

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.

207

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Wednesday, March 24, 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: ~~XXXXXXXXXXXX~~ ESQ.  
MAXWELL KEITH, Esq.

For Deft. Krenwinkel: PAUL FITZGERALD, Esq.

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MURRAY MEHLMAN, CSR.,  
Official Reporters

LOS ANGELES, CALIFORNIA, WEDNESDAY, MARCH 24, 1971

9:30 o'clock a.m.

- - - -

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

You may continue, Mr. Bugliosi.

MR. BUGLIOSI: Good morning, ladies and gentlemen. Before I continue my argument I want to remind you that once again I don't enjoy discussing these horrible murders and the fact that these savage murderers here deserve the death penalty, any more than you enjoy the subject matter.

It is not pleasant for any of us.

I think this goes without saying, but I wanted to say it anyway.

We will go back to the Bible just for a brief moment. I notice that Mr. Keith and Mr. Kanarek brought some Bibles with them today so it is going to be an early morning sermon, I guess.

Yesterday I of course quoted from Exodus which unequivocally sanctions the death penalty.

There are other quotes, of course. Very briefly, I will read them to you.

The Book of Genesis, the first book of the Bible, Chapter 9, Verse 6 reads:

"Whoever sheds the blood of man, by man shall his blood be shed."

1 In the book of Leviticus, the third book of the  
2 Bible, Chapter 24, Verse 17 reads:

3 "Whoever takes the life of any human  
4 being shall be put to death."

5 Now, the defense counsel might very well argue  
6 to you that when you get into the New Testament there is  
7 language in St. Matthew, Chapter 5, Verse 39:

8 "But I say to you not to resist the  
9 evil doer; on the contrary, if someone strikes thee  
10 on the right cheek, turn to him the other also."

2 Fls.

2-1

1 They might argue to you that the Bible was  
2 saying there "Do not put anyone to death."

3 However, if you look at that language, that  
4 language refers to one person's interrelationship with  
5 another person; private relationships. Whereas, when God  
6 spoke to Moses on Mount Sinai, giving Moses, apparently,  
7 some precepts by which he should govern the children of  
8 Israel, he was talking about the power of the government,  
9 the power of the State, to put to death someone who has  
10 already violated the Fifth Commandment.

11 *the* These lawyers are constantly thinking in terms  
12 of amendments, and sometimes I almost slip and say the  
13 Fifth Amendment because that language is so much more  
14 familiar to us.

15 Lest there be any question, ladies and gentle-  
16 men, about the New Testament sanctioning the death penalty  
17 as opposed to the Old Testament -- the Old Testament dwells  
18 on the propriety of the death penalty; the New Testament  
19 does not dwell on the propriety of the death penalty,  
20 but takes the propriety of the death penalty for granted.

21 The reason I say it, in the Book of Acts of  
22 the apostles, Chapter 25, Verse 11 -- this will be the  
23 last quotation from the Bible -- there is this language --  
24 I'm talking about the New Testament now, not the Old --

25 "For if I have done any wrong or  
26 committed a crime deserving of death, I do not

1 "refuse to die. But if there is no ground to  
2 their charges against me, no one can give me  
3 up to them. I appeal to Caesar."

4 When a Roman citizen was on trial and he  
5 appealed to the Emperor Caesar, the case passed out of  
6 the jurisdiction of all other magistrates.

7 So, the New Testament just absolutely takes  
8 for granted the propriety of the death penalty by that  
9 language right there.

10 The language of St. Matthew simply does not  
11 apply.

12 Before I left off yesterday I was pointing  
13 out that Mr. Keith and Mr. Fitzgerald seemed to be saying  
14 that because their clients committed such savage murders,  
15 this means that their clients are crazy, and because they  
16 are crazy, let's give them life imprisonment.

17 I pointed out that if one were to buy that  
18 argument, then whenever there was an exceedingly savage  
19 murder, ergo, the killer must be crazy; ergo, give him  
20 life imprisonment. Whenever you have an exceedingly savage,  
21 grotesque, bizarre murder.

22 In other words, the death penalty would be  
23 reserved for the common type of killer, one that only  
24 stabs his victim once or twice.

25 Isn't that what they are saying? If they are  
26 saying something else, they will have an opportunity to

1 explain what they meant.

2 They look at the savagery of the murders and  
3 say: No one in their right mind can do this. Let's give  
4 them life.

2a fls.

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1                   Who is the death penalty for then? For  
2 people who do not commit savage murders?

3                   Maybe they will be able to clarify the con-  
4 fusion I have in my mind as to what they are talking about.

5                   I also said that when you separate the wheat  
6 from the chaff and the diamonds from the rhinestones, as  
7 it were, the four psychiatrists in this case, their  
8 conclusions about these three female defendants were sim-  
9 ply that they are suffering from a personality disorder  
10 and they are mentally ill, and went on to say that even  
11 assuming this is the case, even assuming that these three  
12 female defendants are suffering from a personality disorder  
13 and are mentally ill -- and I agreed with the psychiatric  
14 conclusions on this point -- so what? This in no way  
15 justifies the imposition of life imprisonment as opposed to  
16 the death penalty.

17                   Personality disorders and mental illness are  
18 believed to exist in every murderer. I am not talking about  
19 a killer now, because you can kill in self-defense or  
20 during wartime. This is not murder.

21                   But having a personality disorder or mental  
22 illness does not justify life imprisonment, because if it  
23 did, then, by definition, every murderer would be exempt  
24 from the death penalty.

25                   And the last thing I was saying, I will tell  
26 you what does mean something when we are talking about

1 sick minds: diminished mental capacity and/or insanity.

2 Now, one can be suffering from diminished  
3 capacity and not even be insane, although certainly if you  
4 are insane, you are also suffering from diminished mental  
5 capacity, but the converse isn't true.

6 In criminal law, a person suffering from  
7 diminished mental capacity cannot deliberate or premeditate  
8 the killing. He is incapable of premeditating and  
9 deliberating the killing.

10 The defense called four defense psychiatrists  
11 to the witness stand.

12 Did you hear any one of the four defense  
13 psychiatrists asked -- did you hear any one of the four  
14 defense attorneys ask any one of the four defense  
15 psychiatrists whether they felt these three female  
16 defendants could not deliberate or premeditate?

17 Did any one of these defense attorneys ask  
18 any one of the psychiatrists whether they felt these  
19 three female defendants could not deliberate or premed-  
20 itate?

21 Absolutely not. And I think you can draw  
22 certain inferences from the failure of the defense attorneys  
23 to ask that question.

24 It stands to reason, ladies and gentlemen,  
25 that if any one of the four defense psychiatrists felt  
26 that these three female defendants could not deliberate or



1 premeditate these killings, the defense attorneys would  
2 certainly have asked them that question.

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1           These three female defendants deliberated  
2 and premeditated these murders in cold blood.

3           They are not suffering from any type of  
4 diminished mental capacity.

5           They are suffering from a diminished heart,  
6 a diminished soul.

7           Now, let's leave diminished mental capacity  
8 and talk about insanity.

9           In other words, a loss of contact with  
10 reality, a psychosis.

11           These defendants, ladies and gentlemen, had  
12 no loss of contact with reality during these murders; they  
13 knew that they were committing savage murders, and if  
14 they got caught they most likely would have ~~had~~ to have  
15 ~~been~~ with their lives.

16           Why do I say that? It was this realization  
17 on their part that caused them, for instance, to dress in  
18 dark clothing on the nights of the Tate murders and  
19 creep stealthily around the front gate of the Tate residence.

20           That is why Tex Watson crawled in the window  
21 of the Tate residence.

22           That is why Patricia Krenwinkel tells Linda  
23 Kasabian to listen for sounds.

24           They knew exactly what they were doing; no  
25 loss of contact with reality. That is why after the  
26 Tate murders they had their knives and their clothing and

1 the revolver thrown over the side of the hill.

2 That is why Tex, Katie and Sadie hosed the  
3 blood off their body, so if they were stopped by the police  
4 later they would not look suspicious.

5 That is why when they arrived back at Spaan  
6 Ranch Hanson told each of them, "Don't say anything to  
7 anyone about what you did."

8 That is why the next night Leslie Van Houten  
9 wipes the fingerprints off <sup>at</sup> the La Bianca residence.

10 And when <sup>under</sup> Sadie is given the wallet, Hanson  
11 tells her to wipe the fingerprints off the wallet.

12 They know exactly what they were doing, and  
13 if they got caught they probably would have to pay with  
14 their lives.

15 Now again, the defense called four psychia-  
16 trists to that witness stand; not one of them testified  
17 that any one of these three female defendants are insane.

18 Not one of them testified to that. There is  
19 no evidence of that in the record.

20 In fact, the only medical evidence in this  
21 record is that these three female defendants are not insane.

22 Dr. Hochman, the only psychiatrist who  
23 personally examined all three female defendants stated  
24 unequivocally and categorically that these three female  
25 defendants are not now insane nor have they ever been  
26 insane.

1           So the only psychiatric evidence in this record  
2           is that these three female defendants aren't insane.

3           In psychiatric terms, Dr. Hochman said they  
4           are not psychotic or schizophrenic, nor have they ever  
5           been.

6           Vicious? Yes. They are vicious all right.

7           Savage? Yes.

8           Merciless? Yes.

9           Weird? Yes.

10          Far out? Yes.

11          Stranger? Yes.

12          Personality disorder? Yes.

13          Mentally ill? Yes.

14          Diminished mental capacity? No!

15          Insanity? No.

16          Not only aren't these three female defendants  
17          insane, they are not even suffering from diminished mental  
18          capacity.

19          This is even according to the defense psychia-  
20          trists. These are the psychiatrists the defense called  
21          to the witness stand.

22          Personality disorder and mentally ill -- big  
23          deal!

24          Mr. Fitzgerald said that Dr. Tweed testified  
25          that Patricia Krenwinkel's ingestion of LSD caused her  
26          mental illness and personality disorder.

1 Well, this may be true, although Mr. Fitzgerald  
2 candidly pointed out that his client may have suffered  
3 from a pre-existing personality disorder.

4 Mr. Fitzgerald went on to say that because of  
5 his client's ingestion of LSD she is not as responsible for  
6 these murders.

7 Well, ladies and gentlemen, the use of LSD is  
8 not a mitigating factor justifying life imprisonment.

9 Patricia Krenwinkel's ingestion of LSD does  
10 not make her less responsible for these murders.

11 If one's use of LSD was a mitigating factor,  
12 justifying life imprisonment, and made a person less  
13 responsible for the murders, then all chronic users of LSD  
14 would be exempt from the death penalty.

15 I think it necessarily follows that the  
16 California Legislature should pass a new statute.

17 They can say, "We've got <sup>extra</sup> \$190 on the books; we  
18 have to add an amendment to that, 'If the killer is a  
19 chronic user of LSD, we've got to give him some type of  
20 credit for that; he can only be sentenced to life  
21 imprisonment.'"

22 So even assuming Dr. Tweed is correct when he  
23 says LSD may have caused the mental illness in Patricia  
24 Krenwinkel, I say, "So what?"  
25  
26

3a-1

1 I say with respect to Dr. Brown's report,  
2 Dr. Brown examined Patricia Krenwinkel on December 24,  
3 1969, but the report was not even prepared until October  
4 22nd, 1970.

5 I want you to keep two things in mind with  
6 respect to Dr. Brown's --

7 MR. FITZGERALD: Objection. That is a gross  
8 misstatement of the evidence. There is no testimony as  
9 to when that report was prepared. There is a date.

10 MR. BUGLIOSI: I will withdraw it. You don't have  
11 to get excited, I will withdraw it.

12 MR. FITZGERALD: It is a misstatement; I will get  
13 excited about it.

14 MR. BUGLIOSI: There is a statement here, October  
15 22nd, 1970.

16 MR. FITZGERALD: There is no evidence as to when  
17 that was prepared.

18 THE COURT: Mr. Fitzgerald, sit down.

19 The jury will disregard the last statement by  
20 the prosecutor with respect to the Brown report.

21 Let's proceed.

22 MR. BUGLIOSI: Judge Older will instruct you with  
23 respect to that report that you are not to consider any  
24 of the statements made by Dr. Brown for the truth of the  
25 matter stated in the report -- I repeat -- in fact, he  
26 has already instructed you on that.

3a-2

1 You are not to consider any of the statements  
2 made in Dr. Brown's report for the truth of the matter  
3 stated in the report.

4 In other words, Dr. Brown's report has extremely  
5 limited significance. The significance<sup>being</sup> that it was a  
6 basis for Dr. Tweed's report, and this is the only fashion  
7 in which you are to consider that report.

8 Mr. Fitzgerald said that Dr. Tweed testified  
9 that Patricia Krenwinkel was presently schizophrenic.

10 Well, Dr. Tweed's formal conclusion was that  
11 she had "residual evidence of prior mental illness."

12 Let's take a look at what Dr. Tweed says  
13 because Mr. Fitzgerald was pretty categorical about the  
14 fact that Dr. Tweed testified that his client was schizo-  
15 phrenic.

16 Let's look at Dr. Tweed's testimony:

17 "Q Could it be that she just has a different  
18 sense of humor than you do?

19 "A No, it's a little more than that. There  
20 is a certain shallowness about the laugh of a schizo-  
21 phrenic, that it is not --

22 "Q Wait a while now, are you saying that  
23 she is schizophrenic?"

24 Mind you, this is cross-examination. On direct  
25 examination he never uttered those words, but now he is  
26 using the word "schizophrenic."



3a-3

I said:

"Q Are you saying she is schizophrenic now?

"A The drug-induced mental illness is schizophrenic-like."

Schizophrenic-like!

Now, two points, although later on he does make some other remarks, he is not saying at this point that she is schizophrenic. He is saying her mental illness is schizophrenic-like; moreover, he is saying <sup>the</sup> drug-induced mental illness.

Now, I think we have learned from the testimony of several psychiatrists in this case that a drug-induced schizophrenia, or psychosis, does not cause brain damage. It is not the type that causes brain damage and it is of temporary duration.

It comes and goes with the use of the drug as opposed to organic brain damage.

Apparently though, there can be lingering effects:

"Q First you said she had a residual mental illness?

"A Yes.

"Q Now, are you translating that to some type of schizophrenia?

"A I am putting a label on it, yes.

"Q Do you feel she is schizophrenic?



1 "A A residual type, yes.

2 "Q What do you mean 'residual type'?

3 "Is she schizophrenic or not?

4 "A Well, schizophrenia goes through acute  
5 stages. You can be chronic and you can have residual  
6 symptoms, but are able to function and are <sup>well</sup> aware  
7 of your contact with reality, and so forth, in  
8 most of these areas, but still have bizarre  
9 thinking.

10 "It is often labeled as residual type,  
11 you have residuals there that could be observed by  
12 the trained observer who talked with the person  
13 for any length of time, and that is what I mean  
14 by that.

15 "Q By residual you mean left over?

16 "A Left over.

17 "Q Remaining?

18 "A Remaining."

19 Now, that is a far cry from stating that  
20 Patricia Krenwinkel is presently schizophrenic.

3b file.

3b-1

1 And even if she was formerly -- formerly  
2 schizophrenic, it was the drug-induced type, and we heard  
3 from the testimony of Dr. Skrzala and Deering, and several  
4 other psychiatrists, that the drug-induced type of  
5 schizophrenia does not cause brain damage and it is of  
6 temporary duration.

