.

23 We get a little -- we get a little insight into
24 the worth, lack of worth, whether there is any merit or
25 not into Linda Kasabian.

26 We have heard from these doctors the use of

1 terms such a chronic use and abuse of LSD.

2 Now, certainly I think even perhaps the most--
3 the most avid advocate of monstrosity type of approach
4 would have to agree that Linda Kasabian is in the same
5 ball park, chronic use or abusewise as these girls,
6 certainly, if not more, considering the testimony that we
7 have here.

8 We don't know right now, but she at least at
9 the time that she testified here in this courtroom, we
10 have every reason to believe that she was a chronic user
11 and abuser of LSD and a myriad of other chemicals, dangerous
12 drugs, narcotics and what not.

13 Now, these doctors are unanimous in giving the
14 opinion that the chronic use or abuse of just LSD causes
15 brain dysfunction.

16 Now, whether or not it causes actual brain
17 damage or not is a matter of scientific -- it is a matter
18 of scientific dispute at this time.

19 For instance, let's say before gold was
20 discovered in California, the gold was here.

21 Now, somebody sitting somewhere on the East
22 Coast, somebody might say "Well, there is gold in California
23 because of the geology."

24 Someone else might say, well, there is no gold
25 in California because of the geology; it isn't proved.

26 But at that point gold was still in California in

1 1849.

2 What I'm saying is, the fact that the doctors
3 don't agree as to whether or not it has been proved, whether
4 or not the microscopes are powerful enough to read and to
5 see the cellular construction of the brain; the fact that
6 we haven't developed that science, we have not developed
7 that physics and chemistry and neurochemistry to the point
8 that we can pinpoint and say that a molecule of LSD has done
9 this to a part of the brain.

10 The fact that that has not happened does not
11 mean that in fact the brain is not damaged. It merely means
12 that our measuring capacity does not exist.

13 So it is important to realize that clinically--
14 clinically, which we all know that means you come to the
15 doctor and his clinical observations mean that, let's say,
16 he finds out, he looks at you and talks to you and does
17 whatever he does and he writes down some notations and
18 these are called clinical notations to prove that something
19 is wrong.

20 Clinically there is every evidence, and Dr.
21 Tweed and the other doctors so stated, there was no
22 evidence from the prosecution to the contrary, because I
23 would assume that every psychiatrist, every man who was
24 working in this field would agree that the chronic use and
25 abuse of LSD clinically creates a problem which we call a
26 psychosis.

1 A psychosis, we have learned in this courtroom,

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a psychosis means a departure from reality.

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1 When we have a lack of the concept of reality,
2 then this is a psychosis.

3 Now, if the brain is not working because of a
4 non-chemically induced psychosis, or let's say because
5 someone, in fact, has whatever they have, schizophrenia,
6 or manic-depressive, or whatever you want to call it, if
7 they have a psychosis and are detached from reality because
8 of a reason that has nothing to do with LSD, or whether it
9 has to do with LSD is irrelevant, it is immaterial, the
10 important thing is that the person is undergoing a
11 psychosis.

12 That is what is important to us, because the
13 raw material that we get from the witness stand, that
14 raw material is evidence. That is what we have to put
15 through our processes and determine what should happen.

16 So, the fact that we have a chemically-induced
17 psychosis means that we have a lack of reality being por-
18 trayed to us by the person who was undergoing a chemically-
19 induced psychosis.

20 Now, I know it by heart, it is Volume 57,
21 Linda Kasabian stated certain things, and these doctors
22 indicated to us that this was delusional conduct.

23 It is in this record. It is in this record
24 that this delusional conduct was under our scrutiny, so to
25 speak, by way of what Linda Kasabian told us.

26 Remember when she told us that she, in fact,

1 thought she was a witch, and she, in fact, thought Charles
2 Manson was God or Jesus Christ?

3 These doctors say that was a delusion. That
4 is in the record.

5 Which means that Linda Kasabian's testimony,
6 her credibility, whether we can believe what she is saying,
7 is open to suspicion.

8 And so, we have a different vantage point,
9 we have a different point to look out upon right now,
10 because we now have before us this medical testimony to
11 assist us in evaluating Linda Kasabian's testimony.

12 It is clear, as we said, certainly all of them
13 are chronic users and abusers. Now, then, if that is the
14 case, in applying our possible innocence criterion to
15 Mr. Manson, we have to walk cautiously, because Linda
16 Kasabian is in the same ballpark as these girls as far as
17 the use of LSD goes.

18 I am sure that there is no question in your mind
19 about that. I think all of us would agree as to that.

20 Therefore, such being the case, and since the
21 prosecution has chosen not to have Linda Kasabian's
22 chronic use and abuse of LSD, that is, analyzed medically
23 for us, we certainly have some reason to pause before we
24 use anything that she says in connection with this
25 penalty phase.

26 Now, Linda Kasabian is about the same age,

1 roughly, I gather, 21, 22 years old, the same age, roughly,
2 certainly, as these girls.

3 Now, the prosecution is very, very vehement and
4 they exhort us and they implore us to bring in a certain
5 result.

6 The prosecution did not bring to us any medical
7 evidence, and no medical evidence whatsoever concerning
8 Linda Kasabian.

14a

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1 Is this important? Is this important in the
2 context of these proceedings?

3 That is part of the absolute discretion that
4 the jury exercises in this case.

5 We think that there is some reason to look at
6 the matter of Linda Kasabian's credibility, and this has
7 nothing to do with her inherent honesty.

8 Assume for a moment, assume that Linda
9 Kasabian is the most honest person in the world. Let's
10 say she is the George Washington of Milford, New Hampshire,
11 so to speak. That would have nothing to do with her
12 credibility, because if she is sick, if she has a
13 chemically-induced psychosis at the time she is observing
14 these things, then we cannot rely upon her no matter how
15 much she intends to be honest.

16 We certainly cannot rely upon her to send
17 people to the gas chamber.

18 And we have reason to believe that her
19 psychosis -- and the thing that comes to mind is what she
20 told Mr. Breckenridge in New Mexico. We all remember that.

21 Now, this is many days after the incidents of
22 August 8th, 9th and 10th, and she still was undergoing this
23 "witch" thing.

24 She didn't have to tell Mr. Breckenridge anything
25 about being a witch. She didn't have to discuss something
26 about Mr. Manson being God.

1 It wasn't what Mr. Manson did, it is what she
2 did.

3 She voluntarily ingested these materials and
4 became psychotic.

5 So, it isn't Mr. Manson -- I can say, for
6 instance, that I am anything, I can say that I am King Tut,
7 but no one here is going to believe it because everybody
8 here is in touch with reality.

9 But if a person is not in touch with reality --
10 and Linda Kasabian was not in touch with reality because
11 of her sickness, her mental illness, whether you call it
12 chemically-induced psychosis or chemically-induced
13 schizophrenia or a true schizophrenia, or whatever you want
14 to call it, the fact is that she was a sick girl. She was
15 a sick, young woman in these critical days that we are
16 analyzing in this courtroom. And being a sick, young
17 woman, we cannot depend upon her testimony to send people
18 to the gas chamber.

19 And this certainly is clearly something that
20 can be inferred from what these doctors have testified.

21 Now, there is such a similarity in these girls.
22 I have gone through the transcripts here, and each girl
23 left home on their own, so to speak. That is, they walked
24 out of the house on their own, whatever the motivation
25 may be.

26 Each girl was out on the street long before they

1 saw Charles Manson or these people at the Spahn Ranch.
2 They were already street people. Linda Kasabian, Leslie
3 Van Houten, Patricia Krenwinkel. We don't have to stop
4 there. Cathy Gillies, Lynn Fromme, Sandy Good.

5 There is no question about it that these
6 people were already there.

7 Now, I suppose when you go down Sunset Boulevard,
8 there is a concentration of these types of individuals.
9 You go out on the Sunset Strip, out in the area of Sunset
10 and Doheny, and these people are all there. And so they
11 congregate in certain areas.

12 So, there isn't any question that Mr. Manson did
13 anything to have these people leave home. It isn't that
14 kind of thing at all.

15 The evidence is clear that they already had
16 sliced themselves off from whatever ties they had in what-
17 ever their home was.

18 Furthermore, it is clear that these people
19 had long begun the ingestion of LSD and had taken LSD long
20 before they ever saw Charles Manson.

15-1

1 So that these individuals, whatever they have
2 done as far as leaving home and so forth, it was already --
3 it was a fait accompli by the time they came in contact with
4 Mr. Manson and the Spahn Ranch and all of the people there.

5 So that is a beginning point that is very
6 significant in analyzing the testimony of Linda Kasabian,
7 as it impinges upon, as it bears upon this penalty phase of
8 the trial.

9 And in that regard I think that rather than
10 demean or run down the testimony of these girls, I think
11 that -- that the testimony of these girls is -- is
12 illuminating to the events, and the reason that these girls
13 have given us this illuminating testimony is because they have
14 been candid with us.

15 They have not exonerated Charles Manson just
16 for the sake of exonerating him.

17 He is exonerated because the evidence
18 exonerates him, that is why; because when you go through and
19 read these transcripts they have not left Charles Manson
20 out of the picture at all.

21 Leslie Van Houten puts Charles Manson right at
22 the Hinman home.

23 She did not have to say what she says here at
24 Page 24,042 beginning with Line 1:

25 "Q Was there an argument between
26 Bobby and Gary Hinman?

1 "A Yes, yes.

2 "Bobby and Gary started fighting
3 and Bobby punched Gary pretty hard.

4 "Then Sadie got on the phone. Charlie
5 and Bruce came over.

6 "Q Where did Charlie and Bruce
7 come from, if you know?

8 "A I imagine Sadie called them.

9 "Q At the Spahn Ranch?

10 "A You know, I was trying to keep
11 Bobby calmed down. I never seen him go off like
12 that before."

13 So she is putting Charles Manson, she says,
14 right there at the Gary Hinman home.

15 So if this were some kind of scheme among these
16 girls even to exonerate Mr. Manson, she would not mention
17 Charles Manson, but she is telling it the way she sees it.

18 She is telling it -- she is answering the
19 questions truthfully and honestly and she is answering the
20 questions candidly.

21 And she goes on, further on at the bottom of
22 Page 24,042: Did Charlie and Bruce Davis arrive?

23 "A Yeah, they came.

24 "Q What happened next after they
25 arrived?

26 "A They came over and all of the men

1 "went into the living room and were talking
2 and again I was in the kitchen, I spent a
3 lot of time in the kitchen because I didn't
4 know what was going on.

5 "Then Bobby and Bruce and Charlie came
6 into the kitchen and they were discussing
7 something, and I don't know what.

8 "Q And who came in the kitchen?
9 Let's go slowly.

10 "A Bobby, Bruce, and Charlie
11 came into the kitchen.

12 "Q They were having a discussion
13 about something?

14 "A Yeah.

15 "Q And did the discussion continue
16 in the kitchen?

17 "A Yeah, you know, they just -- you
18 know how people are, they just came in talking.

19 "Q I see.

20 "A I wasn't even paying any attention
21 because it wasn't any of my business and I didn't
22 want to make it my business.

23 "Q Where was Sadie at that time?

24 "A In the kitchen with me.

25 "Q Then what happened?

26 "A Then Gary came in with a gun and

1 "he shot it, and the gun went and it missed
2 a group of men, and it went into the kitchen
3 wall.

4 "It was like cabinets, so I guess in the
5 course of him shooting, it looked like he was
6 trying to hit Charlie.

7 "Charlie had on a sword, and I guess
8 Charlie, you know, jerked it out and went to
9 defend himself and he cut Gary's ear."

10 She is speaking candidly. She is speaking
11 honestly. She doesn't have to say that Charlie had on a
12 sword. She knows this is a murder trial, if she is lying.

13 "Charlie had on a sword and I guess Charlie,
14 you know, jerked it out and went to defend himself
15 and he cut Gary's ear.

16 "So --"

17 These are the words of a girl telling the
18 truth. She goes on:

19 "Q This sword, was this a pirate-
20 like sword?

21 "A Yeah, it looks like the one they
22 have been bringing up all the time.

23 "Q And did you see Charlie wear that
24 sword from time to time before this --

25 "A Sure.

26 "Q Did Charlie play / pirate once in

1 "a while?

2 "A. Now and then, yeah.

3 "Q. That was one of his roles in
4 the magical, mystery tour?

5 "A. Sure, I even had a pirate outfit.

6 "Q. You played pirate from time to time
7 also?

8 "A. Well, you know, I liked to be with
9 the guys sometimes, too.

10 "Q. I mean, you played the role of a
11 pirate, too?

12 "A. Yeah, that's when I would wear my
13 knife, I would wear my knife other times, too,
14 though.

15 "Well, anyway, Charlie had the sword and
16 he took it, you know, like I say."

17 Now, here she is, she is being asked a question,
18 she is being asked a question concerning subject matter
19 where she does not have to, she does not have to bring in
20 Charles Manson if it wasn't the truth.

21 But she is telling it the way it actually
22 happened.

15a

15a-1

1 "Well, anyway, Charlie had the sword and
2 he took it, you know, like I say.

3 "Anyway, Gary got cut and --

4 "Q Then what happened when Gary
5 got cut?

6 "A You know, well, Charlie stood
7 there looking.

8 "It looked like to me, like he wasn't quite
9 sure just what had happened, and Sadie was all
10 freaked out, because Sadie is always, you know,
11 had a heavy thing for Charlie.

12 "So I said, you know, I said to Bruce
13 and Charlie, 'Just go,' you know, 'Just go, and
14 I will do everything I can to take care of this
15 situation.'

16 "So let's see --

17 "Q Did Charlie and Bruce go?

18 "A Yeah, they started out the house.

19 "And Gary went running, you know, not
20 running, because it was a small house, but went
21 after them again.

22 "And Sadie went toward Gary, and I'm not
23 sure just what she did, but somehow she banged
24 him on the head with the gun a couple of times
25 because he ended up laying in the living room."

26 Now, reading this we have the opportunity to

1 observe this girl on the witness stand admitting, no
2 question, that she has ingested LSD for a great period of
3 time, many, many trips..

4 Was she up there trying to -- was she up there
5 trying to squirm and trying to answer for a particular
6 point of view or was she telling it the way it was?

7 When Linda Kasabian was on that witness stand
8 she was there as an advocate. She was there as a lawyer.

9 She was there-- she might just as well have
10 uttered those statements from this podium or from the
11 counsel table as another prosecutor.

12 That is the way Linda Kasabian was testifying.

13 But these girls are telling us the truth,
14 and I think if we look at the mosaic of their testimony,
15 that we would come to the conclusion that such is the case.

16 Now, she testifies to -- and this is something
17 that is most significant in this case, especially since
18 we are here on a life or death mission, so to speak.

19 She was asked:

20 "To your knowledge was Mary Brunner there at
21 the Hinman residence during the proceedings that you have
22 described?

23 "A. No."

24 Now, Mary Brunner has taken the witness stand
25 and she says, and when she testified at the Grand Jury she
26 substituted her testimony -- she was acting out the part of

1 Leslie Van Houten.

2 Now, do we believe Mary Brunner and do we
3 believe Leslie Van Houten?

4 We have every reason to believe, and the reason
5 that we have to believe is the lack of the prosecution, the
6 lack of the prosecution refuting Mary Brunner's statements
7 from which we certainly can infer that the District Attorney
8 of this County has allowed untruthful evidence to be
9 presented at the Grand Jury in the proceedings that Mary
10 Brunner was at.

11 And if we have that in that case, we have it
12 right here.

13 We certainly can infer that someone has lost
14 their cool in the District Attorney's Office. They have --
15 they have for some reason or other done certain things
16 in this litigation that is not all that it should be.

17 Now, we come to her testimony from which we can
18 infer:

19 "To your knowledge was there any bad blood
20 between Mary Brunner and Beausoleil?

21 "A. No, no.

22 "Q. Everybody loved Bobby, isn't
23 that right?

24 "A. Well, now, how would I know if
25 everybody loved Bobby? I know some people who
26 don't particularly care for him.

1 "Q Well, that was a little too broad
2 a question. That was a little too broad a
3 question.

4 "A You see, Mary was arrested for
5 forgery once, and the police kept messing around
6 with Pooh Bear.

7 "Now, that could have something to do with
8 it. I don't know why she did; I often thought
9 about it, I don't know why Mary did that."

10 Now, we know from Mary Brunner's testimony here
11 that there was certain involvement she had with forgeries,
12 with forging credit cards.

13 She was arrested on August the 8th, 1969 in
14 connection with this kind of an offense, August 8th, 1969.
15 That is the day of the Tate-La Bianca events:

16 "Q Now, at any rate, getting back to
17 the ranch, was there ever any discussion amongst
18 you or Linda Kasabian or Gypsy or Patricia
19 Krenwinkel or Sadie about killing other people?

20 "A Yes.

21 "Q When did these discussions or
22 that discussion take place?"

23 Then there's an objection.

24 Now, after that Leslie Van Houten tells us
25 about Linda Kasabian and Bobby Beausoleil and getting of
26 Bobby Beausoleil out of jail, the purpose, the purpose of

1 what has happened at the Tate and La Bianca homes.

2 "Q Leslie, were you interested in
3 trying to, in some manner, protect or save
4 Bobby Beausoleil after he was arrested for the
5 Hinman murder?

6 "A Yeah, very much so interested.

7 "I don't know if protect and favor are
8 the right words, but I was interested, you know,
9 in his welfare.

10 "Q To that end, whether we use
11 protect, save, or to aid --

12 "A Those words are okay.

13 "Q Did you have a conversation or
14 conversations with Patricia and Sadie and Linda
15 or anybody else, for that matter?

16 "A Well, Patricia and myself and
17 Sadie had discussed different ways -- different
18 people running the ranch. We were talking about
19 different things like bail and we found out he
20 didn't have bail.

21 "Then a good attorney.

22 "Then we talked about copycat cases.

23 "We went around and felt out different
24 people's feelings, you know, like one time Linda and
25 I did go up to Gypsy and mentioned to her and she,
26 you know, she just ran away.

1 "She didn't explain or even express what
2 her feelings were, you know, she just left, and
3 we didn't see her for a long time.

4 "Q Do you know where Gypsy went?

5 "A To the woods, she said, I don't
6 know. I did not know where she went. She just
7 took off.

8 "I could not understand why she left, because
9 I was willing to do anything to get Bobby out."

15b-1

1 And we know from these proceedings that there
2 is a very significant circumstance here.

3 Leslie Van Houten was very much enamored of
4 Bobby Beausoleil. There is no question about that, and
5 when we consider August the 4th and August the 8th, the
6 close proximity in time as to those dates, this is a
7 circumstance of some significance:

8 "I was willing to do anything to get
9 Bobby out.

10 "Q And you talked about that with some of
11 the other girls at the ranch?

12 "A Yes, we talked about it. We took an
13 acid trip.

14 "I don't remember exactly who everybody
15 was, I know Patricia was there. Most likely Sadie
16 and Linda were, maybe a couple of others, and we
17 discussed it many different ways, to get him out,
18 different things.

19 "Q Did you ever reach any conclusion as to
20 what you could do to best serve Bobby Beausoleil's
21 interest?

22 "A No, not a conclusion, we just kept all
23 the thoughts in our minds.

24 "Q And one of the thoughts was, as you put
25 it, a copy-cat killing?"

26 By the way, this is Mr. Keith questioning

15b-2

Leslie.

1 "A Yeah, they do that on TV and stuff.

2 "Q But nothing ever jelled in any of your
3 minds about that kind of an operation, I take it?