7 And of course you recall that Dr. Hochman  
8 testified that in his opinion Patricia Krenwinkel is not now  
9 schizophrenic <sup>not</sup> or has she ever been schizophrenic.

10 That is Dr. Hochman's testimony.

11 Mr. Keith argued that Leslie's ingestion of  
12 LSD changed her mind and contributed to what she did.

13 Well, Drs. Litman and Fort and Hochman did, of  
14 course, testify that Leslie Van Houten's ingestion of LSD  
15 was among the contributing factors that caused her to commit  
16 these murders.

17 Number one, ladies and gentlemen, as I said,  
18 the use of LSD is not a mitigating factor justifying life  
19 imprisonment any more than alcohol is.

20 If it was, all chronic users of LSD would be  
21 exempt from the death penalty.

22 Moreover, it is very, very obvious, ladies and  
23 gentlemen, that these defendants were not under the influence  
24 of LSD on the nights of these murders, and I say that for  
25 several reasons.

26 I think we have <sup>from</sup> learned ~~in~~ the testimony of the

1 witnesses on that witness stand, those witnesses who

2 themselves have suggested LSD on many occasions, we have

3 learned from their testimony that LSD causes one--a person

4 who is under an LSD trip--the LSD apparently causes one to

5 become introspective, and to gain an increased inner aware-

6 ness of the objects and the sounds and the colors around

7 them.

8 In other words, the person under the influence

9 of LSD is all caught up, as it were, in the LSD experience,

10 and it is just extremely far-fetched that a person who would

11 be under the influence of LSD, and all caught up in the

12 drug-induced experience, would be going out and committing

13 murders and taking all types of steps and measures to

14 avoid detection.

15 It just does not sound reasonable.

16 Furthermore, Dr. Fort, surely one of the

17 foremost experts on LSD in the entire nation, the defense

18 called him to the stand,

19 Dr. Fort testified that people do not tend

20 to be violent while under the influence of LSD. That was

21 his testimony.

22 Now, if that is the basic rule, is that is

23 the basic rule, i.e., that people do not tend to be

24 violent while under the influence of LSD, it just cannot

25 be that Rex Hickson, Susan Atkins, Patricia Krenwinkel and

26 Leslie Van Houten, are all exceptions to that rule. That

1 just would be too much of a coincidence.

2 And think of this, ladies and gentlemen,  
3 literally millions of people have ingested LSD since it  
4 first came out several years ago.

5 <sup>Yes</sup>  
~~Yes~~, Dr. Hochman testified that in the entire  
6 literature of the field of LSD, the entire literature in  
7 that field, he knows of no reported case where anyone has  
8 committed murder while under the influence of LSD, which,  
9 of course, is completely consistent with Dr. Fort's state-  
10 ment that people do not tend to be violent while under the  
11 influence of LSD.

12 Do we have any other evidence that they were  
13 not under the influence of LSD?

14 Yes, a lot of it.

15 Linda Kasabian, ladies and gentlemen, who has  
16 taken 50 LSD trips herself, and certainly, undoubtedly, must  
17 have seen many people under the influence of LSD, testified  
18 that to her knowledge no one was under the influence of  
19 LSD or any other drug on either of these nights.

20 Now she did testify that on the night of the  
21 La Bianca murder she saw a tablet in Tex Watson's hand and  
22 she thought that was speed.

23 <sup>is</sup>  
But Linda Kasabian's testimony that neither  
24 she nor these three female defendants were under the  
25 influence of LSD or any other drug on these two nights --

26 And Susan Atkins, ladies and gentlemen,

1 admitted on the witness stand, she admitted on the witness  
2 stand that on the night of December 4th, 1969, the night I  
3 interviewed her before her testimony at the Grand Jury, she  
4 admitted that she told me that neither she <sup>nor</sup> or anyone else  
5 was under the influence of LSD, or any other drug on either  
6 of these two nights.

7 Now, Susan Atkins would not have had any  
8 reason to lie to me about that.

9 And you can bet your last dollar, ladies and  
10 gentlemen, that Charles Manson would have insured that none  
11 of his killers would be under the influence of LSD when he  
12 sent them out to commit these murders ~~for~~ for him. He wanted  
13 them to be <sup>as</sup> absolutely effective as possible, and effective  
14 they were.

15 <sup>all</sup> Of course, now, during the penalty trial they  
16 ~~also~~ testified that they were under the influence of LSD.  
17 I guess they feel that being under the influence is some type  
18 of excuse or mitigating factor justifying life imprisonment.

19 Well, obviously it is not.

20 Let us assume for the sake of argument that  
21 these defendants were under the influence of LSD during  
22 these murders, as lawyers say, let's assume arguendo.

23 Mr. Fitzgerald spoke of the testimony of all  
24 four psychiatrists, that LSD can make one suggestible;  
25 and Mr. Keith strongly implied, without directly stating,  
26 that it was Manson's influence that worked on his client's

1 suggestibility.

2 Now, Mr. Keith said that LSD made her  
3 vulnerable,

4 Well, in the first place, Drs. Litman, Fort  
5 and Hochman all testified that LSD has different effects  
6 upon different people and inasmuch as neither one of these  
7 psychiatrists examined these three female defendants while  
8 they were under the influence of LSD, they have no way  
9 of knowing for sure what effect, if any, LSD had on these  
10 three particular defendants.



4-1

1           Let's assume that LSD did make these three  
2 female defendants suggestible. Let's even assume that.  
3 This fact, plus Manson's influence, ladies and gentlemen,  
4 would not be enough to cause them to murder these victims.  
5 There were other factors involved.

6           It is ridiculous to believe that the suggesti-  
7 bility which LSD induces coupled with Manson's influence  
8 would have caused these defendants to plunge their knives  
9 into the victims' bodies.

10          The use of LSD is very, very prevalent in all  
11 areas of our societal structure. There are literally  
12 thousands upon thousands of so-called acid-heads out in  
13 the street. To believe that LSD has made them so sugges-  
14 tible that they will commit murder for someone who has  
15 influence over them has got to be ridiculous. To believe  
16 that would be to believe that there are literally thousands  
17 upon thousands of latent coldblooded murderers roaming the  
18 streets of this city. And I don't believe that.

19          LSD certainly does not make one that suggestible,  
20 ladies and gentlemen. I don't think anything does.

21          I would suspect that being under the influence  
22 of hypnosis makes one infinitely more suggestible than LSD.  
23 Yet it is very well known that a person under the influence  
24 of hypnosis will not commit any antisocial or criminal act  
25 under the direction of the hypnotist that he would not  
26 otherwise have committed if he had not been under hypnosis.

4-2

1 As Drs. Ditman, Fort and Hochman all testified,  
2 using Leslie Van Houten as representative, Leslie Van  
3 Houten's ingestion of LSD and Manson's influence were  
4 simply contributing factors that caused her to commit  
5 these murders. They were not the sole factors.

6 Let's look at Dr. Fort's testimony on this.

7 "Q" -- by me of Dr. Fort -- "Based on the  
8 hypothetical question, Doctor, do you feel that  
9 Manson's influence on Leslie and Leslie Van Houten's  
10 ingestion of LSD were the sole factors causing her  
11 participation in the La Bianca murders?

12 "A No, I do not.

13 "Q Do you believe that there were other  
14 contributing factors?

15 "A Yes, I do.

16 "Q And you do not know what these factors  
17 are?

18 "A I have talked of several of them, and  
19 I can speculate about others, but I certainly do  
20 not know about all of them."

21 Let's look at Dr. Ditman's testimony on this.

22 "Based on the hypothetical question" -- the  
23 question by me, apparently -- "Do I understand  
24 your conclusion to be that Manson's influence  
25 coupled with Leslie Van Houten's ingestion of  
26 LSD could conceivably have contributed to Leslie



4-3

1 "Van Houten's participation in the La Bianca  
2 murders?

3 "Is that your conclusion?

4 "Yes.

5 "It is not your opinion, then -- and  
6 correct me if I am wrong -- it is not your opinion  
7 that Manson's influence on and Leslie Van Houten's  
8 ingestion of LSD were the sole factors causing her  
9 participation in the La Bianca murders; is that  
10 correct?

11 "A I don't know what other influences  
12 there were.

13 "Q In other words, there very well could  
14 have been other factors in addition to Manson and  
15 her ingestion of LSD; there very well could have  
16 been other factors that contributed to her partici-  
17 pation in these murders; is that correct?

18 "A Right.

19 "Q For instance, you have no way of knowing  
20 whether or not Leslie Van Houten had any inherent  
21 homicidal tendencies? You have no way of knowing  
22 that?

23 "A No, I don't."

4a fls.

4a-1

1 I think Mr. Keith asked one of the doctors  
2 whether Leslie Van Houten was not a homicidal maniac.

3 And he said: No, I am not talking about a  
4 homicidal maniac. I am talking about an inherent homicidal  
5 tendency.

6 Let's continue on briefly with Dr. Ditsman's  
7 testimony.

8 "What is meant by inherent homicidal  
9 tendency?

10 "That a person has, let's say, more  
11 than the average human being a killer instinct ✓  
12 which presumably we all have.

13 "Psychiatrically speaking, do some  
14 people have greater killer instincts than others,  
15 in your opinion?

16 "Well, some people have a more covert  
17 and overt hostility and aggression. In that  
18 sense, they are more capable of committing crimes  
19 of violence such as murder."

20 Drs. Ditsman and Fort both testified, then, that  
21 Manson and LSD were simply contributing factors causing  
22 Leslie Van Houten to commit these murders. They were not  
23 the sole factors. There were other factors.

24 One of the other factors, ladies and gentlemen,  
25 and very obviously the most important factor, is that  
26 Leslie Van Houten is a killer. She has it within herself

1 to murder a fellow human being.

2 How do we know that? Because she did it.  
3 That is how we know. Because she did it.

4 Dr. Ditman testified that some people, because  
5 of a covert and/or overt hostility and aggression are more  
6 capable of committing murder than other people.

7 Leslie Van Houten is such a person. So is  
8 Susan Atkins. So is Patricia Krenwinkel. So is Tex  
9 Watson.

10 Let's look at Dr. Hochman's testimony.

11 Apart from LSD and Manson, he comes right out  
12 and says that Leslie's inner rage and anger strongly con-  
13 tributed to her participation in these murders.

14 This is Dr. Hochman's testimony.

15 "And the thing that I asked her" --  
16 referring to Leslie Van Houten -- "I said, 'Well,  
17 professing that, how can it be you would murder  
18 someone?'

19 "Leslie Van Houten answered: Well,  
20 that was something inside of me, too."

21 That is Leslie Van Houten telling Dr. Hochman  
22 it was something inside of her.

23 "Q How do you interpret that?

24 "I think it is rather realistic. I  
25 think that, in reality, it was something inside of  
26 her, despite all of her denials of her emotional

1 "aspects, despite her chronic denials of her  
2 emotional aspects of herself, that was there,  
3 a rage was there.

4 "Now, when you say a rage was there,  
5 what do you mean by that?

6 "I think it takes, in my opinion,  
7 it would take a rage, an emotional reaction to  
8 kill someone.

9 "I think it is unquestionable that  
10 feeling was inside of her.

11 "Bearing in mind that she had never  
12 seen or heard of Mrs. La Bianca or Mr. La Bianca,  
13 in your opinion there was some hate in her when  
14 this occurred?

15 "Well, I think it would make it easier  
16 for her not to know Mrs. La Bianca, to make an  
17 object to kill.

18 "It is hard to kill someone that you  
19 have good feelings towards.

20 "I don't think there was anything  
21 specific about Mrs. La Bianca, let me make myself  
22 clear:

23 "She was an object, a blank screen upon  
24 which Leslie projected her feelings, much as the  
25 patient projects his feelings on an analyst whom  
26 he doesn't know.

1 "What feelings are you talking about,  
2 feelings towards the so-called establishment?"

3 And listen to this. As she is stabbing Rosemary  
4 La Bianca. According to Dr. Hochman.

5 "Feelings towards her mother, her father,  
6 towards the establishment, which is a larger arena  
7 in which we project those feelings."

4b fls.

4b-1

1 Dr. Hochman says: "I think she was a very  
2 angry girl for a long time, a very alienated girl for a  
3 long time, and the anger and rage was associated with that."

4 To put it bluntly, ladies and gentlemen, to  
5 commit murder you have to be a murderer. You have to have  
6 it within you.

7 That is why these three female defendants and  
8 Tex Watson committed these murders when Manson told them  
9 to.

10 If they didn't have it within them, they would  
11 not have committed these murders.

12 Linda Kasabian and Juan Flynn never killed for  
13 Charles Manson.

14 Why? Because they were not murderers.

15 Now, Linda Kasabian, ladies and gentlemen, took  
16 just as much LSD as these three defendants, and surely she  
17 was under Manson's influence and domination, but she, unlike  
18 these three female defendants, did not commit murder.

19 Why? Because she, unlike these three female  
20 defendants, is not a murderer.

21 I might add parenthetically that all four of  
22 the defense psychiatrists testified that they did not know  
23 whether these defendants were under the influence of LSD  
24 at the time of these murders. They said they didn't know  
25 one way or the other.

26 And Drs. Bitman and Port both testified that

1 if Leslie Van Houten. -- and I imagine this would be  
2 equally applicable to all three female defendants -- he  
3 said if Leslie Van Houten were not under the influence of  
4 LSD at the time of these murders -- as we know she was not --  
5 he said that her suggestibility would be considerably  
6 reduced.

7 Thereby, of course, correspondingly increasing  
8 the likelihood that she committed these murders because she  
9 is simply just an old-fashioned, cold-blooded murderer.

10 Now, Mr. Keith, as I said, strongly implied  
11 that Charles Manson was responsible for what his client did.

12 Now, he didn't come right out and say this,  
13 but he referred several times to the evil force behind  
14 Leslie Van Houten and said, "You know what I am talking  
15 about."

16 Now, why Mr. Keith saw fit to -- I am not  
17 criticising him -- but why he saw fit to play games with  
18 the English language, I don't know.

19 He said things like this: "The group at  
20 Spahn Ranch survived for one reason. There was a leader."

21 Now, obviously, he was talking about Manson,  
22 because he went on to say that the girls in the Family who  
23 testified that there was no leader and that Manson wasn't  
24 their leader were not telling the truth.

25 So, when Mr. Keith makes that statement,  
26 he is obviously talking about Charles Manson.



1 He made this statement also: "By the time  
2 Leslie Van Houten arrived at the Spahn Ranch, her mind was  
3 a vacuum, vulnerable to the devil."

4 Again, obviously he is talking about Charles  
5 Manson.

6 He also said, "Leslie was used. Viciously so."

7 Again, he is apparently talking about Charles  
8 Manson.

9 Now, if Mr. Keith was talking about someone  
10 other than Charles Manson, he has an opportunity -- and I  
11 am sure he will avail himself of that opportunity -- to  
12 reply to the statements I am making, and he can clarify  
13 the matter. If he was referring to someone other than  
14 Charles Manson.

15 But although I am not a gambler, I will give  
16 100 to 1 odds that Mr. Keith was talking about Charles  
17 Manson and Manson's influence over his client.