4 "A Well, just say it this way, the thought
5 was in our mind, though, you know --

6 "But we did not ponder upon it or plan
7 anything.

8 "We never planned anything.

9 "Q Did you ever talk to Charlie Manson
10 about what to do for Bobby Beausoleil?

11 "A I don't think I ever confronted Charlie
12 with it. Somebody else might have, but I don't
13 believe I did.

14 "Q To change the subject briefly, was there
15 a place near the Spahn Ranch known as the Fountain of
16 the World?

17 "A Yes.

18 "Q Did you ever go there?

19 "A Yes, I did.

20 "Q What was that?

21 "A It was a church."

22 Now, that point, that point, the prosecution
23 wanted to --

24 Linda Kasabian -- it is certainly a fair
25 inference that I just did not call up Linda Kasabian and say
26

16b-3

1 "Hey, let's go have lunch," I mean, and discuss this.

2 It's not only a fair inference. We can say that
3 is a fact. We are all agreed that Linda Kasabian, if I
4 asked her the time of day, she would probably give me the
5 wrong time of day, not alone not give it to me.

6 So I have no way of getting together with
7 Linda Kasabian, period.

8 The prosecution, though, in this case, in this
9 penalty phase of the case, had Linda Kasabian -- she was
10 back here -- the prosecution had, and I'm sure we can infer
11 we can infer that if in February, March, and January of 1970
12 the prosecution made many pilgrimages to the Sybil Brand
13 Institute to speak to Linda Kasabian, we have every reason
14 to believe, and certainly there is no question about it,
15 that the prosecution discussed with Linda Kasabian,
16 discussed with her the Bobby Beausoleil matter.

17 We interrogated Linda Kasabian concerning the
18 Bobby -- her relationship with Bobby Beausoleil, and yet
19 the prosecution did not choose, did not choose to ask her
20 a single question concerning -- concerning this Bobby
21 Beausoleil situation.

22 Does that have any significance? We think it
23 does have significance in connection with the matter of
24 possible innocence, which is the criterion that the jury
25 in its absolute discretion may consider in the penalty
26 phase of the trial.

15b-4

Now, then, Mr. Keith still interrogating:

"Q Now, before getting in the automobile did you hear Charles Manson or Tex Watson discuss the doing of other killings?

"A I didn't hear anybody discuss the doing of other killings.

"Q When you got in the automobile with Patricia Krenwinkel, did you have any knowledge or idea or suspicion that there had been additional murders planned that evening?

"A No.

"Q Did you get in the automobile with a change of clothing?

"A No.

"Q Did anybody tell you to take a change of clothing?

"A No.

"Q Had you taken --"

Before I get into that, this change of clothing scene as far as Linda Kasabian is concerned, came from the tape, from the conversations with -- with Mr. Caballero and Susan Atkins, that is where the prosecution --

16 fls.

16-1

1 MR. BUGLIOSI: He is not drawing any inferences, your
2 Honor. He is stating this as a fact, and there is no
3 evidence of this, and he knows it.

4 THE COURT: Sustained.

5 The jury is admonished to disregard that
6 statement.

7 MR. KANAREK: Well, we can certainly infer from the
8 statements that have been here, we can make the inference
9 that when the prosecution went out to visit Linda Kasabian,
10 that the prosecution had the legal materials that were
11 furnished by way of the Caballero-Susan Atkins conversation
12 of December 4 -- pardon me, December 1 -- 1969.

13 There is no question about it that these
14 materials were with the prosecution, and we can certainly
15 infer that the prosecution used them and programmed Linda
16 Kasabian.

17 In other words, the man is there saying:
18 Hey, Linda. Was it this way? Did you get a change of
19 clothing? And Linda says: Yes.

20 Linda is talking to someone that is going to
21 save her life or grant her immunity, because her lawyers
22 have told her that the prosecution is thinking about giving
23 her absolute and complete immunity.

24 Well, is Linda going to fight somebody who is
25 going to get her out of that jailhouse?

26 These are some of the things that we may

16-2

1 consider.

2 Maybe what I am telling you is all wrong. What
3 I am saying is that these are some of the considerations,
4 this is some of the meat that we should chew on in deciding
5 it.

6 Maybe you will decide it the other way, but
7 what I am saying is that this is the area, this is the
8 ground that we certainly -- it is certainly not unreasonable
9 to consider it.

10 It is a fact that no tape recordings, nothing
11 was done to preserve with Linda any original conversations.

12 So, we have the programming, we have every
13 reason to infer that somebody didn't want to preserve
14 Linda's original conversations and her actual word-for-word
15 utterances.

16 This is certainly not unreasonable.

17 Page 24069.

18 "Q So, your best recollection is that you
19 probably did take acid before you got in this
20 automobile?

21 "A Yes.

22 "Q Did you bring any weapon with you of any
23 kind when you got into the car?

24 "A No."

25 Now, there is something that ties in quite
26 well.

16-3

1 The weapons that were used at the La Bianca
2 home were weapons that were La Bianca property.

3 It is interesting. It is interesting. Because
4 that is physical evidence that is here before us in these
5 unpleasant pictures. The testimony makes it clear that the
6 weapons used in the La Bianca -- as far as the La Biancas,
7 Mr. and Mrs. La Bianca were concerned, came right from their
8 home.

9 And so, when we look at what happened in the
10 La Bianca home as a happening, as something that was
11 triggered, that is not unreasonable.

12 It is not unreasonable at all that these people
13 were high, that they were stoned out of their minds, as the
14 saying goes.

15 They went there, this triggering occurred, and
16 Patricia Krenwinkel got these utensils that are in evidence
17 before us.

18 When once again the jury retires to the jury
19 room, that same evidence will be there before you, and if
20 there is any question about it, I know that Judge Older
21 will certainly allow the reading back of any testimony that
22 will prove conclusively that this girl is telling the truth.

23 Because when we look at those weapons, if
24 Patricia Krenwinkel, let's say for some reason or other
25 those weapons hadn't been there at the house, she couldn't
26 find those utensils, Mrs. La Bianca would be alive today.

16a fls.

16a-1

1 There is every reason to believe, there is
2 every reason to believe, every reason to believe, that this
3 was an incident that was triggered by the yelling of police,
4 by the scene of Mrs. La Bianca taking the lamp, and in
5 this psychotic condition that Leslie Van Houten was in,
6 chemically-induced or whatever way, she had an unreal
7 response to the scene before her.

8 That is what you are when you are psychotic.
9 Your feeling of reality is gone. You have no relation to
10 events in a real way.

11 And so, she reacted, she reacted in a psychotic
12 way, and she did what ^{she} / did, and we have that perseverative
13 conduct, we have that repetitive stabbing that is set forth
14 in the pictures of Rosemary La Bianca.

15 Then the next question:

16 "Q Incidentally, who was in the car when
17 you got in and it started off down the road?

18 "A Linda, Tex, Clem, Sadie, Patricia and
19 me.

20 "Q Was Mr. Manson there?

21 "A No. He was with Stephanie.

22 "Q How do you know he was with Stephanie
23 Schram?

24 "A Because he spent all his time with
25 Stephanie when Stephanie was around.

26 "Q Was Stephanie something of a newcomer

16a-2

1 "to the Family or the group, or whatever you want to
2 call it?

3 "A Yes. A very pretty young girl.

4 "Q Had she been a long time, or was she
5 a recent arrival?

6 "A No, she was new.

7 "When she came, she had a big crush on
8 Charlie and demanded all his attention.

9 "Q Did Stephanie's crush on Charlie
10 create any competition or jealousy among the other
11 girls, to your knowledge?

12 "A Notwith me.

13 "If it did with somebody else, I don't
14 know."

15 Now, if we look back, we will remember, in the
16 guilt or innocence phase of this trial, Stephanie Schram
17 was a prosecution witness. And yet the prosecution, in
18 their direct examination of Stephanie Schram, covered
19 Stephanie Schram when she met Mr. Manson at Big Sur, and
20 then went into the desert area, which was long after August
21 8th, 9th and 10th, interrogating Stephanie Schram.

22 All right. Let's say that was just an oversight
23 that they didn't show she was at the ranch with Mr. Manson
24 and he had gotten a ticket on the 7th with her.

25 That the prosecution somehow or other didn't
26 ask that.

16a-3

1 They could have brought Stephanie Schram here in
2 connection with this proceeding to interrogate her, to
3 interrogate her in this area.

4 Now, again, this is a factor, this is a factor
5 that we can consider in the possible innocence of Mr. Manson
6 as to all of these events.

7 On page 24077: Well, before that.

8 Page 24076.

9 She states:

10 "Do you remember whether or not either
11 one of them" -- this is after saying what happened
12 they
when /... stopped.

13 "A Linda and Tex got out of the car."

14 "Q Do you remember whether or not either
15 one of them or both told the rest of you in the car
16 why they were getting out?

17 "A No.

18 "Q They did not say anything, to the best
19 of your recollection?

20 "A They might have. Like I say, I don't
21 remember.

22 "Q What did you say Linda and Tex did, if
23 anything, after they got out of the car?

24 "A They walked away from the car.

25 "Q Did they go towards the house or down
26 the sidewalk or what?

16a-4

1 "A I'm not even sure which direction they
2 went in.

3 "Q At some time later did one or both of
4 them reappear at the car?

5 "A Linda came back and she said that Tex
6 was going to stay.

7 "So Patricia and I said 'Well, we want
8 to stay too.'

9 "So we went up to the house.

10 "She said, 'Go up that driveway.'

11 "Did Linda tell you what was going on
12 in the house?

13 "A No.

14 "Q Did she tell you anything at all about
15 who was in the house or what they were doing?

16 "A No.

17 "Q Did you ask?

18 "A No. I can tell you what I figured, but
19 I didn't ask.

20 "Q Well, at that time were you -- at that
21 time you -- strike that.

22 "You did walk up in the driveway with
23 Katie and go in the house?

24 "A Yes.

25 "Q While you walked up the driveway towards
26 the house did you have murder in your mind?

16a-5

"A No.

"Q Or harming anybody?

"A No.

"Q Or robbing anybody?

"A No.

"Q Or burglarizing the house?

"A No."

16b fls.

16b-1

1. Now, the night before Linda Kasabian said that
2. she walked up to the Tate house with Tex Watson and the
3. others.

4. Is this set of facts here, is this unreasonable
5. in view of what she told us that happened the night before
6. when she walked up with Tex Watson?

7. Is this more reasonable than Linda Kasabian
8. being asleep?

9. Remember, at the La Bianca home, remember in
10. her testimony, she was half asleep and half awake.

11. She conveniently was asleep and awake and asleep
12. and awake whenever she wanted to be asleep and awake
13. respectively as far as the evidence was concerned.

14. That is something to consider because of the
15. fact, among other things, that the night before she went up
16. with Mr. Watson. Why would she be asleep on this occasion
17. if not to camouflage the fact that she knew it wasn't
18. in the prosecution's best interests or her best interests
19. to be in that house.

20. So, she was asleep and really didn't know too
21. much about anything.

22. Then Leslie Van Houten goes to the house.
23. At the top of page 24079.

24. "Q Did you hear Tex threaten the woman or
25. the man?

26. "A No.

16b-2

1 "Q Did you or Katie threaten the woman or
2 the man?

3 "A No.

4 "Q So the first thing that you can remember
5 that was said was 'I'll give you anything.'

6 "A Yes.

7 "Q Then what happened?

8 "A So Patricia and myself and the lady
9 went into the bedroom, and the closet door was open,
10 so we were looking at the clothes.

11 "And then she said, 'I won't call the
12 police; I won't call the police.'

13 "She kept saying that.

14 "Q Now, wait a minute, let's go slowly.

15 "Did the woman show you her clothes?

16 "A Well, the closet was open -- and all of
17 the clothes were there.

18 "Q Did she have a lot of clothes?

19 "A Yes, she had some very pretty clothes.

20 "Q Did you think that the woman was going
21 to give you some of the clothes?

22 "A Yes.

23 "Q Why did you think that?

24 "A Because she said, 'I'll give you anything.'

25 Now, this is not the conversation of premeditated
26 murder as the prosecution would have us believe.

16b-3

1 This is the conversation of an acidhead. This
2 is the conversation of someone who happens to be somewhere.

3 The fact that the tragic events happened at this
4 particular time is the kind of thing that results when
5 people take narcotics, when they take drugs, when they do
6 things, when they create a situation in their mind so that
7 they really don't know what they are doing, and instead of
8 this being just a disturbing the peace case, which it would
9 have been, perhaps, if Patricia Krenwinkel hadn't brought
10 in those utensils -- it all depends on how far Mr. Watson
11 had gone with Mr. La Bianca at that point -- we know that
12 he was tied up when Leslie Van Houten walked into the
13 house -- instead of it being just that kind of an event
14 that would end up as, say, disturbing the peace, it ends
15 up as a murder case.

16c fls.

16c-1

1 And murderers do not go to a home and depend
2 upon the utensils being there. Murderers bring weapons
3 with them.

4 And if Charles Manson was going to show these
5 people how to do it, supposedly, like Linda Kasabian said,
6 they would bring their weapons with them.

7 It is a very poor Mafia head or Svengali, or
8 whatever, who depends upon the victims having their own
9 weapons.

10 And so, it is clear from the evidence in this
11 case, because the evidence in this case is clear, that
12 Mr. Manson had nothing to do with these proceedings.
13 He had nothing to do with these people dying except that
14 he was at the Spahn Ranch with Stephanie Schram, and he
15 knew these people.

16 That is why it is interesting to consider the
17 circumstances rather than the bare words that are uttered.

18 And the strongest circumstance that we think
19 perhaps should be considered is the fact that these
20 weapons, the weapons that were used on Mr. and Mrs. La Bianca,
21 were weapons that came out of their own kitchen.

22 Now, again, if there was to be a planned
23 murder and if this was to be done with the kind of
24 activity that the prosecution would have us believe,
25 the weapons would be supplied, the weapons would be there.
26 They would be using their own weapons.

1 These people were high on acid. They were
2 wandering around. They went to Harold True's house for
3 whatever the reason may be. They were at a home the
4 night before, at the Tate home. They went to Harold True's
5 in connection with some kind of narcotic or LSD activity.
6 And so they wandered from Harold True's home, they
7 wandered over to this home next door.

8 And once again, in the jury room, we will have
9 the picture of the relationship of these houses, the
10 Harold True home and the home of the La Blancas, and
11 if anybody can do what Linda Kasabian says Mr. Manson did
12 in three or four minutes, in the smoking of a half a
13 cigarette, the tying up and all of that -- we don't have
14 to look at those pictures right now, but I am sure we will
15 all have in mind the unpleasant pictures that we are
16 speaking of here -- it is just not -- it is just not
17 within human possibility.

18 And so, these are circumstances that we
19 suggest be considered in connection with the possible
20 innocence of Mr. Manson in connection with the penalty
21 phase of this trial.

22 Now, the interesting thing about, eventually,
23 the use of LSD, and something that we have learned in this
24 courtroom, it is very interesting, and although it is a
25 subject that has plenty of sad overtones, we have listened
26 in this courtroom to these doctors and we have learned that

1 there is something about the ingestion of LSD, there is
2 something about its use, that, as we have said before --
3 and bear with us while we say it again -- words can't
4 describe it somehow.

16d fls.

16d-1

1 We tried, evidently the doctors try, and as a
2 matter of fact, we have read in the literature where
3 doctors will sometimes, in connection with this, they just
4 throw up their hands because it is just very difficult to
5 convey what is going on in the person's mind who is under
6 the influence of LSD.

7 And why is that? It is because the person who
8 is under the influence of LSD is then and there psychotic.
9 They are undergoing a psychotic episode at the time that
10 they are high on LSD.

11 Now, the prosecution, as we said, could have
12 brought scientific people to refute what these doctors have
13 said. But they haven't because it is so, I suppose, for a
14 long, long time, people have tried to describe people who
15 were not well mentally, and we can look at some of the
16 writings in England, some hundreds of years ago, people who
17 were psychotic and sick were actually considered criminal.

18 We all know of the story of Bedlam, that famous
19 asylum in England wherein there was actually a criminal
20 charge. It would be the State taking action and throwing
21 people into a dungeon because they were mentally ill.

22 Now, here we have people under the influence
23 of LSD doing these things, and they are mentally ill at the
24 time that they are doing these things. They are mentally
25 ill at the time they are seeing these things, that they are
26 observing as to what is going on.

For instance, here, as to Tex Watson:

"Q Did you talk to Tex at all, or did he talk to you about what he was supposed to be doing in that house?"

This is Page 24,087.

"Why he did what he did?"

That is part of the question:

"Why he did what he did?"

"A None of us talked about it much.

"Tex kind of was somewhere else, you might say.

"Q Do you believe, having ingested all the LSD and other drugs that you have taken, that Tex was under the influence of some narcotic or hallucinogen?

"A I would say he was.

"Q Do you know what particular drug he took?

"A No, that I had heard Sadie mention something about STP.

"Q What is STP?

"A I don't think I ever had any, but I heard it's one of the farthest out psychedelics you can take.

"It lasts for days and days and days.

"Q You mean Tex seemed sort of out of it when you were going back to the ranch?

1 "A. Well, at the ranch we were
2 all pretty much in our/^{own}worlds.

3 "Q You mean this was afterwards, or
4 was he always in his own world?

5 "A Well, you know, he was always
6 pretty jolly.

7 "But after this we started calling him the
8 Mad Hatter. He would just zoom in the kitchen and
9 we'd fix him some coffee and he zoomed out of the
10 kitchen."

171

1 Now, we come to a place in connection with deter-
2 mining whether or not Leslie Van Houten is telling the truth,
3 Page 24,090:

4 "Q And where did you go after you left
5 the Fountain of the World?

6 "A I went to the desert.

7 "Q Was Charlie at the desert when
8 you got there, if you remember?

9 "A I really cannot recall.

10 "Q Did you ever see Charlie again?

11 "A Sure.

12 "Q Where did you see him?

13 "A In the desert, but I don't know if
14 he was there at the time I got there.

15 "Q Did you ever tell Charlie about what
16 had happened at the La Bianca house?

17 "A Yes.

18 "Q What did he have to say, if anything?

19 "A Well, he kind of looked at me and
20 I kind of looked at him, and what could he do about
21 it?

22 "I don't know what -- I had done it.

23 "Q Did he talk to you about how wrong
24 it was for you to have done this, or anything
25 like that?

26 "A I never told him anything he did

1 "was wrong. Why should he tell me anything I
2 did was wrong?

3 "Q So he did not take you to task
4 then for what you had done?

5 "A Taken me what?

6 "Q To task.

7 "A I don't know what that is.

8 "Q All right. Did he get angry with
9 you when he told you what you had done?

10 "A Because I had done something?

11 "Q Yes.

12 "A No.

13 "Q Did he tell you you had done the
14 right thing?

15 "A He did not tell me his opinion one
16 way or the other.

17 "Our conversation amounted to what I told
18 him what I had done.

19 "Q That is what I am trying to get at.

20 "A I don't know the exact words, but it
21 amounted to I was there, and whatever was to come
22 to pass was whatever was to come to pass and this
23 is where I am at.

24 "There was no right or wrong in the dis-
25 cussion.

26 "Q Sometime in October you were

1 "arrested in the desert?

2 "A Yes"

3 Now, if Leslie Van Houten -- we all observed
4 her demeanor on the witness stand.

5 She doesn't have to say these things. If she
6 was going to just absolve Mr. Manson, just whitewash him,
7 she could do that. She has the power.