18 What type of influence? The influence over  
19 her to commit these murders.

20 With respect to why his client committed these  
21 murders, Mr. Keith asked: "Why did she say yes?"

22 Obviously, he meant: "Why did she say yes to  
23 Charles Manson when he told her to commit these murders?"



1 Then Mr. Keith answers his own question by saying,  
2 "Leslie Van Houten said yes because 'her power to say no  
3 was diminished to nothing.' What chance did she have to say  
4 no?"

5 Now, although Mr. Keith never clearly, for  
6 reasons of his own, never clearly verbalized and articulated  
7 the issue, he certainly communicated to you what he meant  
8 to communicate; namely, that since Charles Manson told his  
9 client to commit those murders, and since she was under his  
10 influence, she deserves life imprisonment.

11 And he implied that all three of these female  
12 defendants are in the same boat since they were under  
13 Manson's influence, and since he told them to commit these  
14 murders, let's give them life.

15 Well, I am not going to avoid this issue. I  
16 am going to meet this issue head-on. I am going to meet it  
17 head-on, because Mr. Keith presented that issue to you  
18 for your consideration, and you knew exactly what he meant.

19 He presented that issue to you, although in a  
20 somewhat oblique fashion. So, I am going to deal with  
21 this issue in some depth.

22 There is no section, ladies and gentlemen,  
23 in the California Penal Code that provides that if a person  
24 under orders from another commits a murder that he cannot  
25 or should not receive the death penalty.

26 Atkins, Krenwinkel and Van Houten, together

1 with Tex Watson, were following Manson's instructions when  
2 they committed these murders. But that reason of theirs  
3 in no way exempts them from the death penalty.

4 If one were to check the background and history  
5 of every murderer, one would find some reason why they  
6 developed into murderers.

7 The reason might be their rearing, it might be  
8 their environment, it might be the influence of some third  
9 person, it could even be a congenital disposition toward  
10 violence, or a combination of two or more of these reasons,  
11 or some other reason.

12 But whatever the reason, there is always a  
13 reason why one develops into a murderer.

14 Mr. Keith said words to the effect that Leslie  
15 Van Houten wasn't always the type of person who would  
16 commit murder. Something happened to her, something  
17 changed her.

18 Well, of course she wasn't always a murderer.  
19 Of course killers don't emerge from their mother's womb  
20 fully-ripened, cold-blooded murderers wielding knives and  
21 guns. Of course not. They develop into murderers.

22 And the reasons why they develop into murderers  
23 are multiple and varied. But whatever the reason, there is  
24 always a reason.

25 All Maxwell Keith is telling you is that  
26 some of the <sup>reasons</sup> ~~reason~~ why Leslie Van Houten became a murderer

1 is LSD and Charles Manson.

2 Well, so what? As I indicated, every killer  
3 has a reason for becoming a killer.

4 Mr. Keith's statement about Manson's influence  
5 and Leslie Van Houten's use of LSD is just an explanation,  
6 and a partial one at that, why Leslie Van Houten became a  
7 murderer.

8 But that explanation, ladies and gentlemen,  
9 in no sense is an extenuating circumstance or a mitigating  
10 factor justifying life imprisonment.

11 And note -- and I think this is very, very  
12 important -- even assuming -- even assuming -- that these  
13 factors are mitigating factors, let's assume that, in  
14 other words, the LSD and Manson are mitigating factors --  
15 let's assume that -- the circumstances surrounding these  
16 murders are so incredibly aggravating, so incredibly  
17 aggravating, that the mitigating circumstances on one hand  
18 don't even begin to overcome the aggravating nature of these  
19 murders on the other hand.

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4d

4d-1

1 As I have indicated, the reasons Mr. Keith  
2 mentioned don't constitute mitigating circumstances in the  
3 first place.

4 There is always some reason why every killer  
5 became a killer. In every court in the land, in every  
6 murder case, some psychiatrist can take that witness stand  
7 and give some reason why the particular defendant, whoever  
8 he might be, committed that murder. There <sup>is</sup> ~~was~~ always a  
9 reason.

10 I am sure Charles Manson became the human  
11 monster he is because of reasons too. But these reasons  
12 of Mr. Manson's -- whatever they might be -- no more  
13 exempt him from the death penalty than Manson's influence  
14 over these three girls and their ingestion of LSD exempt  
15 them from the death penalty.

16 Furthermore, committing murders at someone  
17 else's command, as these three female defendants and Tex  
18 Watson did, is not uncommon, ladies and gentlemen.

19 The Nazis murdered 6 million Jews at Adolph  
20 Hitler's command. And look at the thousands upon thousands  
21 of Russians who were murdered at Joe Stalin's command.  
22 And there are countless other examples in history.

23 Every group of criminals has its leader. These  
24 three female defendants were members of the Family.

25 Charles Manson was the leader.

26 Even small gangs of hoodlums have their leader.

4d-2

1 Even motorcycle groups have their leader.

2 But when the leaders of these groups send their  
3 followers, their robots, out to commit burglaries or  
4 robberies, or what have you, the followers cannot escape  
5 responsibility for their crimes by hiding behind their  
6 leader. They are just as responsible as they would be if  
7 they had committed these crimes solely on their own.

8 When Al Capone had his thugs go out and murder  
9 his competitors, these hoodlums of Capone couldn't escape  
10 the death penalty for the murders by hiding behind Al  
11 Capone.

12 I am going to go into considerable depth on  
13 this issue because, as I say, Mr. Keith, unquestionably,  
14 presented this issue to you for your consideration, and I  
15 am meeting it head-on.

16 A further point. I think this is extremely  
17 important. There was no evidence that came from that  
18 witness stand that these three female defendants had to  
19 kill for Manson. There is no evidence that Charles Manson  
20 forced them to commit these murders.

21 Linda Kasabian told Charles Manson, right to his  
22 face, that she would not kill for him. And she did not  
23 kill for him.

24 And there is no evidence that Charles Manson  
25 tried to kill Linda Kasabian or threatened to kill Linda  
26 Kasabian because she did not kill for him.

4d-3

1           There is no evidence that Charles Manson forced  
2 these defendants to commit these murders. In fact, the  
3 inference is that they wanted to go along. That seemed to  
4 be the general feeling in the Family.

5           Susan Atkins told Juan Flynn, on the night of  
6 the La Bianca murders, "We are going to get some f-u-c-k-i-n-g  
7 pigs."

8           Does that sound like someone who is being  
9 forced to go out?

10          Catherine Gillies testified that she wanted to  
11 go along, and she would have committed these murders.

12          Listen to what Susan Atkins told Dick  
13 Caballero.

14          This is Dick Caballero relating to you what  
15 Susan Atkins told him.

16                "And when they returned from the Tate  
17 residence -- I am condensing most of this now --  
18 that when they returned from the Tate residence,  
19 and there was a lot of fanfare and publicity about  
20 this" -- referring to the Tate murders over tele-  
21 vision and radio -- "that he" -- Charles Manson --  
22 "was upset about all the messy job, in effect, that  
23 had been done."

24                "He indicated to them he would show them  
25 how it was done.

26                "The next day they went to the La Bianca

1 "residence.

2 "She said that there were about seven  
3 of them, I believe, in the automobile. Others  
4 wanted to go but there just wasn't enough room  
5 in the car."

6 3 fls.

7 Excuse me just one moment, ladies and gentlemen.  
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5-1

1 Not only isn't there any evidence that  
2 Charles Manson forced these defendants to commit these  
3 murders, the evidence is that he would not have had any  
4 reason to force them.

5 If they did not want to go, apparently there  
6 were many other people in the Family that were dying to go,  
7 to show their love for pigs.

8 All this love in them that was bursting out of  
9 their bodies, it had to find expression.

10 These three female defendants went along  
11 because they loved Charles Manson; they were obedient to  
12 him and they wanted to go along.

13 There is no evidence that Manson employed any  
14 force or fear.

15 To show that no force or fear was involved,  
16 right to this very day, they still back him all the way,  
17 and he certainly could not hurt them now even if he wanted  
18 to.

19 He is in custody now. They are still behind  
20 him 101 per cent, because they love the guy. They think  
21 he is Jesus Christ.

22 The point I am trying to make is that apart  
23 from Charles Manson, murder ran through the blood of Tex  
24 Watson, Susan Atkins, Patricia Krenwinkel and Leslie  
25 Van Houten. And I am not just saying this for the first  
26 time, ladies and gentlemen, I said that during my opening



statement on July 25, 1970.

Manson's domination over these three female defendants and their use of LSD were not the sole factors; they were just contributing factors, apart from Charles Manson; murder ran in their blood,

The defense might argue we are all capable of murder.

Dr. Hochman said we are all capable of killing.

There is a vast difference between killing and murder. There could be justifiable homicide, of course, like self-defense, prevention of a felony, defense of others,

Of course, under certain circumstances maybe we are all capable of killing. As I say, such as wartime or self-defense.

But no one can convince me, ladies and gentlemen, that all of us are capable of murdering strangers for no reason whatsoever like these three female defendants did. No one can convince me that all of us are capable of committing the murders these defendants committed on the nights of the Tate-La Bianca murders.

It takes a special type of person to do what these defendants did.

It takes a person who has murder in their heart and in their soul.

It takes a person who places no value on the

1 life of a fellow human being.

2 True, Watson, Atkins, Krenwinkel and Van Houten  
3 committed these murders because Charles Manson told them  
4 to, but they never would have committed these murders  
5 in a million years if they did not already have murder in  
6 their soul, in their guts, in their system.

7 They already had it within them.

8 Manson merely told them to do what they were  
9 already capable of doing.

10 A good example, a perfect example of what I am  
11 talking about is Susan Atkins. Even before she met Charles  
12 Manson, way back in Oregon in 1966, she was carrying a  
13 loaded <sup>25</sup>26 caliber automatic with one bullet in that  
14 chamber.

15 And she told the officer if she had the  
16 opportunity she would have killed him.

17 This was before she even met Charles Manson;  
18 murder was in her blood. She was very capable of murder.

19 In discussing Leslie Van Houten murdering  
20 Rosemary La Bianca, under Mr. Keith's first hypothetical  
21 question, Dr. Hochman said this:

22 "I would have to attribute what Leslie  
23 experienced under the hypothetical question to be more  
24 a function of her own psychology facilitated by the  
25 drug;

26 "Q Could it also be a function of

1 "certain attitudes created in her by Mr. Manson  
2 having in mind the assumed facts of the hypotheti-  
3 cal question, Doctor?

4 "A. I don't think there is any created  
5 in her by Mr. Manson.

6 I think that it may have given form or  
7 expression to something that was there already,  
8 and it was at that point formless or not ver-  
9 balized or not conceptualized."

10 "I think Manson may have given form or  
11 expression to something that was there already,  
12 and it was at that point formless or not ver-  
13 balized or not conceptualized."

14 Although it was Charles Manson who made the  
15 decision to commit the seven Tate-La Bianca murders, and  
16 although it was Charles Manson who selected these three  
17 female defendants and Tex Watson to do his murderous bidding  
18 for him, and although it was Charles Manson who sent these  
19 killers out to commit his murders for him, when Susan  
20 Atkins, Patricia Krenwinkel, Leslie Van Houten, and Tex  
21 Watson plunged their knives into the bodies of these  
22 victims, it was their will, not Charles Manson's will,  
23 that directed their hands to thrust that knife downward  
24 into the flesh of the helpless, defenseless victims.

25 Look at Dr. Hochman's testimony on this --  
26 let's look at Dr. Hochman's testimony, and it is a very,

very important point.

It is a very important point, now:

"Q Now, let us assume for the sake of this discussion, in other words, let us postulate that the first set of facts that I set forth in the hypothetical question is true regarding Mr. Manson; this is the prosecution's side of the case."

In other words, that Manson ordered these murders.

"Do you have an opinion, do you have an opinion based on those facts as to whether Manson's influence, the communal setting and the use, the long, heavy use of psychedelic drugs would have been a significant factor in explaining Leslie's conduct?"

"A The way I see it, there were only two basic possibilities.

"Either he attempted to consciously influence her or he did not.

"In either instance, her committing this act would have been motivated by unconscious impulses, and I don't think, for instance, that Manson even existed in that way in this activity.

"Q What do you mean, motivated by

"unconscious impulses?"

"A. Someone can tell you to shoot someone, but your decision to do that comes from inside of you."

Later Dr. Hochman gives another example. Suppose someone comes in and says, "Let's eat the whole apple pie."

He goes on to say you have a decision as to whether or not to do that, obviously your temptation is stimulated by the suggestion of the other, but your final decision on whether or not to eat the whole pie or just one piece comes out of you.

So the other person is influential but is not a final arbiter or decider of that situation.

Later on Hochman gave a further explanation of what he meant.

Q. Now, I hope this is close to your language of yesterday.

"Someone can tell you to shoot a person but the decision to do it is your own.

"Do you remember telling us that yesterday?"

"A. Yes.

"Q. What did you mean by that?"

"A. Well, there are two elements in a decision by any individual, a conscious and

1 "an unconscious element.

2 "If someone tells you to do something,  
3 then you consciously attempt to weigh the  
4 factors, using ego function as examples I  
5 cited yesterday.

6 "And then you try to arrive at a decision  
7 based on your conscious thought.

8 "Unconsciously there are also factors  
9 that enter into that decision, feelings that  
10 you are vaguely aware of or not aware of at  
11 all, impulses you may or may not be aware of.

12 "The psychological theory is these  
13 unconscious elements must often play a larger  
14 part in the decision than the conscious.

15 "In any case the actual decision occurs  
16 within your own psychology.

17 "The other person acts as a stimulus  
18 to you.

19 "The processing and the eventual result,  
20 to use a computer model, must remain inside  
21 yourself.

22 "Q And so are you telling us then  
23 in layman's language that when someone takes  
24 a knife and stabs, that the decision to do that  
25 is a personal decision, when that stabbing  
26 takes place?

1 "A In the ultimate analysis, it  
2 is.

3 "Q It is a personal decision of the  
4 person who is doing the stabbing?

5 "A Yes."

6 These are defense psychiatrists, not prosecu-  
7 tion psychiatrists. They are not even court-appointed  
8 psychiatrists, these are psychiatrists called by the  
9 defense.  
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5a-1

1 In other words, ladies and gentlemen, although  
2 Manson selected these people to commit these murders and  
3 sent them out, the last and final decision to kill, to ✓  
4 murder, was theirs and theirs alone.

5 Manson told Watson and these three female  
6 defendants to commit these murders, but they and only they  
7 told themselves to plunge that knife into the bodies of  
8 these victims.

9 Manson could have told Watson and these three  
10 female defendants to commit these murders from now until  
11 Doom's Day, and if they did not want to, they never would  
12 have done it.

13 A classic example, a perfect example, and the  
14 reason it is so perfect is because the context in which  
15 it arose is identical to the context in which these  
16 three female defendants committed these murders.

17 A perfect example that the final decision to  
18 kill is a personal one is Linda Kasabian.

19 On the night of the La Bianca murders Charles  
20 Manson told her to kill that actor in his apartment in  
21 Venice.

22 And Linda told Charlie "Charlie, I am not  
23 you. I cannot kill anybody."

24 And she did not kill for Charles Manson.

25 Why not?

26 Because she made the personal decision that

5a-2

1 she could not commit murder.