8 The person that takes the witness stand has
9 the power to say whatever they say.

10 Now, the question is, we have to evaluate as
11 to whether she is telling the truth, and if she is out to
12 whitewash Mr. Manson and not tell it the way it was, she
13 does not have to say this kind of conversation occurred.

14 So what I am saying is, it is interesting to
15 read the exact testimony and think of the exact testimony
16 because it speaks so eloquently in telling us who is telling
17 the truth and who is not telling the truth.

18 And these girls, these girls are telling the
19 truth.

20 The prosecution is certainly not going to say
21 that there is -- that when Leslie Van Houten says she has
22 no remorse, or Katie Krenwinkel says she has no remorse,
23 the prosecution is not going to say that that is untrue.

24 The prosecution says, "This is it," he said
25 something like, "They are mutations and monstrosities and
26 animals," and that kind of thing.

1 Well, there is every reason to believe that
2 everything that these girls have said here is the truth,
3 if you look at it -- if you look at it word for word and
4 analyze it and think of it in terms of the whole picture
5 and all of the circumstances and all of the evidence in
6 this case.

7 It is not easy to do, and it is not necessarily
8 an ingratulating kind of experience to do this, but we think
9 that this is where --

10 This is where the evidence is, that at least
11 the verbal evidence is in this transcript.

12 Then we come to Leslie Van Houten's statements
13 at Page 24,095 -- pardon me, -93:

14 "Leslie, at some time after you were arrested,
15 you were ultimately charged with the La Bianca
16 homicide; isn't that correct?

17 "A. Yes.

18 "Q. Now, did you have any conversations
19 with members of the Los Angeles Police Department,
20 either before or after you were formally charged
21 with the La Bianca homicides?

22 "A. You mean before I was charged with
23 them?

24 "Q. Yes.

25 "A. Yes, I did.

26 "Q. Do you remember who some of the

1 "people were, the names of some of the people
2 were?

3 "A Detective McGann and Detective
4 Patchett."

5 Now, we have all come to know Officers McGann
6 and Officer Patchett.

7 She is testifying concerning conversations
8 with them. It would be no problem whatsoever for the
9 prosecution to put on Officers McGann and Patchett, if
10 what Leslie Van Houten is saying here was not so.

11 But is it indicative, her testimony here shows
12 the way the prosecution has operated in this case in
13 connection with witnesses:

14 "Q Were they from the LAPD or the
15 Sheriff's Department, if you know?

16 "A It was my understanding that they
17 were LAPD Homicide.

18 "Q Did you talk with Sergeant
19 Gutierrez here?

20 "A No, he was questioning somebody
21 else.

22 "Q Did you talk to any other homicide
23 detectives?

24 "A Well, like these detectives
25 question you and there are about three or four
26 of them. One fires questions at you and the

1 "others stand around like, you know, 'We can
2 read your mind,' you know.

3 "So, there were others around, but the
4 main ones were Detective McGann in L.A. and
5 Sergeant Patchett when I was in Inyo County.

6 "Q Sergeant who? I'm sorry.

7 "A Patchett.

8 "Q In the conversation that you had
9 with Sergeant Patchett, did you have one or more
10 than one conversation with him?

11 "A I had one, and I refused to speak
12 to him after that.

13 "Q Who was present besides yourself
14 and Sergeant Patchett?

15 "A Sartuche -- you know, I learned
16 his name later -- and one other one, but I
17 don't know who he was.

18 "Q Was this in Inyo County Jail?

19 "A Yes, it was.

20 "Q And was it some time before you
21 were actually indicated on the charges?

22 "A It was about a week before they
23 brought me here to L.A., and then it wasn't
24 long after that that I got indicted, I guess.
25 It must have been about a couple of weeks.

26 "Q Did you talk with Sergeant

1 "Patchett and tell him what you have told us
2 here today?

3 "A No, I didn't.

4 "Q Did Sergeant Patchett offer you
5 anything to try to induce you to talk?

6 "A He offered me immunity, and when
7 I turned him down he said he would have me murdered."
8 And that is what the prosecution is asking at this point
9 right now, they are asking --

10 THE COURT: We will take our recess at this time,
11 Mr. Kanarek.

12 Do not converse with anyone or form or express
13 an opinion regarding penalty until that question is finally
14 submitted to you.

15 The Court will recess for 15 minutes.

16 (Recess.)
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17a

17a-1

1 THE COURT: All parties are present except Mr.
2 Manson.

3 All counsel and all jurors are present. You
4 may continue, Mr. Kanarek.

5 MR. KANAREK: Thank you, your Honor.

6 Leslie Van Houten testified that she was offered
7 immunity, "And when I turned it down, he said he would have
8 me murdered."

9 Now, it is clearly within the power of the
10 District Attorney -- if this is untrue -- these police
11 officers, the prosecution was here in court, they could
12 bring these police officers here and testify this did not
13 happen.

14 Is that significant in connection with what we
15 are here for presently as to the penalty?

16 Are we interested in this kind of evidence,
17 because the issue right now being life or death, it is
18 sort of like roulette in Las Vegas.

19 Is justice supposed to be administered based
20 upon a police officer or a prosecutor giving immunity to
21 someone?

22 There is every reason to believe that if
23 anything is true, that statement is true.

24 There is no reason, no practical reason or
25 any other reason in the world why those police officers,
26 if that is untrue, could not be brought here to testify.

17a-2

1 But the reason that they were not brought here
2 to testify is because it is true.

3 So, therefore, therefore the wheel was spinning
4 and it came up Leslie, and Leslie did not want the stakes,
5 even though she won.

6 She did not want that immunity.

7 So now just because she did not want that
8 immunity she is to be killed.

9 She is to be murdered.

10 They are asking us in this courtroom to commit
11 the murder of Leslie Van Houten.

12 THE COURT: That is not a proper statement, sir.
13 That is improper argument.

14 MR. KANAREK: Well, I would like to approach the
15 bench then, your Honor, if I may.

16 THE COURT: The jury will disregard that term,
17 murder.

18 MR. KANAREK: Ladies and gentlemen of the jury,
19 read over -- if I may disagree with the Court --

20 But in any event, in any event read in connec-
21 tion with the jury instruction that you are going to get,
22 you are getting an instruction on murder, and that is one
23 of the instructions you will get going into the jury room.

24 But in any event, in any event, this is what
25 she testified to.

26 And certainly the gist of it is there, and that

17a-3

1 is why there is this aspect of possible innocence.

2 Can we depend upon a whole scheme of things?

3 Can we depend upon a prosecution where the only
4 thing that is desired is the result?

5 Can we use that kind of a prosecution to put
6 people in the gas chamber?

7 "He said he would have me murdered.

8 "And then that is where Dianne Bluestein
9 came running in our cell.

10 "Q Now, wait. We are getting ahead of
11 ourselves.

12 "You are sure Sergeant Patchett offered
13 you immunity if you would testify for the State?

14 "A They all offered me immunity, and they
15 offered me \$25,000, and a 9:00 to 5:00, and 24-hour
16 security.

17 "They offered me a complete world if
18 I would turn in evidence for them."

19 She is mentioning Sergeant Patchett -- I
20 mean, there is no question but what that has to be true.

21 "Q Now, you see, we are getting ahead of
22 ourselves. We have to determine who 'they' are.

23 "Who besides Sergeant Patchett?

24 "A McGann. Mr. McGann used to see me
25 in the Captain's office for three hours every day,
26 for three or four days, and do nothing but offer me

17a-4

1 "an entire world if I would look at a picture and
2 say that I saw Charles Manson shoot that gun,
3 and wasn't he a terrible man."

4 Now, in the context of these proceedings,
5 where it is a matter of life or death for Charles Manson,
6 can we depend upon law enforcement that has this kind of
7 a state of mind as far as prosecution goes?

8 Can we depend upon this kind of an exercise
9 of a public office, because a police officer is a public
10 official.

11 He is a public officer. Should he be doing
12 this?

13 "Q Where were these conversations with
14 Mr. McGann?

15 "A In the Captain's office at the jail.

16 "Q What jail?

17 "A Sybil Brand Institute for Women.

18 "Q Was anybody else present besides you and
19 Mr. McGann?

20 "A I think -- I'm not sure -- but one of
21 them came in.

22 "It might have been you -- that one
23 there -- but I don't remember.

24 "Once in a while one or two would come
25 in and ask McGann how he was doing with me, you
26 know, and McGann would just look at me and say

17a-5

1 "something.

2 "Q And who offered you \$25,000, a \$25,000
3 reward?

4 "A Detective McGann."

5 Now, the issue is framed there.

6 Either that was said or it wasn't said.

7 Either that offer was made or it wasn't made.

8 And this then is the kind of situation when
9 we look at the equities of it; it is in the same kind of
10 bushel basket as the situation with Susan Atkins.

17b fls.

17b-1

1 Shall we allow the happenstance, the state
2 of mind of a little girl, 19 -- whatever she was, 19 or
3 20 at that time, her state of mind --

4 She said, "Yes, she would be given immunity
5 and become a prosecution witness if she said yes."

6 Then to that she would have the \$25,000, the
7 immunity and all of that.

8 Should that be the criterion of determining
9 life or death? Because that was an opportunity for her
10 to escape these proceedings and be where Linda Kasabian is.

11 So these are some of the things that perhaps
12 we should consider in deciding whether or not life or
13 death should be given, because that has to be true.

14 Because Detective McGann is very, very available.

15 "Q And who offered you what sounds
16 to me like some kind of a job?

17 "A He did. He offered me everything.

18 "Q When you say everything, what do
19 you mean by that?

20 "A In other words, he offered me a
21 complete world outside of the bars if I would
22 turn in evidence against other people.

23 "Q Did you steadfastly refuse?

24 "A Yes, I refused.

25 "Q Perhaps you could tell us why.

26 "A Because if I was at that house --

1 "which I know I was -- I know that it was
2 up to me to be judged accordingly, and not for me
3 to be cut loose because I was to turn in evidence
4 against other people.

5 "I don't see where justice lies in that. I
6 don't see how it is fair."

7 This is the state of mind of a girl who is in
8 this courtroom.

9 She is testifying; she is testifying as to her
10 true state of mind.

11 This is an index, this is indicative of the
12 fact that everything that she is saying here is true:

13 "Q Leslie, do you feel sorrow or
14 shame or a sense of guilt at having participated
15 in the death of Mrs. La Bianca?

16 "A (Pause.)

17 "Q Let me go one by one.

18 "Do you feel sorrowful about it, sorry,
19 unhappy?

20 "A Sorry is only a five-letter word.
21 It can't bring back anything."

22 Now, those are harsh words, it is true, and our
23 only advocacy of those words at this point, since we don't
24 represent Leslie Van Houten, is because of the fact that
25 we are advocating that what she is saying is the truth.

26 That is why we utter those words to you now, to

17b
1 try to discuss --

2 We are not here to cause any harm to Leslie
3 Van Houten, but the purpose is to see whether we can use her
4 words in deciding whether Mr. Manson should get life or
5 death.

6 And there is a girl that is speaking the truth.

7 And out of the context of these proceedings, in
8 our own lives, how many times have we heard people say,
9 "Sorry," or have indicated a regret which we know is
10 superficial, which we know is something that is not in
11 fact what they mean.

12 In the social graces people say, "I'm sorry,"
13 because of one thing or another that may have occurred.

14 Sometimes a public official will say, "I'm
15 sorry for what has occurred."

16 You go down and you go somewhere and you want
17 to get a certain document or something, and somebody makes
18 a mistake, and they tell you they are sorry, something of
19 that type, that they have -- they are very sorry, and so
20 forth.

21 And are they sorry or are they not sorry?

22 The question is, when she says it, does she mean
23 it?

24 When she says it, she means exactly what she
25 says. That it is just a five-letter word in her mind.

26 And so it is not like the public official or

1 the District Attorney saying, "Sorry, Susan Atkins, you
2 changed lawyers, sorry, we are not going to allow you to
3 have life because you changed lawyers."

4 "Q I am trying, Leslie, to dis-
5 cover as best I can your feelings about
6 what you did, your feelings now, how you
7 feel about it, and I can only use words.

8 "A What can I feel? It has
9 happened. She is gone.

10 "What can I do? What can I feel?

11 "Q Do you wish that it hadn't
12 happened?

13 "A Do I wish? I never wish any-
14 thing to be done over another way.

15 "That is a foolish thought. It never
16 will happen that way. You can't undo some-
17 thing that is done.

18 "Q Do you feel ashamed of what
19 happened within yourself?

20 "A Ashamed?

21 "Q Yes, ashamed.

22 "A Ashamed?

23 "Q Yes.

24 "A What is ashamed?

25 "Q Do you have a feeling -- the
26 best way I can put it other than to use that

1 "word itself -- do you have a feeling of --

2 "A You mean if I wanted to hide?

3 "Q No, not to hide, but as if you
4 wanted to cry for what happened.

5 "A Cry?

6 "Q Yes.

7 "A For her death?

8 "Q Yes.

9 "A If I cry for death, it is for
10 death itself.

11 "She is not the only person who has
12 died.

13 "Q Could you tell us, how do you
14 feel about now sitting in the witness box?

15 "A How I feel?

16 "I feel like it happened.

17 "Q And it is something that we
18 all, none of us, can undo, is that right?

19 "A Sure.

20 "Q Do you think about it from time
21 to time?

22 "A Only when I am in the courtroom.

23 "Q Have you tried to stop thinking
24 about it except when you were in the court-
25 room?"

26 An objection which was overruled.

1 "THE WITNESS: What do you mean, do I
2 try to stop?

3 "I don't generally think about things
4 that are already past."

17c

1c
1 Is Leslie Van Houten telling us the truth
2 when she is testifying in that way?

3 It is unusual, it's -- it's -- it's certainly
4 -- I'm sure that none of us would agree with that state of
5 mind that she has, but she is telling us the truth. That
6 is in fact her state of mind, so we can rely upon what she
7 is telling us, and when you compare, when you compare this
8 heart-rending -- a young girl like that making statements
9 like that -- there is no question but what it tends to
10 tear you up, that a young girl in our society should have
11 this feeling.

12 I mean, I think we are in agreement that this
13 is regrettable; that she should have this feeling, but it
14 is the truth.

15 She is telling us exactly the way she feels.

16 And this means that the girl can be believed.
17 There is no way, no way that we can believe Linda Kasabian
18 the way we can believe her, the way we can believe
19 Leslie Van Houten.

20 Where has the prosecution shown anything in
21 connection with Leslie Van Houten that would be analogous
22 to Linda Kasabian's theft of the \$5,000?

23 Where?

24 Where is it in connection with anything?
25 Is this important?

26 Well, that is what we have to decide and

1 certainly, certainly this girl is giving us -- is giving us
2 the information that we can use in deciding this case on
3 the penalty phase.

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1 Page 24,102 is the kind of truth that if she
2 was trying to protect Charles Manson she wouldn't be
3 uttering these words.

4 "Q Leslie, you stated" -- this is
5 Mr. Shinn examining her -- "Leslie, you stated
6 that Sadie, Bobby Beausoleil, and you went to
7 the Hinman residence.

8 "A Yes.

9 "Q Is that correct?

10 "A Yes.

11 "Q I believe you stated that Gary
12 Hinman took a shot at somebody?

13 "A What?

14 "Q You said that Gary Hinman took
15 a shot at somebody with a gun.

16 "A Yes.

17 "Q And you said right after that
18 shot that Sadie hit Gary Hinman over the head
19 with a gun.

20 "A No, that is not what I said.

21 "Q What did you say?

22 "A I said that Charlie took his
23 sword and cut Gary's ear."

24 Now, is she telling it the way it is, or is
25 she making up a story?

26 She was there, according to this testimony.

1 The prosecution will say I am stating a fact.
2 But we can certainly infer, you can make the inference
3 from this that she was there. And she is telling it the
4 way it was.

5 She is telling us, she is saying, "No, that
6 is not what I said.

7 "Q What did you say?

8 "A I said that Charlie took his
9 sword and cut Gary's ear."

10 She knows that Mr. Hinman is dead. She knows
11 that that is not good in the context of these proceedings
12 for anybody to be there, let alone to have committed some
13 kind of an injury to the physical person of Gary Hinman.
14 But we certainly must agree that what she is telling here
15 is something that has the ring of truth to it.

16 And the proceedings that we have here, in
17 connection with this life or death, are proceedings that
18 require the kind of integrity, the kind of truthfulness that
19 you get from a witness who is not beholden to anybody.

20 Linda Kasabian is beholden to the prosecution
21 for all of those benefits. There is no restraint on Linda
22 Kasabian's words. Nothing.

23 Can we think of any restraint upon her?
24 Why she should not say something that is helpful to the
25 prosecution's viewpoint?

26 Here is a girl that is beholden to nobody.

1 Absolutely nobody.

2 Like we have suggested, she will probably,
3 after these proceedings are over, never see Mr. Manson in
4 her lifetime.

5 "I said that Charlie took his sword and
6 cut Gary's ear."

7 "Q After that?

8 "A Then I told Charlie that I
9 would take care of Gary as best I could, and
10 for him to go.

11 "Q Okay.

12 "So, now, I believe you stated that Sadie
13 then hit Gary over the head with a gun; is that
14 correct?

15 "A I said I didn't see it but she
16 must have because he was knocked out in the
17 living room.

18 "Q You say when Charlie and Bruce
19 left, Gary went from the living room -- I mean
20 from the kitchen to the living room?

21 "A He went into the hallway with
22 the gun still pointing.

23 "Q Where was Sadie at that time?

24 "A In the kitchen with me. Then she
25 left the kitchen and went running towards
26 Gary.

"Q That is in the hallway?

"A Well, the way the house is situated is there is still a hallway. When you leave the kitchen through the kitchen door, you go down a hallway which leads to the front door and then goes on up into the living room."

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18a :

1 And here is a picture. Defendants' P-HH.
2 A series of pictures. The upper one here having the
3 "political piggy" on the wall.

4 Then further on in this testimony of Leslie
5 Van Houten.

6 "Q And where was Gary when you
7 first entered the living room?

8 "A He was laying on the floor.

9 "Q Where was Sadie?

10 "A Near him.

11 "Q Was Gary bleeding at that time?

12 "A His ear was.

13 "Q What about his head where he was
14 hit on top of the head?

15 "A It could have been."

16 This is referring to Mr. Manson's cutting of
17 Gary Hinman's ear.

18 "Q Did you ever go back into the living
19 room to see Gary after that?"

20 That was after Sadie had stabbed Gary.

21 "A I went in once when I heard a
22 lot of noise going on in there, strange sounds.
23 I went in and I saw him dead or dying. I don't
24 know if he was dead or not."

25 Is this a girl trying to protect Charles
26 Manson or is this a girl telling us what happened?

1 Now, here is testimony at Page 24,111 which
2 would show that Linda Kasabian -- and I think we can infer
3 it by her life style and by the habit she had of taking
4 LSD and consuming it the way it has been portrayed to us --
5 and then, again, to make her credibility synthetically
6 something that it wasn't, she told us that she only took LSD
7 once in the whole time she was there at the ranch.

8 So, this testimony is interesting in connection
9 with determining not only Linda Kasabian's credibility as
10 such, but also Linda Kasabian's ability to perceive and
11 relate and bring to this courtroom whatever she saw,
12 because this clearly shows that Linda Kasabian ingested LSD
13 at the critical times that we are considering.

14 At Page 24,111.

15 "Q Okay, now, did you ever see her
16 take any drugs like LSD or speed or marijuana?

17 "A I have been with her a couple of
18 times. We have had acid.

19 "She has been on a couple of acid trips
20 with me.

21 "Q And would she take these drugs
22 quite often?