2 Why did she make that decision? Because she  
3 is not a murderer. <sup>Two paragraphs</sup> Charles Manson and Charles Manson  
4 alone ordered and masterminded the seven Tate-La Bianca  
5 murders, but

6 But Tex Watson, Susan Atkins, Patricia Kren-  
7 winkel and Leslie Van Houten personally committed these  
8 murders because they wanted to. Make no mistake about  
9 that.

10 If they did not want to murder these victims,  
11 all they had to do was not do it.

12 I repeat that obvious fact.

13 If they did not want to murder these victims,  
14 all they had to do is not do it.

15 Though I hate to resort to trite expressions,  
16 I am still dealing with this issue now, presented to you  
17 by Mr. Keith, because it is an important issue.

18 I hate to resort to trite expressions but  
19 sometimes there is profound truth in them, and I think one  
20 of them is that birds of a feather flock together. I think  
21 that is the expression.

22 In other words, these three female defendants  
23 and Tex Watson attached themselves to Charles Manson  
24 because they found his virulent and venomous attitude  
25 toward society very, very palatable to them.

26 If they did not agree with what Charles Manson

5a-3

1 was saying and doing, all they had to do was leave the  
2 Family.

3 As the defense attorneys have repeatedly pointed  
4 out to you, people would come and go at Spahn Ranch. They  
5 are the ones who are always telling you about that.

6 Those that stayed, like these three female  
7 defendants and Tex Watson, stayed because they liked the  
8 brand <sup>of</sup> ~~the~~ blackhearted, diabolical medicine that Charles  
9 Manson was peddling.

10 They liked it because it obviously struck a  
11 responsive chord within them.

12 As Dr. Hochman pointed out in discussing  
13 Leslie Van Houten:

14 "His ideas, his presence," referring to  
15 Charles Manson, "the role he played in his relation-  
16 ship to her served to reinforce a lot of her feelings  
17 and attitudes." -- reinforce.

18 "It served to reinforce and give her  
19 a way of continuing her general social alienation,  
20 her alienation from the establishment."

21 Later on he testified that Manson and the  
22 Family solidified and affirmed the present existing feelings  
23 Leslie Van Houten had about society.

24 The point I'm trying to make, ladies and  
25 gentlemen, is that if you go to a convent, you are going  
26 to find nuns, right?

5a-4

1 There might be an interloper there, but  
2 basically you are going to find nuns at a convent.

3 And if you go to the Hell's Angels motorcycle  
4 group, you are going to find another type of person.

5 Just like water seeks its own level, each  
6 group seeks its own kind.

7 Manson, Tex Watson and these three female  
8 defendants and other members of the Family gravitated  
9 towards each other and lived together because they wanted  
10 to, they liked each other.

11 Why?

12 Because deep, deep, deep down, ladies and  
13 gentlemen, with insignificant variations, they all felt  
14 the same way about things.

15 If they did not feel that way they could have  
16 left just like hundreds of other people came to Spahn Ranch,  
17 stayed with the Family one or two days, and took off.

18 They did not want any part of Manson's medicine.

19 The way Manson, Watson and these three female  
20 defendants felt about life, society and human beings,  
21 manifested itself in these three savage murders.

22 Every time they brought that knife down, they  
23 were not just stabbing the victim, they were striking out  
24 at the establishment, at society.

25 Manson pulled the trigger that activated Watson  
26 and these three female defendants.

5a-5

*But* Watson and these three female defendants, the bullets that came out of that barrel, as it were, committed these murders, committed these murders because they already had murder in them.

*You listened*  
~~If you listen~~ to the testimony of Susan Atkins, Patricia Krenwinkel, Leslie Van Houten and also the testimony of several other girls in the Family, you observed their demeanor, and there was one common denominator among all of them.

It was obvious that each of them had a revulsion, an *antipathy*, ~~apathy~~, a seething feeling of disgust for society, even their very own parents.

These girls had dropped out of society before they even met Charles Manson.

Leslie Van Houten and Susan Atkins were heavy on LSD and other drugs before they even met Charles Manson.

Leslie Van Houten and Susan Atkins were living at Haight-Ashbury, a drug-oriented hippie haven, long before they met Charles Manson.

Even Patricia Krenwinkel had taken LSD and smoked marijuana before she met Charles Manson, although not as extensively as Susan Atkins and Leslie Van Houten.

5b fls.

*Leslie Van Houten  
 LSD + marijuana  
 even met (Manson)*

D-1

1 Patricia Krenwinkel was fed up with the  
2 establishment before she met Charles Manson. Dr. Hochman  
3 testified that Leslie Van Houten had an anger and hostility  
4 toward society and the establishment before she even joined  
5 the Family.

6 Hochman also testified that before Susan  
7 Atkins even met Manson she actively sought to be bad, and  
8 do everything she was not supposed to do.

9 These three girls, ladies and gentlemen, were  
10 not the girl next door before they met Charles Manson. (P. 11, 12)

11 Please don't confuse them with the girl-next-  
12 door type.

13 These three female defendants, particularly  
14 Susan Atkins and Leslie Van Houten, ~~have~~ repudiated and  
15 renounced their very families and society before they  
16 even met Charles Manson.

17 In fact, it was precisely because they had  
18 contemptuously disavowed and rejected their families and  
19 society that they ended up with Charles Manson. That is the  
20 very reason.

21 After they met Manson he simply was the  
22 catalyst, the moving force that translated their pre-  
23 existing disgust and hatred for society and human beings  
24 into violence.

25 The murders were Manson's idea but they  
26 obviously sounded like a good idea to these three female

1 defendants. That is why they plunged the knives into the  
2 victims, and to this very day they think absolutely nothing  
3 of it.

4 To show you the dramatic difference between  
5 these three female defendants and Linda Kasabian, this is  
6 a dramatic difference.

7 These three female defendants actually killed  
8 fellow human beings. Yet when they look back on these  
9 murders they look back with complete callousness and  
10 indifference.

11 Linda Kasabian did not actually kill anyone,  
12 yet when she looks back on these murders she sobs uncon-  
13 trollably.

14 Another fact which proves that these three  
15 female defendants were not just killing for Charles Manson  
16 but that they had violence and murder in their own blood,  
17 independent of him, and they willingly participated in  
18 these murders, in their overkill of the seven victims.

19 That is, the great number of stab wounds. ✓

20 Mr. Kanarek argued that the multiplicity of  
21 stab wounds is perseveration, a term used in the field of  
22 LSD, <sup>which means</sup> to mean repetitive conduct.

23 Well, perseveration has been in the dictionary  
24 long before anyone ever heard of LSD, and he argued that  
25 these defendants were under the influence of LSD at the  
26 time of these murders, and the reason for the multiple



1 stabbings was LSD.

2 Mr. Kanarek seems to forget the whole purpose  
3 of these murders; the purpose was to start helter skelter  
4 and instill fear in the establishment.

5 Manson felt that he could only accomplish this  
6 by exceedingly brutal and savage ~~murders~~ <sup>murders. One</sup> or two stab  
7 wounds, ladies and gentlemen, would never have sufficed.

8 In Manson's mind, only stabbing the victims in  
9 ~~the~~ <sup>a</sup> wild orgy of murder would have sufficed.

10 Let's look at what Charles Manson told  
11 Greg Jakobson.

12 I am going into this lest any one of you may  
13 think this multiple stabbing was attributable to LSD. In  
14 my opinion it is not.

15 This is what Manson told Greg Jakobson --  
16 I hate to go way, way back in the trial, but when the  
17 defense attorneys raise issues during the penalty trial  
18 that necessitate my going back to the guilt trial, I have  
19 to do it.

20 "Q Did Mr. Manson ever speak to you,  
21 Mr. Jakobson, about a black-white conflict or  
22 physical confrontation?

23 "A Often.

24 "Q Did he give this black-white war  
25 or conflict a name?

26 "A Yes.

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Q What name did he give it?

A Helter skelter.

Q Did he mention helter skelter to you many times?

A Yes.

Q Did he say there was going to be a black-white war?

A Oh, he believed that it was eminent.

Q That it was eminent?

A Yes.

Q That it was going to happen very soon?

A Yes, it was beginning.

Q Did Mr. Manson indicate to you how he envisioned this black-white war would start?

A It would begin by the ripping off of some white families in their homes.

Q By whom?

A By the blacks.

Q Did he tell you what he meant, that the black men would rip off some white families from their homes?

A Yes, he was pretty adamant. He said -- he used the words, rip off, and those

1        "stuck in my mind, and then he went on fur-  
2        ther to say that they really would be cut up."

3                Now, "really be cut up" isn't just one or two  
4        stab wounds. It is the number of stab wounds that we had  
5        in this case.

6                THE COURT: Mr. Bugliosi, would this be a good time  
7        for a recess?

8                MR. BUGLIOSI: Yes.

9                THE COURT: All right. Remember the admonition,  
10       ladies and gentlemen, the Court will recess for 15 minutes.

11               (Recess.)

5c

5c-1

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

3 You may continue, Mr. Bugliosi.

4 MR. BUGLIOSI: Thank you, your Honor.

5 Here is the way Manson told Brooks Poston that  
6 Helter Skelter would start. I have already read you this  
7 paragraph but I am going to read it to you now to emphasize  
8 a different language.

9 This is Brooks Poston testifying to what Manson  
10 told him about how Helter Skelter was going to start.

11 He said "A group of the real blacks, real  
12 blacks, would come out of the ghettos and do an atrocious  
13 crime in the richer sections of Los Angeles and other  
14 cities.

15 → "They would do an atrocious murder,  
16 with stabbing, killing, cutting bodies to pieces,  
17 smearing blood on the walls, writing 'Figs' on  
18 the walls."

19 Again, "cutting bodies to pieces" is not just  
20 one or two stab wounds.

21 Here is what Manson told Paul Watkins the way  
22 Helter Skelter would start:

23 "There would be some atrocious murders;  
24 that some of the spades from Watts would come up  
25 into the Bel Air and Beverly Hills Districts and  
26 just really wipe some people off, just cut bodies

5c-2

1 "off, smear blood and write things on the wall in  
2 blood, all kinds of super-atrocious crimes that  
3 really would make the white man mad."

4 "Cutting bodies up" and "super-atrocious murders"  
5 does not refer to murders where there is only one or two  
6 stab wounds.

7 The number of stab wounds, ladies and gentlemen,  
8 were not caused by any LSD-induced perseveratory conduct.

9 The great number of stab wounds and the super-  
10 atrocious murders were simply necessary; they were necessary  
11 to carry out the very reason for these murders, that is,  
12 to shock and outrage the white community against the black  
13 man.

14 One or two stab wounds would not have shocked  
15 anyone.

16 One or two stab wounds is a typical murder.  
17 So the multiple stab wounds were not caused by LSD-induced  
18 perseveratory conduct, ladies and gentlemen.

19 Further, none of the four psychiatrists  
20 testified they were sure these defendants were under the  
21 influence and, No. 2, the LSD caused them to stab the  
22 victims <sup>as</sup> many times as they did.

23 They simply testified that the multiple stab  
24 wounds was perseverative, repetitive conduct.

25 I agree. 169 stab wounds, of course, is  
26 repetitive.

5c-3

1 They did say that sometimes people under the  
2 influence engaged in perseverative conduct, but they did  
3 not say, anyone of them, that these defendants were under  
4 the influence and being under the influence caused them to  
5 stab the victims as many times as they did.

6 People under the influence of LSD may sometimes  
7 engage in repetitive conduct, but that repetitive conduct  
8 is not going to be violent in nature, <sup>Remember</sup> ~~remember~~ Dr. Fort's  
9 testimony and Dr. Hochman's testimony.

10 The repetition in this case, ladies and gentle-  
11 men, the repetitive stab wounds were not caused by any  
12 LSD-induced perseveratory conduct.

13 The multiple stab wounds, ladies and gentlemen,  
14 the repetition, were overkill -- overkill.

15 As Leslie Van Houten told Dr. Hochman, she was  
16 like an animal.

17 And this overkill clearly and unequivocally  
18 shows that these defendants were willing participants in  
19 these murders.

20 The overkill clearly and unequivocally shows  
21 that these defendants were willing participants in these  
22 murders.

23 If killing these victims was a horrible and an  
24 extremely repulsive act <sup>to</sup> of these female defendants, and  
25 Tex Watson, wouldn't they have stopped, ladies and gentle-  
26 men, after one fatal stab wound?

5c-4

1 But, no, they stabbed these poor helpless  
2 victims over and over and over again, 169 times.

3 This ~~completely~~<sup>completely</sup> shows willing participation on  
4 their part.

5 They actually enjoyed these murders.

6 This is not a situation, ladies and gentlemen,  
7 let's make it clear, where Manson sent these defendants  
8 out on a mission of murder and they were violently opposed  
9 to it, and when they killed these victims they were  
10 repulsed by it; <sup>and</sup> that when they stabbed the victims they  
11 only did it once or twice.

12 We don't have a situation like that here at  
13 all.

14 This is a situation where they were willing ✓  
15 participants; where they murdered with relish, with gusto,  
16 as it were.

5d fls.



5d-1

1 Several months later when they told others  
2 about their participation in these murders, did they look  
3 back with remorse and horror? Absolutely not.

4 They looked back with total callousness and  
5 indifference.

6 Don't forget, ladies and gentlemen, only Linda  
7 Kasabian, who did not actually kill anyone, was so aghast  
8 and so repulsed by these murders that she left Charles  
9 Manson immediately after the murders.

10 These three female defendants and Tex Watson  
11 stayed with Charles Manson to the very end.

12 Any argument that these three female defendants  
13 should receive life imprisonment because they were just  
14 following Manson's orders is wholly without substance.

15 Now, the defense attorneys, maybe Mr. Keith,  
16 might argue to you that if these girls are robots and  
17 mutations, how could they be responsible for ~~that~~ what they  
18 did?

19 Obviously I use these words as descriptive  
20 adjectives. I was not referring to clanking type machines,  
21 with three eyes and two noses.

22 These girls knew exactly what they were doing,  
23 and they did it with premeditation.

24 I want to make an observation related to what  
25 I just said, one or more of you may say to yourselves --  
26 I don't think any of you will -- but the thought certainly

1 may enter your mind, that as wicked, as vicious, as these  
2 three female defendants are, by comparison to Charles  
3 Manson, they are not as wicked and vicious as he is;  
4 therefore, let's give Manson the death penalty and these  
5 three female defendants life imprisonment.

6 The only type of problem with that type of  
7 approach, ladies and gentlemen, is that these three female  
8 defendants are given credit, as it were, because of Manson's  
9 extreme wickedness and viciousness.

10 Under that type of reasoning, if you were to  
11 employ that type of reasoning, then if Adolph Hitler were  
12 Charles Manson's co-defendant, Manson should receive life  
13 imprisonment because of the comparison with the indescribably  
14 evil Adolph Hitler.

15 The point I am trying to make is I don't think  
16 you should compare these three female defendants with Charles  
17 Manson, but rather you should evaluate the conduct of each  
18 of the defendants and determine whether it warrants the  
19 imposition of the death penalty, and if it does, the fact  
20 that the particular defendant is sitting next to Charles  
21 Manson should not alter or influence your determination in  
22 any fashion.

23 Mr. Fitzgerald pointed out that Patricia  
24 Krenwinkel was a Blue Bird as a child and belonged to  
25 church groups and did well in school, et cetera.

26 He pointed out to you she was a member of the

1 Campfire Girls, liked animals; she was a normal baby and  
2 child; that she loved her mother and father.

3 Ladies and gentlemen, every vicious killer in  
4 history was a baby once, and then I guess they <sup>call</sup> called it  
5 a toddler, is that the term that was used -- baby, then a  
6 toddler, then a child.

7 Every vicious killer in history went through  
8 that type of progressive graduation.

9 Most killers when they were children, I  
10 presume, played in sandpiles and did cute adorable little  
11 things and loved their mother and father.

12 I don't blame Mr. Fitzgerald or Mr. Keith for  
13 introducing evidence of <sup>the</sup> ~~their~~ early childhood<sub>s</sub> of their  
14 clients.

15 But it simply has no relevancy, ladies and  
16 gentlemen.

17 The seven victims in this case were also babies  
18 and children at one time and they too attended kindergarten  
19 and had playmates and toys and pet animals, and loved their  
20 mother and father.

21 So the defendants' past is negated by the  
22 victims' past.

23 It simply has no relevance.

24 No killer was a killer all of his or her life.  
25 They became killers.

26 Likewise, the fact that these defendants have

1 parents who care has little if any relevance.

2 Now, I felt very very sorry for Mr. and Mrs.  
3 Krenwinkel and for Mrs. Van Houten. It is not their ✓  
4 fault <sup>what</sup> it happened. They seemed to be decent, respectable  
5 people who did the very best they could for their children.

6 fls.

6-1

1 It goes without saying that if you come back  
2 with verdicts of death, you are going to be hurting them,  
3 too. Let's face it.

4 But certain things, ladies and gentlemen, just  
5 cannot be avoided.

6 One of the very most distasteful aspects of  
7 being a prosecutor is the fact that when we convict a  
8 rapist or a robber or a murderer, the innocent parents and  
9 relatives many times are seated in the courtroom at the time  
10 of the verdict and sentence, <sup>and they</sup> ~~they~~ suffer so much themselves.

11 I have always hated this particular aspect of  
12 my job, <sup>but it</sup> ~~it~~ is simply one of those unavoidable things in my  
13 job as a prosecutor.

14 I imagine every job has its drawbacks.

15 Many times I have found that the mother or the  
16 father or the sister or brother or children or husband or  
17 wife, of the defendant, takes it even harder than the  
18 defendant.

19 Mr. and Mrs. Krenwinkel and Mrs. Van Houten --  
20 and I am sure Mr. Van Houten -- care. They care a lot,  
21 <sup>But keep</sup> ~~keep~~ this point in mind, ladies and gentlemen.

22 Every vicious killer in history most likely had parents  
23 who cared. The despots, the tyrants of history had parents  
24 who most likely cared.

25 So, I don't feel this factor should weigh  
26 heavily in your deliberations.

Moreover, if we are going to consider relatives and parents, what about the parents and the sisters and brothers and children of the seven victims in this case? Don't you think they will die a thousand times the rest of their lives every time they think of how their loved ones were brutally murdered?

For instance, Mr. Tate, using him as an example because he testified, will remember his baby daughter, Sharon Marie, a baby he and his wife obviously protected and loved with all their heart and soul. He most likely will then see her as a daughter who grew up to be a very beautiful young woman, who was just a half  $\frac{1}{2}$  step away from major stardom. Then he will see his grandchild in her protective womb, in the early morning hours of August the 9th, 1969, fighting for her life and her baby's life.

He will see the fright, the horror on her face, he will hear her scream for her life.

He will see the strong, sharp knife ripping into her chest and her heart.

He will imagine Sharon's baby -- his grandchild -- sucking desperately for oxygen in Sharon's womb, and then there was no more.

Do you really think that a day will pass the rest of his life or his wife's life when they won't be reminded of the incredible horror of what happened to their daughter, Sharon Marie, and suffer beyond description

for it?

They are not going to want these thoughts, of course not. They will do everything possible to get those thoughts out of their mind. But those thoughts are going to be there.

6a



6a-1

1 And Frank Struthers, Jr. is going to have to  
2 grow up into manhood without his mom, Rosemary.

3 Don't you think he, and all the other victims  
4 in this case -- or survivors of the victims -- will have the  
5 same type of excruciating thought the rest of their lives?

6 Not only did these defendants murder seven  
7 human beings, ladies and gentlemen, but they have caused  
8 horror and immeasurable grief to the survivors of the  
9 victims. Horror and grief that is going to haunt them and  
10 be their undying companion for the rest of their lives.

11 These defendants, by these murders, have un-  
12 doubtedly caused extremely severe mental, emotional and  
13 psychological trauma to a great number of people who sur-  
14 vived these victims.

15 Now I am going to briefly address myself to  
16 why -- and this will be brief -- to why each particular  
17 defendant should receive the death penalty.

18 I am going to start out with Charlie Manson.

19 Ladies and gentlemen, Charles Manson himself  
20 should not have any objection whatsoever to your returning  
21 verdicts of death. He shouldn't have any objection.

22 He told Danny De Carlo that one should not be  
23 afraid to die, and death meant nothing.

24 He told Greg Jakobson that it wasn't wrong  
25 to kill a fellow human being, and death was beautiful.

26 So Charles Manson should welcome a verdict of

1 death against him.

2 Now, I am not going to discuss with you what  
3 Charles Manson did, ladies and gentlemen. I did that in  
4 great depth in my opening and closing argument during the  
5 guilt trial.

6 Webster hasn't yet come up with an appropriate  
7 adjective for Charles Manson.

8 Suffice it to say that the evidence at this  
9 trial showed Charles ~~Manson~~ to be one of the most evil,  
10 satanic men ever to walk the face of this earth.

11 Charlie knows how evil he is. I don't think  
12 he disagrees with me now when he listens to me. He knows  
13 how evil he is.

14 Susan Atkins testified that Manson called  
15 himself the devil and Satan. And other people testified to  
16 that. He knows how evil he is.

17 Mr. Kanarek argued that Charles Manson never  
18 personally killed anyone himself.

19 Well, neither did Adolph Hitler or Joe Stalin  
20 or Benito Mussolini.

21 I'd also like to remind Mr. Kanarek that  
22 Charles Manson certainly can't take credit for the fact  
23 that Bernard Crowe just happened to live. Manson shot him  
24 in the stomach and Crowe came very close to dying.

25 And if ordering the savage murder of seven  
26 human beings does not make one a killer, I don't know what

1 in the world would.

2 At this very moment that I am talking to you --  
3 in other words, right now, the space between seconds --  
4 right now -- seven human beings and an eight-month-old  
5 baby boy fetus are in their coffins in the cold earth be-  
6 cause Charles Manson ordained that they did not have the  
7 right to live, and, therefore, they should be murdered.

6b

6b-1

1 If Charles Manson does not receive the death  
2 penalty, it would be a miscarriage of justice to give <sup>any one</sup> ~~anyone~~  
3 of these three female defendants the death penalty.

4 It would seem that the death penalty for Charles  
5 Manson would be so automatic that you wouldn't even bother  
6 taking a vote on him back in the jury room.

7 Patricia Krenwinkel. Mr. Fitzgerald asked you  
8 to give Patricia Krenwinkel life.

9 Patricia Krenwinkel actively participated in  
10 the murder of seven human beings. Seven.

11 She was at the scene of both the Tate and the  
12 La Bianca murders with a sharp knife in her hand stabbing  
13 these victims over and over again, enjoying every bloody  
14 moment of these orgies of murder.

15 What was her only concern after leaving five  
16 dead bodies behind at the Tate residence? Her hands hurt  
17 because the bones of the victims got in the way of the  
18 bloody blade of her knife.

19 What did she do after participating in the  
20 murders of Leno and Rosemary La Bianca? By her own  
21 admission on that witness stand, she takes a towel, walks  
22 up to Leno La Bianca's dead body, soaks it in blood, and  
23 then prints the words "Helter Skelter" in blood on the  
24 refrigerator door, and "Death to Pigs" and "Rise" in  
25 blood on the living room wall of the La Bianca residence.

26 How does she feel about the fact that she

6b-2

1 murdered seven human beings, that she slaughtered them and  
2 cut them up and butchered them? She thinks it is funny.  
3 She laughed about the fact that she committed these murders.

4 Recall that she, Tex and Sadie laughed when  
5 the television announcer discussed the Tate murders at  
6 6:00 p.m. on August the 9th, 1969. She laughed.

7 Patricia Krenwinkel, ladies and gentlemen,  
8 actively participated in the murder of seven human beings.  
9 Life imprisonment for her, a virtual human savage, would be  
10 unthinkable.

11 I might add that a verdict of death against  
12 Patricia Krenwinkel won't be any big deal to her. She  
13 testified on the witness stand that she is willing to  
14 suffer the death penalty for what she did.

15 Susan Atkins. Long before Susan Atkins ever  
16 met Charles Manson, the thought of killing a fellow human  
17 being appealed to her.

18 Tom Drinen, that Oregon State Police Officer,  
19 is very, very lucky that he is alive today.

20 Sadie had that loaded .25 caliber automatic  
21 with one bullet in the chamber at the time that he arrested  
22 her. I believe it was in September, 1966, just outside of  
23 Salem, Oregon.

24 She told him she would have killed him if she  
25 had had the opportunity.

26 Susan Atkins, like her co-defendants, places

absolutely no value on the life of a fellow human being.

All four of these defendants -- these three female defendants and that man back in the lockup -- place absolutely no value on the life of a fellow human being.

Susan Atkins is more than just a cold-blooded murderer, ladies and gentlemen, she is actually a vampire. She tasted Sharon Tate's blood.

This testimony was given quite a long time ago.

Incidentally, if you are wondering, this is all I have got left. (Indicating.) I will try to finish by noon. If not, a couple of minutes thereafter.

This was testimony way back on October the 9th, 1970.

But let's take a look at what kind of a savage, what kind of a barbarian, Susan Atkins is.

We are inclined to forget these things, so I will briefly go over the testimony of Virginia Graham and Roni Howard just on some limited point.

"Well, what did Susan Atkins tell you with respect to the Tate murders, taking it from the very beginning?

"She said that after she entered the house, the Tate house, she proceeded toward the bedroom.

"She noticed a girl sitting in a chair reading a book, the girl didn't look up and notice her.



1 She continued toward the bedroom  
2 and she reached the bedroom door.

3 "There was a -- Sharon Tate was sitting  
4 in bed with a pillow propped up behind her and  
5 Jay Sebring was sitting at the side of the bed  
6 and they were engrossed in conversation, and  
7 at first she wasn't noticed.

8 "Did you ask her how Sharon Tate was  
9 dressed?

10 "Yes, I did. She said she had a bikini  
11 bra and pants on."

12 Then she identified the two as Sharon and  
13 Jay Sebring.

14 "After Sharon Tate and Jay Sebring  
15 entered the living room, what did Susan  
16 Atkins say took place?

17 "She said that the other man --

18 "When you say 'other man,' did she  
19 indicate that this was a man other than Jay  
20 Sebring?

21 "Yes, sir, she did.

22 "What did she say about this other man?

23 "She said that the other man ran past  
24 her, and as he ran past her she stabbed him  
25 four or five times.

26 "He got to the door and he started



1 "screaming for help. He got out onto the  
2 front lawn and he was screaming, 'Help, help,  
3 somebody please help.'

4 "And with this she put her hands on her  
5 hip and she said to me, 'And would you believe  
6 that he was screaming 'Help, help,' and nobody  
7 came?'

8 "This is what Susan Atkins told you?

9 "That's right.  
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5d

6d-1

1 "What else did Sadie say that she did?

2 "She said that she was holding Sharon  
3 Tate's arms behind her, and that Sharon Tate looked  
4 at her and she said she was crying and she said to  
5 her, 'Please, please don't kill me, I don't want to  
6 die. I just want to have my baby.'

7 "She said, 'And I looked Sharon straight  
8 in the eye and I said to her, "Look, bitch, you might  
9 as well face it right now, you're going to die, and  
10 I don't feel a thing behind it," and in a few minutes  
11 she was dead.'

12 "Did Susan Atkins say whether she in fact  
13 killed Sharon Tate?

14 "Yes, she did.

15 "What did she say?

16 "She said 'I killed her.'

17 "Did Miss Atkins say anything about  
18 blood at this point?

19 "Yes, she did.

20 "What did she say?

21 "She said that she had blood in her hand  
22 and she looked at her hand and she took her hand and  
23 she put it up to her mouth and she said, 'To taste  
24 death and yet give life, wow, what a trick.'

25 "Did Miss Atkins ask you if you had  
26 ever had that type of experience with blood?

6d-2

1 "Yes, she did. She asked me if I was  
2 interested in blood, and I said I had seen it,  
3 and she said that it was really beautiful; that it  
4 was warm and sticky.

5 "Did she say anything about the eyes of  
6 the people there at the Tate residence?"

7 Listen to this.

8 "Yes, she did. She told me that she  
9 wanted to take their eyes out and squish them against  
10 the wall, and cut their fingers off, but that she  
11 didn't have time.

12 "Did Miss Atkins tell you anything about  
13 who was the last to die at the Tate residence?"

14 "Yes, she did.

15 "What did she say?

16 "She told me Sharon Tate was the last to  
17 die.

18 "As Miss Atkins was discussing these  
19 murders with you, did she say anything about how  
20 it felt to stab a human being with a knife?

21 "Yes, she did.

22 "What did she say?

23 "She said that when the knife went in  
24 it felt soft and that it was quite a thrill.

25 "Did you ask Miss Atkins if she knew  
26 the people who lived at the Tate residence?"

6d-3

1 "Yes, I did.

2 "What did she say?

3 "She said no, that she did not know the  
4 people that lived there, but that it did not matter  
5 who was there because they would all die."

6 In other words, when they left the Spahn Ranch  
7 that night, they intended to kill. There was no question  
8 about it.

9 "Did you ask Miss Atkins how she felt  
10 about these murders?

11 "Yes, I did.

12 "What did she say, if anything?

13 "She said that she was tired but she felt  
14 elated and at peace with herself.

15 "Would you describe for the Judge and the  
16 jury in your own words Sadie's demeanor, Susan Atkins'  
17 demeanor when she spoke to you about these murders?

18 "Well, I would say she was highly  
19 excited about it, and was very intense about it,  
20 almost to the point of reliving it again and enjoying  
21 it.

22 "Did she speak to you loudly when she  
23 told you about these murders?

24 "Yes, she did. She raised her voice  
25 quite a bit. In fact, a few times I told her to  
26 lower her voice.

6a fls. 26

Ge-1

1 "Did Miss Atkins say that she was  
2 sorry or had any remorse for these murders?

3 "Absolutely no remorse, nothing."

4 Roni Howard, talking about the Tate murders.

5 "Did she say anything specifically  
6 about Sharon Tate?

7 "Yes.

8 "What did she tell you about Sharon Tate?"  
9 and she mentions that Sharon was in the other room with  
10 this other man, Jay Sebring.

11 "Did she say what happened to Sharon Tate  
12 and the man?

13 "Yes. They were brought to the front  
14 room and that is when after everything else was  
15 happening, everything else had happened, she  
16 said Sharon could not believe what was happening.

17 "She said she had a look on her face; she  
18 just could not believe anything that was going  
19 on.

20 "And she begged, and she said, 'Please,  
21 just let me live for my baby.'

22 "But Sadie told her, 'I have no feelings  
23 for you, bitch, you're going to die.'