23 "A Like I say, you know, like at the
24 ranch I was doing whatever I was doing.

25 "Sometimes I would come across Linda;
26 she could have been loaded, I don't know, or

1 "high on acid.

2 "I don't know how many times she did.
3 I know she had an acid stash when she came
4 with us, that people were, you know, taking
5 tabs from now and then."

6 We know from what Gypsy told us, from what
7 Catherine Share has told us, that Linda Kasabian brought
8 to the ranch when she brought the \$5,000, she also brought
9 this acid with her, the LSD that we are speaking of.

10 And she tells us, Linda has told us, that she
11 only took it once in the whole time that she was at the
12 ranch.

13 Now, then, we get to the reason that these
14 events at the Tate and La Bianca house occurred, the reason
15 that Linda Kasabian could have been interrogated on by
16 the prosecution.

17 "Q Okay, did you talk about Bobby
18 Beausoleil?"

19 This is at Page 24,112.

20 "A On those two days?

21 "Q Well, preceding those two days,
22 before August 8th and August 9th.

23 "A Everyone was discussing Bobby
24 Beausoleil.

25 "Q Yes, but I want to direct your
26 attention to whether or not Linda Kasabian
was talking to you or in your presence about

1 "Bobby Beausoleil.

2 "A We talked about it.

3 "Q Did she talk about it?

4 "A Did she?

5 "Q Yes.

6 "A We, it wasn't like she did not
7 do any more than I did.

8 "Q You say 'we'.

9 "Did she participate in the conversation?

10 "A Sure.

11 "Q Do you recall what she said about
12 Bobby Beausoleil?

13 "A No.

14 "Q Did she say anything about trying
15 to get him out?

16 "A We all said things about trying
17 to get him out.

18 "Q When you said you all, you are
19 including Linda Kasabian?

20 "A Sure.

21 "Q Did she talk about Bobby Beausoleil
22 in jail, Linda Kasabian?

23 "A While Bobby was in jail did she
24 talk about him?

25 "Q Yes.

26 "A Sure.

"Q How to get out brother out?

"A Yes, 'It's a shame he's in jail.

I wonder how we could get him out.'

"Well, you know, conversation. I cannot pinpoint the words.

"Q Okay, so now on August 9th you stated she drove the automobile?

"A What date?

"Q August 9th.

"A Is that the second night?

"Q That is the night of the La Blancas --

"A Yes, she drove."

Now, there is no question about what Linda was driving that car and but what Linda stopped in front of the house of Harold True.

Page 24,117:

"Q Now, I believe you said Linda went into the house with Tex.

"A Linda left the car with Tex.

"Q Did you see her leave the car?

"A Yes."

That does not agree with what Linda has told us, of course.

The question is: Is this testimony more reliable, and in connection with determining the possible innocence of Mr. Manson is this testimony significant of

1 Linda?

2 Now, at Page 2,121:

3 We have, on that page, without reading the
4 details of it, "When was it that you first took LSD?"

5 She says, "My father came up and we had a
6 visit, and he told me it was when I was 15."

7 So, there is no question but what she is a
8 chronic user and abuser of LSD.

9 Now, Page 24,122:

10 "Q Now, directing your attention,
11 then, to the taking of LSD. Did you ever
12 take LSD in the presence of Linda Kasabian?

13 "A Yes.

14 "Q On how many occasions?

15 "A A couple.

16 "Q And where were you when you
17 took LSD in the presence of Linda Kasabian?

18 "A At the ranch.

19 "Q Now, did Linda Kasabian ever
20 discuss Bobby Beausoleil with you? Just a
21 discussion of Bobby Beausoleil?

22 "A Yes.

23 "Q When was that?

24 "A When we were at the ranch.

25 "Q What was said by you and what
26 was said by her?

1 "A Different kinds of conversations
2 happened about Bobby, how good looking he was,
3 what a nice man he was.

4 "And then after he got arrested, how
5 could we go about getting him out, that it
6 wasn't right that he was locked up."

7 Then: "And directing your attention,
8 then, to the words "political piggy."

9 "You saw these words at the Hinman home;
10 is that correct?

11 "THE WITNESS: I saw some writings on the
12 wall. Later on I found it was 'political piggy'.

13 "I didn't pay any attention at that time."
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18c-1

1 And then:

2 "Q Now, directing your attention to Linda
3 Kasabian, did you ever hear Linda Kasabian use
4 the word 'pig,' speak and use the word 'pig'?

5 "A It wasn't a word that was widely
6 used.

7 "I personally cannot remember her
8 saying that word.

9 "Q At no time in your -- since you have
10 known her do you remember her using the word
11 'pig'?

12 "A The only time Linda and I would
13 generally speak would be about Bobby because Linda
14 knew I was with Bobby."

15 She knew, in the context of these proceedings,
16 that if she wished to just lie, just get up there and lay
17 it on for us to try to fool us, or something like that,
18 she would say that she heard her use the word "pig."

19 She is telling us, if you look at it, read
20 the detail of this evidence, this girl is giving us
21 evidence that is truthful. She is telling us the things
22 that we can believe.

23 Then she goes on to discuss:

24 "Q What suggestions, if any, did Linda
25 Kasabian make to get Bobby Beausoleil out of jail?

26 "A She didn't come up with any herself.

18c-2

1 "It was a lot of different thoughts combined -- a
2 bunch of different thoughts.

3 "Linda did not mastermind or plot any
4 main thing.

5 "Q Well, at a time when Linda was present
6 did you, Sadie, Patricia and Linda together discuss
7 getting Bobby Beausoleil out of jail?

8 "A Yes."

9 And isn't that perfectly reasonable? Isn't
10 it reasonable that someone like Bobby Beausoleil -- isn't
11 it reasonable he was in jail, got arrested on August the
12 4th, doesn't it seem that people would discuss some way of
13 getting him out of jail? These far-out people, these
14 people who are an unusual type of people?

15 So, they think of what happened to Gary Hinman.
16 We have the evidence here. It is clear that Susan Atkins
17 wrote this "political piggy." So, one person speaks to
18 the other, and there is this contemplation of this
19 evidence being there.

20 So, what do they do? They go ahead and they
21 just -- being upset or whatever -- they go out and they
22 do whatever they did in an atmosphere of acid.

23 In other words, it is not the kind of thing,
24 certainly, the way the Board of Directors of a large
25 corporation sit down and, I suppose, plans next year's
26 model. But in the context of these people, and in the

18c-3

1 context of Susan Atkins, who was the driving force here,
2 no question about it, Susan Atkins felt that whatever
3 happened to Bobby Beausoleil was her doing, that she had
4 killed Gary Hinman, and so it generated into what happened
5 and the tragedies that we have before us.

6 Does that make more sense to us than this
7 race war?

8 Is the "political piggy," is that the clue?
9 Is that the clue to the whole picture here?

10 It certainly fits in. It certainly fits in
11 with the motivation. It certainly fits in with the
12 motivation about Bobby Beausoleil.

18d fls.

18d-1

1 But Linda Kasabian, we know what she told us
2 when she came back here, and the interesting thing about
3 this whole situation is that Linda Kasabian, when she
4 testified, she tells us -- how did she put it -- you
5 remember, there was that aspect of her testimony, she
6 wrote out all of these things for the prosecution, she
7 made a sheaf of papers up, and she never mentioned Gary
8 Hinman in that sheaf of papers that she was writing for
9 the prosecution.

10 You remember, there was the pulling out of a
11 word about a murder. But she left out any allusion to
12 Gary Hinman in those writings.

13 And the reason she did that is because Linda
14 Kasabian is a very clever girl. She was getting immunity.
15 She was getting immunity in these Tate and La Bianca
16 matters, and she didn't want to become too involved in
17 the Gary Hinman matter.

18 She didn't expound upon that in her writing.

19 Remember, we had to kick out, there was one
20 word there where she used the word "murder."

21 Well, she didn't -- she could have, I don't
22 know if there is any reason why she couldn't have, but she
23 could have written out all of this, that she knew about
24 the Gary Hinman matter. She could have written out
25 everything that she testified to in this courtroom about
26 the Gary Hinman matter. But she didn't do that.

18d-2

1 "Q And what suggestions, if any, did Linda
2 Kasabian make to get Bobby Beausoleil out of jail?

3 "A She didn't come up with any herself,"
4 and so forth.

5 And then:

6 "Q All right, then, in these discussions,
7 whether Linda stated the words or not, what was --
8 what was the method that was to be used to get
9 Bobby Beausoleil out of jail?

10 "A We hadn't come to a decisive method in
11 which to get him out.

12 "We had different thoughts."

13 Now, if Leslie Van Houten was a liar, if she
14 was making something up, that would be a wonderful oppor-
15 tunity for her to give us a detailed plan.

16 But she is telling us the way people on acid
17 think and act. They had different thoughts.

18 Some kind of a conversation or series of
19 conversations had taken place, and somehow or other,
20 whatever the motivation was, they went to the Tate resi-
21 dence, and then went to the La Bianca residence.

22 Because, you see, when a story is told that is
23 just a story and it is made up, it is pat, it doesn't
24 have any loose ends to it. But when the truth is told,
25 because of the lack of ability of people to remember
26 details, there is a loose end here and there. There is a

18d-3

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loose end that you have when you don't rehearse a story

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time after time after time, as Linda Kasabian was

k8e fls 8

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rehearsed.

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18e-1

1 This witness, Leslie Van Houten, took the
2 witness stand and told us what it was. She had never
3 discussed these matters with me before. And so she told
4 it exactly the way it was.

5 She says:

6 "We hadn't come to a decisive method
7 in which to get him out. We had different thoughts.

8 "Q All right.

9 "Would you state what the different
10 thoughts were that were discussed in the presence
11 of Linda Kasabian?

12 "A We could raise the bail; we found out
13 later there was no bail.

14 "We could get a good attorney to try
15 to beat the case.

16 "Or we could do copy-cat killings.