24 "After Sadie said this to Sharon, did  
25 Sadie say she did anything?

26 "She said, and she proceeded to stab her.

1 "Sharon Tate?

2 "Yes. I asked her, 'Where did you stab  
3 her, in the stomach?'

4 "And she said, 'No, in the chest.'

5 "Did Sadie say Sharon screamed?

6 "Yes.

7 "Did she say anything happened when  
8 Sharon screamed?

9 "She said every time she screamed that  
10 she stabbed her.

11 "I asked her how many times.

12 "She said she did not know; she just kept  
13 stabbing her until she stopped screaming.

14 "Did Sadie say she liked it when Sharon  
15 screamed?

16 "Yes, she said it did something to her,  
17 it kind of sent a big rush through her.

18 "Did you ask Sadie anything about  
19 Sharon's baby?

20 "Yes, she said that she wanted to take  
21 the baby with her.

22 "She said she wanted to take the baby,  
23 and I asked her, 'How would you have done that?'

24 "And she said by cutting it out of her  
25 body, but she didn't.

26 "Did Sadie tell you anything about how

1 "it felt to stab a person?

2 "Yes.

3 "What did she say?

4 "She said it's like going into air.

5 "She said, -- 'and when you stab somebody,'  
6 she said, 'it's better than having a climax  
7 because,' she said, 'it's a form of sexual  
8 release anyway,' and she said, 'The whole  
9 world is one big intercourse anyway, whether  
10 it's eating, smoking drinking, everything is  
11 in and out.'

12 "I said, 'It's similar to a drug habit  
13 then?'

14 "And she said, 'Yes, the more you do it  
15 the better you like it.'

16 "Would you describe the manner in which  
17 Sadie related the story to you?

18 "She was very excited; she enjoyed telling  
19 me about it."

5r



6f-1

1 I am sorry to take up the time, but it happened  
2 way back in October and it is easy to forget some of these  
3 things.

4 Susan Atkins enjoyed murdering these people.  
5 She enjoyed tasting Sharon Tate's blood. And it is obvious  
6 by what she told Roni Howard and Virginia Graham that she  
7 is proud of the fact that she committed these murders, and  
8 she enjoys reliving every moment of these murders.

9 Sharon Tate, as blood was streaming out of her  
10 body, begged Susan Atkins for her life. She said, "Please  
11 let me live so I can just have my baby."

12 And Susan Atkins looked Sharon in the eye and  
13 said, "Look, bitch, I have no feelings for you. You are  
14 going to die."

15 And on the witness stand, Susan Atkins testified  
16 that Sharon -- this is Susan's testimony -- Sharon kept  
17 begging and pleading and begging and pleading, and I got  
18 sick of listening to her, so I stabbed her.

19 And she admitted telling Sharon:

20 "Look, bitch, I have no mercy for you."

21 Take a look at this photograph here, ladies  
22 and gentlemen, People's 11 for identification.

23 This is the master bedroom of the Tate residence.  
24 You will notice this bed here. This is Sharon's and Roman's  
25 bed.

26 And you will notice <sup>that</sup> in front of the bed <sup>is</sup> a large

6f-2

1 chest of drawers, and on top of that chest of drawers, so  
2 that Sharon could look at it constantly and expectantly,  
3 is a brand new baby bassinette, still freshly wrapped, tied  
4 with a ribbon on one end.

5 Sharon Tate, ladies and gentlemen, wanted to  
6 live, just like all the other seven victims in this case. *The*  
7 ~~stunningly~~ beautiful Sharon Tate had everything in the world  
8 to live for. Most of all, she was about to give birth to  
9 her first child, a baby she had protectively carried in her  
10 womb for eight months.

11 Like all expectant mothers, especially those  
12 who are about to give birth to ~~her~~ <sup>their</sup> first baby, undoubtedly  
13 Sharon couldn't wait for this moment to arrive, *so she could* ~~she would~~  
14 give her baby all her motherly love. She probably wanted  
15 this moment more than anything she had ever wanted in her  
16 life.

17 She begged and pleaded for a chance to live  
18 so she could just have her baby. But the incredibly steel-  
19 headed and merciless Susan Atkins said, "Look, bitch,  
20 I have no feelings for you, no mercy. You are going to die."

21 Susan Atkins told Roni Howard that the more  
22 Sharon cried out and screamed, the more Susan stabbed her.

23 Finally Sharon's heart stopped beating, and  
24 within moments thereafter, the tiny little heart of the  
25 baby inside Sharon's womb also stopped beating.

26 And then Susan Atkins tasted Sharon's blood.

6f-3

1 This brand new baby bassinette, ladies and  
2 gentlemen, was never used by Sharon Tate and her baby.  
3 No little baby ever cried out for its mother's breasts  
4 from that bassinette.

6g fls.

5 Susan Atkins saw to that.  
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6g-1

1 We don't just have Roni Howard's and Virginia  
2 Graham's testimony. Again, Barbara Hoyt also testified  
3 that Susan Atkins laughed when she heard the announcer on  
4 television, and when she left Juan Flynn's trailer she  
5 was obviously flushed with excitement. "We are going to  
6 get some more of those blank pigs."

7 There is every reason to believe that if Manson  
8 had picked Susan Atkins to go into the La Bianca residence,  
9 she would have murdered them and tasted their blood just  
10 like she had done the previous night.

11 And we learned on the witness stand from Susan  
12 Atkins' own lips that not only was she a party to the  
13 seven Tate-La Bianca murders, but she also murdered an  
14 eighth human being, Gary Hinman, stabbing him to death.

15 Susan Atkins couldn't possibly deserve the  
16 death penalty any more than she does, ladies and gentlemen.

17 Leslie Van Houten.

18 Mr. Keith asked you to have sympathy for Leslie  
19 Van Houten.

20 The way he described her it almost sounded like  
21 we should feel sorry for her that she committed these  
22 murders and that she is presently on trial.

23 of  
24 Some/you may say to yourselves that since Leslie  
25 Van Houten was only involved in two murders and her  
26 co-defendants were involved in seven murders, maybe we should  
compromise and give her co-defendants death and give Leslie

1 Van Houten life.

2 Well, the fact, ladies and gentlemen, that  
3 Leslie Van Houten's co-defendants committed five more  
4 murders than she did does not lessen her guilt one fraction  
5 of an inch.

6 Leslie Van Houten, ladies and gentlemen,  
7 participated in the savage murder of Leno La Bianca and  
8 Rosemary La Bianca, two murders. This, of course, in and  
9 of itself warrants the death penalty.

10 The fact that her co-defendants committed five  
11 more murders should not inure to her benefit by way of  
12 comparison; in other words, she shouldn't receive any type  
13 of credit for the fact that her co-defendants committed  
14 murders with which she was not involved.

15 What if she were on trial here for just the two  
16 murders by herself? Then there wouldn't be any one to  
17 compare her with.

18 We have to look at Leslie Van Houten's conduct  
19 and determine whether or not it warrants the imposition of  
20 the death penalty, and in looking at her conduct, we should  
21 completely forget about the fact that her co-defendants  
22 committed five additional murders.

23 The fact that in terms of numbers Leslie is not  
24 as culpable as her co-defendants is totally irrelevant.

25 Now, they are more culpable than she is, and  
26 I will agree to that. But the fact that they are more

1 culpable than she is, I say, is totally irrelevant.

2 I am going to give you a silly example to  
3 illustrate what I mean.

4 One man is six feet six inches tall. Another  
5 man is six feet four inches tall. The fact that the man ✓  
6 who is six feet six inches tall is two inches taller than  
7 the man who is six feet four inches tall does not mean that  
8 the man who is six feet four inches tall is short. It just  
9 means he is shorter than the man who is six feet six inches  
10 tall. But he is very, very tall in his own right.

6h. fls.

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1 Leslie Van Houten is a very vicious, pre-  
2 meditated, cold-blooded murderer in her own right.

3 To be involved in one murder, if they are as  
4 savage as these murders were, warrants the death penalty.

5 Here Leslie Van Houten was involved in the  
6 murder of Leno and Rosemary La Bianca, two murders. More  
7 than enough to justify the imposition of the death penalty.

8 Is it necessary to be involved in more than  
9 two murders to warrant the death penalty?

10 Maxwell Keith wants you to believe that, π  
11 really, Leslie, down deep, is an effervescent, I think he  
12 said, young girl.

13 Well, visualize -- it is a horrible thought,  
14 but visualize -- Rosemary La Bianca lying on the floor of  
15 her bedroom drenched in blood. Visualize a sharp knife in  
16 this girl's hand, because that is what happened now. I am  
17 not creating any facts. Visualize the sharp knife in her  
18 hand, and she is stabbing Rosemary over and over again.

19 Visualize the look on Leslie Van Houten's face  
20 when her sharp knife penetrated Rosemary La Bianca's body.

21 You can bet your life that the look she had  
22 on her face then is not the look on her face right now.

23 Visualize these things, and you realize what a  
24 vicious, savage murderer she is.

25 The fact of the murders themselves shows what  
26 a cold-blooded murderer Leslie Van Houten is. But let's



1 try to see just how cold blooded she is.

2 To do that, we are going to have to look at  
3 the testimony of Dianne Lake.

4 Now, since Leslie Van Houten confessed on the  
5 witness stand to the La Bianca murders, we therefore know  
6 that Dianne Lake told the truth on the witness stand <sup>and</sup> right  
7 down to the details.

8 Leslie Van Houten testified that she wiped  
9 fingerprints off at the La Bianca residence. Even off  
10 things that weren't even touched.

11 You remember Dianne Lake testified to the same  
12 thing. The same thing.

13 Now, that is a detail. So, we know that every-  
14 thing Dianne Lake said was the truth.

15 Leslie Van Houten told Dianne Lake that the more  
16 she stabbed the person -- which is Rosemary La Bianca --  
17 the more fun it was.

18 This is what Dianne Lake's testimony was.

19 Can you imagine that, ladies and gentlemen?  
20 The more she plunged her knife into Rosemary, the more  
21 she enjoyed it.

22 Leslie Van Houten <sup>enjoyed</sup> ~~enjoyed~~ sticking a knife into  
23 the body of a human being.  
24  
25  
26

After these murders was she gripped with horror over what she had done? Absolutely not.

With Leno and Rosemary lying on the floor of their residence, drenched in blood, a knife sticking out of Leno's throat, a fork sticking out of his stomach, what does Leslie Van Houten do?

Again, we have to look at Dianne Lake's testimony.

Leslie Van Houten calmly walks into the kitchen, opens up the refrigerator door, takes out some food, and eats and enjoys the food.

Now, we know Dianne Lake is telling the truth.

Leno and Rosemary are dead on the floor of their residence, just having been butchered like animals, blood probably still trickling out of their bodies, and this girl decides she would like to eat some food out of their refrigerator.

No woman with a heart and a soul could have done something like that.

And as if that weren't enough, this incredibly cold-blooded girl told Dianne Lake that when she left the La Bianca residence she took something to drink with her.

*(showing photo to jury)*  
This is Leno, and that is Rosemary.

Leslie Van Houten, together with Tex and Katie, went into the home of this middle-aged husband and wife in the middle of the night and savagely butchered them to

1 death, leaving them dead on the floor of their residence,  
2 stabbed 67 times, pillowcases over their head, electrical  
3 cords tied around their necks.

4 On the refrigerator door, Leslie, Katie and  
5 ~~Sadie~~ left the words "helter skelter" printed in blood.  
6 On the living room wall they left the words "rise" and  
7 "death to pigs" in blood.

8 Leslie Van Houten deserves the death penalty  
9 every bit as much as her co-defendants. She is a part of  
10 these co-defendants and every bit as cold-blooded as they  
11 are.

12 Life for her and death for her co-defendants  
13 would seem to be very, very inconsistent.

14 Mr. Shinn and Mr. Keith and Mr. Fitzgerald  
15 argue that their respective clients are capable of  
16 rehabilitation.

17 Now, in criminal law, when we speak of  
18 rehabilitation, we mean reshaping the personality and the  
19 behavioral patterns of the criminal so that the criminal  
20 no longer has these criminal propensities.

21 Well, in the first place, ladies and  
22 gentlemen, four defense psychiatrists testified for the  
23 defense, but other than Mr. Keith, to my knowledge, no  
24 defense attorney even asked any one of these psychiatrists  
25 whether if, in their opinion, these girls were capable of  
26 rehabilitation.

T ✓

7-1

1 I think we can draw certain inferences from  
2 their failure to ask that question.

3 I believe Mr. Fitzgerald did ask Dr. Hochman  
4 if Patricia Krenwinkel's mental illness --

5 MR. FITZGERALD: May I interpose an objection, your  
6 Honor?

7 Your Honor sustained an objection to the  
8 questions about rehabilitation.

9 Other counsel were precluded from asking those  
10 questions, if the Court please.

11 If I have an opportunity I can find it in the  
12 transcript.

13 MR. BUGLIOSI: May we approach the bench?

14 THE COURT: I don't know what you are talking about,  
15 Mr. Fitzgerald. Approach the bench.

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

18 MR. FITZGERALD: My recollection is, your Honor, that  
19 you said to Mr. Keith that the questions were ambiguous.

20 You said to Mr. Keith, "What does rehabilitation  
21 mean?"

22 I think that is my distinct recollection.

23 MR. KEITH: I remember. Then I asked the doctor what  
24 his understanding of rehabilitation was.

25 THE COURT: Even if the question is ambiguous it does  
26 not mean that that forecloses counsel from going into the

7-2

1 subject.

2 MR. KEITH: You asked me what I meant by rehabilita-  
3 tion and I asked the doctor; I thought it was better to ask  
4 him because he was testifying.

5 MR. FITZGERALD: It was my understanding we would  
6 not go into the area of rehabilitation with the psychiatrists.

7 THE COURT: I find it difficult to think that you  
8 really believe that, Mr. Fitzgerald.

9 MR. FITZGERALD: I don't find it difficult.

10 THE COURT: That was not the case and the record  
11 will clearly indicate it.

12 The objection is overruled.

13 (The following proceedings were had in open  
14 court in the presence and hearing of the jury.)

15 MR. BUGLIOSI: Mr. Fitzgerald did ask Dr. Hochman  
16 if Patricia Krenwinkel's mental illness could be cured,  
17 or words to that effect.

18 And, incidentally, Dr. Hochman was very very  
19 skeptical about even that.

20 But Mr. Fitzgerald did not ask any defense  
21 psychiatrist whether they thought Patricia Krenwinkel was  
22 capable of rehabilitation.

23 Maxwell Keith did ask Dr. Hochman about Leslie  
24 Van Houten's possibilities for rehabilitation.

25 But even Dr. Hochman is skeptical about Leslie  
26 Van Houten's chances of rehabilitation.



7-3

1 THE COURT: I don't want any distractions, Mr. Kanarek,  
2 just sit there until this argument is completed.

3 Go ahead, Mr. Bugliosi.

4 MR. BUGLIOSI: Page 26,361, Volume 198.

5 "BY MR. KEITH: In your opinion, Doctor, is  
6 Leslie or would Leslie be susceptible or respond to  
7 intensive therapy?

8 "A Possibly.

9 "Q Why do you say possibly?

10 "In other words, you don't feel that  
11 she is such a lost soul that she could never be  
12 rehabilitated?

13 "A No, I don't think she is that lost a  
14 soul, no."

15 Of course, psychiatrists, their whole education,  
16 their whole training is oriented toward treatment of fellow  
17 human beings.

18 So, obviously, they are very optimistic.

19 But even Dr. Hochman is very skeptical. His  
20 prognosis was very guarded with respect to Leslie Van Houten.

21 But apart from Dr. Hochman's rather guarded  
22 prognosis there is no evidence in the record from any  
23 psychiatrist that either Susan Atkins or Patricia Krenwinkel  
24 are capable of rehabilitation, and I would submit that Mr.  
25 Shinn and Mr. Fitzgerald had every opportunity to ask that  
26 question but they apparently elected not to.

1 It is speculation on the part of Mr. Shinn and  
2 Mr. Fitzgerald as to whether or not their clients are  
3 capable of rehabilitation.

4 Moreover, ladies and gentlemen, the most  
5 persuasive evidence in the record is that all three female  
6 defendants are not capable of rehabilitation.

7 It would seem that the very very first step  
8 towards rehabilitation is sorrow, repentance, remorse  
9 for the crimes committed.

10 I should think that would be the very first  
11 step. I should think that the remorse would be almost  
12 ~~immediate~~ <sup>immediately</sup> after the murders or shortly thereafter.

13 With these three female defendants, almost two  
14 years after these murders, they still have absolutely no  
15 remorse.

16 Now, there was testimony from Dr. Hochman about  
17 this point. I will briefly go over with you, Volume 198,  
18 page 26,259:

19 "Q Doctor, I believe that we were speaking  
20 about remorse.

21 "Is your state of mind such that you --  
22 are you telling us that this lack of remorse on the  
23 part of Leslie, Leslie Van Houten, that that is  
24 synthetic and feigned; that that is not her true  
25 thinking?"

26 These are questions by Mr. Kanarek.



1            "A     Well, I am once again pointing to the  
2 difference between the conscious and the unconscious  
3 mind.

4            "Consciously I think she has convinced  
5 herself through a series of rationalizations,  
6 intellectualizations, ideations, that she feels no  
7 remorse.

8            "I think that underneath that there is  
9 a tremendous debt to be paid to herself for having  
10 transgressed.

11           "I would call that an unconscious guilt,  
12 or guilt lying in the unconscious severely repressed,  
13 totally repressed.

14           "Q     But you are speaking a generalization  
15 now; you are not speaking specifically as to Leslie  
16 Van Houten though?

17           "A     I thought I was.

18           "Q     I mean, you cannot tell us from the  
19 witness stand, can you, that she -- no matter what  
20 happens in the future or what might happen to some  
21 other person, you cannot say that her --

22           "When she took this witness stand and  
23 said she had no remorse, when she said that she was  
24 not feigning it, was she?

25           "A     I don't think she felt as though she  
26 were feigning it. I don't think she was aware of

1 "any such feeling.

2 "Q So she really, as far as that testimony  
3 was concerned, your estimate in that is that that  
4 was gospel truth; right?

5 "A As far as she were aware,

6 "Q Well, I mean, yes, but this was a  
7 volitional statement by her. It was not untrue,  
8 it wasn't false, it was true, right?

9 "A As far as she were aware, yes.

10 "Q Would you say the same would apply to  
11 Katie Krenwinkel and to Susan Atkins?

12 "A Yes.

13 "Q There is no remorse?

14 "A As far as they are aware of, yes."

7afla.

7a-1

1 Well, I don't know if Dr. Hochman is correct  
2 or not, but basically his position, and he later testified  
3 to this, was that remorse is a human emotion, therefore all  
4 humans have it; therefore these three female defendants  
5 must also have it.

6 Whether he is correct or not I don't know.

7 But even if he is correct, ladies and gentlemen,  
8 the remorse these three female defendants have is strictly  
9 on an unconscious level.

10 Even Mr. Fitzgerald and Mr. Keith in their  
11 arguments conceded that their clients have no remorse.  
12 They didn't make any issue of that. They admitted that.

13 As far as we are concerned in this courtroom,  
14 for all intents and purposes, these three female defendants  
15 have absolutely no remorse whatsoever.

16 Not only have they said they have no remorse,  
17 their conduct shows it.

18 A person who has remorse cries for what they  
19 did, or if they don't cry they at least/<sup>say</sup>they are sorry  
20 and beg for forgiveness or leniency or something.

21 There is a word called "remorseless" in the  
22 dictionary, ladies and gentlemen, and it is a word that  
23 describes a condition that we all know exists.

24 If these defendants are not considered to be  
25 remorseless, the word remorseless does not belong in the  
26 American language.

1 As you and I know remorse, these defendants  
2 cannot possibly have less remorse for what they did.

3 Mr. Fitzgerald and Mr. Keith argued words to  
4 the effect that the reason their clients have no remorse  
5 is because of mental illness.

6 Well, what connection does mental illness have  
7 to do with the lack of remorse? There is a lack of  
8 remorse, ladies and gentlemen, because these defendants  
9 don't think they have done anything wrong. They don't think  
10 they have done anything to have remorse for.

11 In their minds all they have done is killed  
12 seven pigs, and pigs don't deserve to live.

13 Now, mind you, Dr. Tweed testified that when  
14 Patricia Krenwinkel was committing these murders she knew  
15 very well that society thought that what she was doing was  
16 wrong.

17 But her personal code of ethics, her personal  
18 code of morality disagreed with society.

19 But she knew very, very well that everyone  
20 else thought that what she was doing was wrong.

21 In other words, ladies and gentlemen, this  
22 group believes in murder.

23 As Paul Watkins testified, "Death is Charlie's  
24 trip."

25 Manson and his co-defendants <sup>like</sup> ~~had~~ to kill  
26 human beings. That is why they have no remorse.

1 After they had murdered five human beings on  
2 the night of the Tate murders, did they have the slightest  
3 tinge of remorse for what they had done?

4 The very next night, to show their complete  
5 lack of remorse, they go out again and murder someone else.

6 They hadn't gotten their fill the first night.  
7 If four people had been in the La Bianca residence, it is a  
8 fair inference that four people would have been murdered;  
9 if six people had been there, six people would have been  
10 murdered, *A* complete, total lack of remorse.

11 These three females got right up there on that  
12 witness stand and told you they had no remorse for these  
13 murders.

14 Susan Atkins testified that she has no remorse  
15 for these murders and she is not sorry for what she did.

16 Why? Because she testified the murders were  
17 right then, and they are still right now.

18 Patricia Krenwinkel also testified she has  
19 absolutely no remorse, and she feels the murders were right.

20 Leslie Van Houten testified that she <sup>never shed</sup> ~~shed~~ one  
21 small tiny tear for Rosemary La Bianca.

22 In fact she testified she doesn't even think  
23 about the fact that she murdered Rosemary La Bianca.  
24 She ~~could not~~ <sup>couldn't</sup> care less.

25 If you give these defendants life imprisonment,  
26 they ~~are not~~ <sup>aren't</sup> going to appreciate it. They will laugh at you.

1           You saw these four defendants in court for  
2 several months, Ask yourselves this question back in the  
3 jury room: ✓

4           Do you really believe that any one of these  
5 four defendants shed just one small, tiny tear for any one  
6 of the eight victims in this case?

7           You ask yourself that question.

8           Charles Manson told Paul Watkins, "You are  
9 actually doing someone a favor by killing him."

10          THE COURT: It is 12:00 o'clock, Mr. Bugliosi.

11          Ladies and gentlemen, remember the admonition.  
12 The Court will recess until 1:45.

13          (Whereupon, a recess was taken to reconvene  
14 at 1:45 p.m., same day.)

8-1

LOS ANGELES, CALIFORNIA, WEDNESDAY, MARCH 24, 1971

1:55 o'clock p.m.

- - - -

(The following proceedings occur in open court.

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

THE COURT: You may proceed, Mr. Bugliosi.

MR. BUGLIOSI: Thank you.

MR. KANAREK: May we approach the bench just briefly  
before Mr. Bugliosi starts?

THE COURT: No, not at this time.

MR. BUGLIOSI: Good afternoon, ladies and gentlemen.

Before the noon recess I was talking about  
rehabilitation.

Now, in talking about rehabilitation, we are  
not just dealing with the minds of these defendants, ladies  
and gentlemen. We are dealing with their hearts, their  
souls.

How do you rehabilitate people whose hearts and  
souls are filled with murder? How do you give a person a  
new heart? How do you give a person a new soul?

Much more important, who says that if a  
murderer is capable of rehabilitation he should not  
receive the death penalty? Who says that?

Even assuming that these defendants are capable  
of rehabilitation -- as it clearly appears they are not --



1 but even assuming they are, does that exempt them from the  
2 death penalty, ladies and gentlemen?

3 If it did, under that line of reasoning, then,  
4 no matter how many people one murders, no matter how vicious,  
5 how heinous the murders, even if one were to commit a  
6 thousand murders, if it were shown that the murderer was  
7 capable of rehabilitation, he would be entitled to life  
8 imprisonment.

9 And that doesn't make sense.

10 There is no rule of law, no statute, no section  
11 of any Code which provides, either expressly or by implica-  
12 tion, that if a convicted first degree murderer is capable of  
13 rehabilitation, he cannot receive the death penalty.

14 Mr. Fitzgerald, Mr. Keith and Mr. Shian placed  
15 emphasis on rehabilitation. I would remind defense counsel  
16 that this is the penalty trial, not the rehabilitation trial.

17 The first trial we had in this case was the  
18 guilt trial. The present trial is the penalty trial.

19 The word penalty means judicial punishment for  
20 the commission of a crime.

21 The main issue during this penalty trial is  
22 not whether these defendants are capable of rehabilitation,  
23 but what is the proper punishment, what is the proper  
24 penalty for the savage murders they committed?

9 fls.

9-1

1 In other words, since they have already been  
2 convicted of first-degree murder, what should their penalty  
3 -- what should their punishment be? That is what this  
4 penalty trial is all about.

5 And I submit, ladies and gentlemen of the jury,  
6 the only proper penalty, the only proper punishment for  
7 these murders is the death penalty.

8 Would life imprisonment be the proper  
9 punishment for these defendants, ladies and gentlemen?  
10 I don't see how; I don't see how; how could it be?

11 Since the very dawn of history people have  
12 been punished for their crimes, and historically, the  
13 greater the crime the greater the punishment.

14 A look at our California Penal Code, our penal  
15 laws of the State of California, show that the greater the  
16 crime the greater the punishment.

17 For instance, the punishment for rape is much  
18 greater than the punishment for battery or disturbing the  
19 peace. Why? Because rape is a much more serious offense.

20 For these multiple murders, in which these  
21 defendants in a cold-blooded, premeditated fashion inflicted  
22 the ultimate <sup>harm</sup> horror on seven human beings, I ask you, what  
23 punishment other than the ultimate penalty would fit these  
24 defendants and these crimes?

25 Now, I think it is common knowledge that our  
26 society is becoming more and more permissive.

1                   Whether this is for good or bad I certainly  
2                   don't know. I am not a sociologist, and I don't purport to  
3                   be.

4                   But I don't think we have reached that point  
5                   yet where equal punishment for our crimes can only take  
6                   place in the second life, and not this life. I don't think  
7                   we have become that permissive yet.

8                   So I think you should ask yourself this  
9                   question, back in the jury room:

10                  \* These defendants murdered seven human beings,  
11                  What would be equal punishment for these murders?

12                  Ladies and gentlemen of the jury, even if  
13                  these defendants had only brutally murdered one of the  
14                  victims in this case, in view of the unbelievable savage  
15                  nature, the manner in which each of the victims was  
16                  murdered, the death penalty would be the proper verdict.

17                  But here there were seven murders, ladies and  
18                  gentlemen, seven. To say that equal punishment for seven  
19                  murders is life imprisonment just cannot make sense.

20                  If seven murders equal life imprisonment, what  
21                  equals the death penalty, 25 murders? 50 murders?

22                  When I said a few moments ago, even if these  
23                  defendants had only murdered one of the victims in this  
24                  case they should receive the death penalty, I certainly  
25                  was not meaning to suggest or imply that every time there  
26                  was a murder the killer deserves the death penalty.

1 I was not implying that at all. The manner  
2 in which each murder is committed and the circumstances  
3 surrounding the murder obviously have to be examined and  
4 evaluated separately.

5 For instance, there is all the difference in  
6 the world — this is just a for instance — all the  
7 difference in the world between a murder resulting from  
8 a love triangle, and the seven murders in this case,  
9 ladies and gentlemen, where there was a total — complete  
10 lack of any extenuating circumstances.

11 Mr. Keith says that putting Leslie Van Houten  
12 to death is an awful thing. He also said that the death  
13 penalty is barbaric.

14 Mr. Fitzgerald said if you watched a legal  
15 execution you would be against the death penalty.

16 In other words, they argued how horrible the  
17 death penalty is. Not once, of course, <sup>did</sup> ~~do~~ they make  
18 reference to the fact that as these defendants murdered the  
19 victims, the victims begged and pleaded for their lives,  
20 but these defendants just kept stabbing and stabbing and  
21 stabbing and plunging their knives into the hearts and  
22 chests of the victims.

23 Don't forget the victims in this case, ladies  
24 and gentlemen. As I said in my summation during the guilt  
25 trial, from their graves they cry out for justice.

26 With respect to defense counsel's argument

1 that death in the gas chamber is horrible, *ask*

2 *ask* yourself this question back in the jury  
3 room. Is death in the gas chamber one-one hundredth as  
4 horrible as the way the seven victims in this case were  
5 savagely butchered to death?

9a

Look at Voityck Frykowski. Is death in the gas chamber one one-hundredth as horrible as the way this poor man was butchered to death? 51 stab wounds! 13 deep lacerations to the scalp, two gunshot wounds (indicating photograph).

Moreover, ladies and gentlemen of the jury, if the defense attorneys are going to argue and talk about how horrible the death penalty is, let's look at the opposite side of that coin. Maybe life imprisonment is not that bad.

Now, I know inmates are fed three wholesome meals a day, ladies and gentlemen.

I imagine their living conditions are sanitary. The State Prisons in the State of California have a library; they have a movie.

There is a prison orchestra. The inmates receive medical care and treatment. They can learn a trade or an occupation.

There is no question that they participate in sports.

Oh, I'm not saying it's a Country Club, don't get me wrong. I am not saying that at all. But maybe it is not that bad either.

Should these defendants receive life imprisonment and be permitted to live like I have just indicated, when they did this to these seven victims, ladies and gentlemen.



9a-2

(Indicating various photographs.)

1  
2 You have seen these pictures. Should they be  
3 permitted to <sup>live</sup> ~~live~~ as I have just indicated, when they  
4 saw to it that Sharon Tate, Abigail Folger, Voltyck Frykow-  
5 ski, Jay Sebring, Steven Parent, Leno La Bianca, <sup>and</sup> Rosemary  
6 La Bianca, all of whom wanted to live, just like you and me  
7 and everyone else in this courtroom, would never enjoy  
8 another dinner; would never see their loved ones again;  
9 would never listen to music again; would never see another  
10 sunrise?

10 fix.



1 All of these seven victims, particularly the  
2 five Tate victims, were young people who had full lives  
3 ahead of them. That is, until these savages brutally  
4 snuffed out their lives.