17 "Q And this was discussed in the presence
18 of Linda Kasabian?

19 "A Sure, Linda Kasabian was there.

20 "Q All right, and in connection with the
21 matter of copy-cat killings, what were you going to
22 copy?

23 "What was discussed as the example,
24 that which would be copied?

25 "A I suppose the writing on the wall, the
26 weapons used.

18e-2

1 "I hadn't really thought about that."

2 Now, in deciding what the penalty should be,
3 we have other witnesses, and we have tried to use
4 Leslie Van Houten as an example here.

5 We are not going to go through everybody's
6 testimony like this, but we think that Leslie Van Houten's
7 testimony is so helpful in shedding a light in connection
8 with these events that we have gone into detail on that.

19 fls.

XXXXX
19-1

1 But if we look at the other testimony in
2 here from people that are -- people that admittedly have
3 lived together on the Spahn Ranch.

4 You take witnesses like Cathy Gillis, Lynne
5 Fromme, Sandra Good, Catherine Share, and analyzing their
6 testimony we maybe should be a little careful that we
7 don't -- because we don't like what they say, we should
8 be careful that we don't say because we don't like what
9 they say that they are therefore not telling the truth.

10 You take a witness like Catherine Gillies, she
11 got on the witness stand.

12 She knows that Mr. Manson is in custody; she
13 knows she is before this court. She is telling the truth.

14 Her feeling is, she says, she would kill to
15 get a brother out of jail.

16 She is telling it the way it is.

17 Now, that does not mean that Mr. Manson had
18 anything to do with these matters. You cannot substitute
19 -- you cannot substitute dislike for someone's way of
20 life or dislike for someone's thinking for proof, because
21 this girl has some unusual concept of life does not mean--
22 does not mean that she cannot be believed as to what she
23 says as to where Mr. Manson was with Stephanie Schram on
24 that night.

25 When Gypsy or Catherine Share get on the
26 witness stand and tell us where Mr. Manson was, she is

19-2

1 telling us the truth.

2 It just so happens, it just so happens, and
3 it may make scenario writers unhappy, and it may make
4 people who produce some kind of a play or something
5 unhappy, but it just so happens that Mr. Manson was tied
6 up with a girl on that night -- on those nights that we
7 are speaking of here.

8 The evidence is overwhelming to that effect.

9 These girls, these girls have come here and
10 they -- they -- they haven't tried to pull the wool over
11 our eyes. They haven't come here -- they haven't come
12 here and said that their philosophy of life is something
13 different than it is.

14 They have come here and told us the harsh
15 truth. They have come here and told us what their
16 feelings are.

17 And in telling us what their feelings are
18 they certainly know that they are not saying things that
19 are pleasant.

20 But they have come here and they have leveled
21 with us. They have come here and if there is any perjury,
22 we can rest assured that they will be prosecuted for it.

23 Their testimony is probably screamed by the
24 District Attorney's office immediately when these
25 transcripts come out.

26 So when Catherine Gillies states what she

19-3

1 states -- I am not going to go through it word for word,
2 but when she states what she states about this period of
3 time, and she says that she could have been in that car,
4 just the happenstance of fate that she was not in that
5 car, and went out to do whatever they did, that is undoubt-
6 edly the way it happened.

7 That is undoubtedly the way it happened.

8 There was no big racial war plan.

9 Bobby Beausoleil was arrested and these people
10 wanted to do something about it and they started driving
11 around the City of Los Angeles and did what they did and
12 brought it to these events their addleheaded ideas based
13 on the fact that they were taking something, they were
14 taking this LSD.

15 Who knows exactly the detail of the way it
16 happened? And exactly why it happened? But those were
17 the people that were there, and they got in the car and
18 they did what they did.

19 Now, this, again, is a matter -- is a matter
20 of personal -- is a matter of personal type of integrity.

21 It is unusual, it is strange, it is the kind of
22 thing that we don't see, probably never will see again,
23 but they have an integrity, an integrity in what they say
24 that is unimpeachable.

25 If it was impeachable, the prosecution would
26 have brought people here to impeach it.

19-4

1 But the prosecution, the prosecution has not
2 done that.

3 Now, when we look at Mr. Grogan, for instance,
4 Mr. Grogan testified here from the witness stand completely
5 and absolutely and unbelievable type of person, a very
6 unusual type of person.

7 Is what Mr. Grogan said something that we can
8 use in connection with this case?

9 It is a bit of testimony that -- I mean we
10 certainly can remember. We can remember that Linda
11 Kasabian -- you remember Mr. Grogan testifying concerning
12 the gun?

13 Now, he was unusual because he is unusual in
14 his demeanor on the witness stand, because he is unusual
15 in his manner of responding to the questions because he is
16 unusual in what he did.

17 Does that mean that we should reject, we should
18 reject what he said?

19 Should a trial such as this -- is this supposed
20 to be a popularity contest?

21 It is true that Linda Kasabian is a person
22 who makes a good appearance on the witness stand. But is
23 that the criterion?

24 Is the criterion to be how good an actor or
25 actress you are, or is the criterion to be how truthful
26 you are?

19a fls.

19a-1

1 That is the question that we have to resolve
2 and the credibility of witnesses.

3 If there is anything that is going to occur,
4 that is going to cause us to believe that maybe -- maybe
5 Linda Kasabian is not telling us the truth, then this goes
6 to this aspect of what we have called possible innocence.

7 Now, looking at these exhibits -- now, these
8 exhibits by these doctors, for instance, they are rough
9 sketches. Maybe they don't mean a lot. Maybe they are
10 something we should not consider.

11 The fact of the matter is that the whole field
12 of credibility, the whole field of determination of whether
13 somebody is telling the truth or not is wrapped up in the
14 subject matter of LSD.

15 Now, when somebody comes to the courtroom and
16 they have not been on LSD for some particular period of
17 time, they may give an appearance on the witness stand of
18 being honest, forthright, and so forth.

19 But these diagrams are sort of -- sort of
20 descriptive, they are sort of diagrammatic, because both of
21 these doctors, both of these doctors have told us that LSD
22 does affect the mind, whether it is provable or whether it
23 is not provable, in terms of actual analysis, both
24 of these doctors that made these particular diagrams out,
25 tell us that it does affect the mind.

26 Now, does that mean that these people that have

19a-2

1 come here to testify -- these are unusual people -- does
2 that mean -- I don't know what the prosecution is going to
3 say, but does that mean that we cannot believe Catherine
4 Gillies, Sandra Good, Lynne Fromme, Catherine Share because
5 they have taken LSD?

6 Does that mean that we can't? Because if we
7 cannot believe them, we cannot believe Linda Kasabian.

8 There is no reason to expect any difference
9 between Linda Kasabian's credibility and the credibility
10 of these people, because we are now talking about retelling
11 events that have occurred; that have occurred in the past.

12 Now, we can rest assured that these girls who
13 we know from the evidence here are living on Temple and
14 Broadway, right here on the corner, we can be very very
15 confident that those girls are under police scrutiny like
16 24 hours a day.

17 We can be very sure that those girls are coming
18 here, and I don't know if the prosecution -- what the
19 prosecution is going to say about their credibility, but
20 we can certainly believe that they are under police
21 scrutiny.

22 And so can we can that we should reject
23 their testimony?

24 Certainly when they came to the witness stand
25 and testified there was nothing about their testimony that
26 was not to be believed except -- except for the fact that

19a-3

1 what they said was unusual.

2 Catherine Gillies for instance making the
3 statements that she made.

4 But what can we do, what else can we do?

5 These are the people -- these are the people
6 that were there on the scene at the Spahn Ranch.

7 Now, Mr. Manson -- Mr. Manson certainly is
8 friendly with these people, but if they are going to use
9 the philosophy of Mr. Manson as reflected by Gregg Jakobson,
10 as reflected by Mr. Watkins, we also have the right to
11 have Mr. Manson's philosophy as reflected by these girls
12 considered; that their reflection of what his philosophy
13 is is certainly more likely to be true than the philosophy
14 as reflected by Gregg Jakobson or Paul Watkins or people
15 who are oriented toward the prosecution viewpoint.

16 The fact of the matter is that when they say
17 that Mr. Manson believes that each person, that each
18 person is responsible for his acts or her acts, and that
19 this is the way Mr. Manson conducted himself, and this is
20 his thinking, there is no reason in the world to believe
21 that is not true.

22 And when Leslie Van Houten tells us, as she
23 told us from the witness stand, when she tells us that she
24 told those things to Mr. Manson and he in effect listened
25 to her and in effect walked away, this is the way we can
26 believe that it happened as far as her relating these

19a-4

1 events to him.

2 Because if we get to the heart of what we have
3 been talking about, doing in this courtroom, the only
4 reason there is the focus on Mr. Manson is because he has
5 been dragged in here as a defendant.

6 There were many other people at that Spahn
7 Ranch.

8 We cannot depend upon the fact that because
9 Linda Kasabian says something happened a certain way that
10 it happened that way -- in other words, if we cannot
11 depend upon Catherine Gillies and we cannot depend upon
12 Sandra Good and we cannot depend on those people; and we
13 cannot depend upon these girls (indicating) why can we
14 depend upon Linda Kasabian?

15 It insults our intelligence to ask us to
16 depend on Linda Kasabian because she has been schooled for
17 the job.

18 She was talked to, she was spoken to, she was
19 rehearsed.

20 The reason this is important in the penalty
21 phase, the reason we say that these two documents, these
22 rough sketches by these doctors have symbolic meaning in
23 this trial is because of the effect that LSD has had upon
24 the minds of these people.

25 THE COURT: We will adjourn at this time, Mr. Kanarek.

26 Ladies and gentlemen, do not converse with

19a-5

1 anyone or form or express any opinion regarding penalty
2 until that issue is finally submitted to you.

3 The court is adjourned until 9:00 a.m. on
4 Monday morning.

5 (Adjournment taken.)
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