5 It goes without saying that life is the very  
6 most precious of all God given gifts. Even people who are  
7 90 years of age hang on to life with a youthful passion.  
8 Animals fight for their life. The world's wealthiest men  
9 on their death beds would give everything they own for  
10 the gift of life.

11 The seven victims in this case, Sharon, Abigail,  
12 Voityck, Jay, Steven, Leno and Rosemary would have given  
13 these defendants everything they owned if these defendants  
14 would have just let them live.

15 You recall Leslie Van Houten told Dr. Hochman  
16 that Rosemary La Bianca told her, "I will give you anything  
17 you want."

18 Steven Parent said to Tex Watson:

19 "Please don't hurt me. I won't say anything."

20 Voityck Frykowski screamed into the night,

21 "Oh, God, no. Please don't. Oh, God, no. Please don't."

22 Sharon Tate begged Susan Atkins, "Please let  
23 me live so I can have my baby."

24 The seven victims in this case wanted desperately  
25 to live, to be alive, not to die.

26 But these defendants said: "No, you must die,"

1 and proceeded to brutally snuff out their lives.

2 Now, the defense attorneys want you to give  
3 these defendants a break.

4 Did these defendants give the seven victims  
5 in this case a break?

6 Now the defense attorneys want you to give their  
7 clients another chance.

8 Did these defendants give the seven victims  
9 in this case any chance at all?

10 Now the defense attorneys want you to give  
11 their clients -- to show their clients -- to have mercy  
12 on their clients.

13 Did these defendants have any mercy at all on  
14 the seven victims in this case when they begged and pleaded  
15 for their lives?

16 These seven murders, ladies and gentlemen,  
17 were premeditated executions. These defendants showed  
18 absolutely no mercy for these victims. And now they have  
19 no remorse.

20 Susan Atkins told Sharon, "Look, bitch, I  
21 have no mercy for you."

22 Besides murdering seven human beings, ladies  
23 and gentlemen, in a very real sense, they murdered -- they  
24 murdered -- that eight-month-old baby boy fetus who died  
25 within the womb of its mother, Sharon Tate.

9-1

1 I would say that the easiest thing for you  
2 folks to do would be to go back in that jury room and vote  
3 for a verdict of life imprisonment. That would be the  
4 ~~easy~~ <sup>easy</sup> way out.

5 The question is: would it be the proper  
6 verdict?

7 I don't see how, ladies and gentlemen. I  
8 don't see how. I don't see how.

9 If the death penalty is to mean anything in  
10 the State of California other than two empty words, this  
11 is a proper case.

12 As I said in my closing argument during the  
13 guilt trial, those murders are perhaps the most savage,  
14 brutal, nightmarish murders in the recorded annals of  
15 crime.

16 In 1872, ladies and gentlemen, the California  
17 Legislature enacted Section 190 of the California Penal  
18 Code which <sup>authorizes</sup> ~~authorized~~ the death penalty in the State of  
19 California.

20 Now, Section 190 is contained within this  
21 book here that I am holding up in front of you right now.  
22 It is called the California Penal Code.

23 190 reads in part:

24 "Every person guilty of murder in the  
25 first degree shall suffer death or confinement  
26 in the State Prison for life."

1 Now, I say this. In view of the incredibly  
 2 savage, horrendous, brutal nature of these murders, if  
 3 either Charles Manson, Susan Atkins, Patricia Krenwinkel or  
 4 Leslie Van Houten receive life imprisonment, Section 190  
 5 does not belong on the books in the State of California.  
 6 Section 190 should be torn out of this Penal Code.

7 These defendants were all in it together.  
 8 They all deserve the death penalty.

9 If any one of these defendants receives life  
 10 imprisonment for the cold-blooded, savage murders, the  
 11 death penalty should be abolished in the State of  
 12 California.

13 I say that because if this is not a proper  
 14 case, no case would ever be. So, why have the death  
 15 penalty on the books?

16 I ~~could~~<sup>can</sup> only take you back to voir dire.  
 17 Geo whiz, that was over nine months ago. All we can do  
 18 is apologize to you for the length of this trial. It has  
 19 been hard on all of us.

20 I told you at that time, during voir dire,  
 21 that many people are not opposed to the death penalty but  
 22 they personally do not want to sit as jurors on a case  
 23 where the death penalty was involved and vote for a  
 24 verdict of death. They want to "let George do it."

25 I told you that if you felt that way, ~~then~~<sup>that</sup>  
 26 certainly it was nothing to be ashamed of, <sup>and please</sup> ~~Please~~ don't

1 hesitate to raise your hand and tell me that you had such a  
2 state of mind. I said then was the time to speak out, not  
3 later on in the jury room.

4 And as you recall, each and every one of you  
5 told me that if you felt it was a proper case, you would be  
6 willing to vote for a verdict of death for each of these  
7 four defendants.

8 I took your word for it, ladies and gentlemen.  
9 There is no doubt in my mind, you meant what you told me.

10b

10b-1

1 Now, all the chips are on the line, and I say  
2 that if these incredible murders do not constitute a proper  
3 case for the death penalty, what would constitute a proper  
4 case?

5 If this isn't a proper case, what would be?  
6 How aggravated do murders have to be? How many murders  
7 does one have to commit?

8 Manson and Atkins were involved in the murder of  
9 eight human beings. Krenwinkel seven human beings. Leslie  
10 Van Houten, two human beings. If each and <sup>every one</sup> everyone of  
11 these defendants does not receive the death penalty, no  
12 defendant should ever receive the death penalty.

13 In closing, I want to say this. I am humbly  
14 and profoundly sorry that neither his Honor nor defense  
15 counsel nor I can offer you any assistance back in that  
16 jury room. It is going to be lonely back there, <sup>in</sup> a  
17 monumental burden on your shoulders.

18 But I have enormous, unlimited confidence and  
19 faith in the jury system.

20 As some of you probably know, the jury system  
21 has been subject to attack from many quarters. But no one  
22 has yet come up with a better system to determine the  
23 guilt, innocence, and now fate of one's fellow man.

24 I am, therefore, confident that your verdict  
25 will reflect the conscience of this community of 7 million  
26 citizens, and it will be a fair verdict and a proper verdict



1 under all of the circumstances.

2 On behalf of the People of the State of Cali-  
3 fornia, I can't thank you enough for the enormous public  
4 service you have rendered as jurors in this very long,  
5 historic trial.

6 Thank you very much.

7 THE COURT: Do you care to argue, Mr. Kanarek?

8 MR. KANAREK: Yes, your Honor.

9 May I have this blackboard?

10 Ladies and gentlemen of the jury, your Honor,  
11 co-counsel, members of the prosecution.

12 I think that maybe we can, and I think part of  
13 our problem here is in Mr. Bugliosi's practically last  
14 statement, and that is where he is exhorting us to invoke  
15 the conscience of this community.

16 And that is where our whole problem lies.  
17 Because if we invoke the conscience of this community,  
18 there is no doubt what the result would be.

19 People out there have made up their minds.  
20 And this is the real test in this case. The real test of  
21 this case is whether we are going to allow politics,  
22 whether we are going to allow someone seeking a public  
23 office, whether we are going to allow money, the exchange  
24 of money, to dictate a result.

25 You see, when we talk about the conscience of  
26 the community in this case, we are speaking of lynch law.



1 Because there is no question about it, there is no question  
2 about it, the people out there, the people in the community,  
3 have a viewpoint, and we know what that viewpoint is,  
4 because that viewpoint is based upon what the prosecution  
5 did at the very inception of this case, when the Chief of  
6 Police of Los Angeles called a press conference and says the  
7 case is solved, before, I think, actually, in fact, probably  
8 before some of these people were arrested at least.

10c fls.

No-1

1                   Then we have a police state in operation. We  
2 have a police station when a man with that prestigious type  
3 of job can do what he did in this regard, say that the case  
4 is solved.

5                   And that is the conscience of this community.

6                   So, when we decide this case, when we decide this  
7 case, we have to consider whether the release of evidence  
8 prematurely -- these are mundane things -- we are trying to  
9 appeal not to our basic emotion of hate or any other  
10 emotion, what we are trying to appeal to is our reason.

11                  And it doesn't do us any bit of good in this country if we  
12 give lipservice -- lipservice -- to the Constitution, if we  
13 just -- in Communist Russia they have got a beautiful  
14 Constitution. In fact, many people think it was patterned  
15 in 1917 after the Kerenski revolution, or some revolution  
16 in which a man named Kerenski had something to do with it,  
17 and after that we find the brutal dictatorship that came  
18 into power still purporting to use the Constitution.

11

41-1

1 They still purported to -- they gave lipservice;  
2 they still give lipservice.

3 After the czar was overthrown and the people  
4 wanted democratic government, a police state moved in there  
5 and they still have that police state and they still have  
6 the Constitution.

7 The Constitution is only as good as the  
8 people who breathe life into it.

9 And when we see what happened in this case;  
10 when we realize -- when we realize what our elected  
11 officials and appointed officials have done in this case;  
12 when we realize how they have deprived us, they have  
13 deprived us of an analysis based on reason.

14 When they have done this, then we have to take  
15 a little bit of a step backwards and look and see whether  
16 or not the zeal for a certain result was such that the  
17 result is one that maybe is suspect.

18 So, when we say the conscience of this  
19 community -- when Mr. Bugliosi says that, is it something  
20 -- is it something that we should -- that we should do  
21 because we might just as well -- I mean I am certain that  
22 is the reason we are locked up right now, that is the  
23 reason that the jury was locked up previously, is because  
24 the conscience of the community is a certain -- has a  
25 certain attitude.

26 Those people that have that attitude, we know,

1 are not completely informed. We know that everybody in  
2 that community has not been in this courtroom.

3 We know that the people that are out there in  
4 the community are people that have depended upon certain  
5 forms of information.

6 They have depended upon information that has  
7 been given to them by, originally, before the case was filed,  
8 by the prosecution; by the prosecution releasing evidence,

9 We make much in this courtroom -- the jury --  
10 the jury can only bring into the jury room those items that  
11 the Court decides should go into evidence.

12 But the Chief of Police of Los Angeles, the  
13 City of Los Angeles, released -- released this information  
14 before we even had a jury.

15 And so these are some of the things that we  
16 should consider.

17 Your Honor, I need that blackboard, if I may.

18 THE COURT: It is obstructing the view, Mr. Kanarek.  
19 You can use it from there.

20 MR. KANAREK: It is not obstructing the view of the  
21 jury, your Honor. It may be obstructing the view of the  
22 press.

23 THE COURT: Proceed with your argument.

24 MR. KANAREK: Then, your Honor, I would like to  
25 approach the bench, if I may.

26 THE COURT: Proceed with your argument, Mr. Kanarek.

1           MR. KANAREK: I hope the jury can see from here,  
2           your Honor.

3                     Your Honor, I maintain it is a denial of due  
4           process and equal protection --

5           THE COURT: You were not using the blackboard,  
6           Mr. Kanarek.

7           MR. KANAREK: I cannot use it every minute of the  
8           time.

9           THE COURT: When you are not using it I want it out  
10          of the way so it will not obstruct the view.

11          MR. KANAREK: What view, may I ask, your Honor?

12          THE COURT: Proceed.

13          MR. KANAREK: Well, ladies and gentlemen, if I may,  
14          we have had in this trial -- there's obviously been a  
15          difference of opinion between myself and the Court.

16                     Now, we hope --

17          THE COURT: That is an improper argument. Proceed  
18          with your argument, Mr. Kanarek.

19                     The jury will disregard that remark.

20          MR. KANAREK: Well, what I am asking, and I think  
21          that we all have a right to ask, is that -- is that the  
22          case --

23                     That a case be decided upon the evidence that  
24          we have spoken of, upon a sense of fair play.

25                     In connection with Mr. Manson, for instance,  
26          if we speak about -- if we speak about life or death.

1 Here we have life and here we have death,  
2 and it is our position -- take everything that Mr. Bugliosi  
3 has said to us in these last -- this last speech that he  
4 made.

5 Can everybody read that?

6 "Life, death," and "uncertainty" underneath  
7 that.

8 Can everyone in the jury read that?

9 What we are speaking about in connection with  
10 Mr. Manson is uncertainty. You cannot substitute; you  
11 cannot substitute passion, prejudice, hatred, complacency  
12 -- you cannot substitute that for proof.

13  
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26

11a

11a-1

1 Now, if someone takes a hammer, someone takes  
2 a cord, someone tries to strangle someone, and in fact does  
3 strangle someone with a cord, hits a woman over the head,  
4 kills her, kills her two daughters, one 8 years old and one  
5 16 years old, and that man is given life yesterday in this  
6 very court --

7 MR. BUGLIOSI: This is completely improper, your  
8 Honor.

9 THE COURT: The objection is sustained.

10 The jury will disregard that statement. You  
11 know better, Mr. Kanarek. Now get on with your argument.

12 MR. KANAREK: Your Honor, may I approach the bench?

13 THE COURT: You may not. Do you have any further  
14 argument?

15 MR. KANAREK: Ladies and gentlemen, we know -- we  
16 know when the prosecution speaks of how atrocious these  
17 crimes are, and we do not -- we have stated this before,  
18 and we state it again -- we are not demeaning -- we are  
19 not demeaning these people who passed away.

20 But we shouldn't -- we should not sanctify  
21 monstrosity. We should not sanctify death the way the  
22 prosecution is doing it.

23 The prosecution is putting sainthood, if you  
24 will, upon death.

25 The prosecution knows very well -- our common  
26 experience tells us very well, and we can infer and we know



11a-2

1 that where there is no question of a doubt that, for  
2 instance, someone has committed murder, several murders,  
3 there is no question of a doubt the person himself actually  
4 committed those murders, our juries bring in life.

5 MR. BUGLIOSI: Your Honor, this is improper.

6 THE COURT: Sustained.

7 MR. KANAREK: There is nothing improper --

8 THE COURT: The jury is admonished to disregard that  
9 statement.

10 MR. KANAREK: May I approach the bench, your Honor?

11 THE COURT: You may not.

12 MR. KANAREK: I am certain that we would agree -- I  
13 hope that we would agree -- I hope that we would agree that  
14 because the case is publicized, because people have made  
15 money off of a particular case, because someone is elevated  
16 to the job of Attorney General in the State of California  
17 because of this case, because friends of a high official  
18 make money by way of -- of -- representation in this case.

19 We certainly agree that these are not factors  
20 that should mitigate or aggravate.

21 What we are asking is that this case be  
22 viewed as any other case.

23 Now, the prosecution, we feel, have lost their  
24 cool. They have departed from reality.

25 There is no such thing as a garden variety  
26 murder.

11a-3

1           The Tate-La Bianca murders are no different  
2 except for the publicity engendered -- there is no  
3 difference, as a matter of fact, of the Tate-La Bianca  
4 murders are indicative of the fact that should stick in  
5 your craw forever; that we have a problem, we have a drug  
6 problem and there is no question about it.

7           If there was one vestige, one vestige of  
8 possibility that anyone willing to call himself a doctor,  
9 psychiatrist, sociologist, psychologist, man -- call himself  
10 just a plain old m-a-n, taking this witness stand, they  
11 could not get anyone to take this witness stand, no matter  
12 what his occupation or profession was, and say "Do you have  
13 a reasonable medical certainty, probability, whatever, that  
14 these were not caused by drugs?"

15           The prosecution well knows that, but he did not  
16 bring in any expert evidence.

17           To the contrary, they are relying upon the  
18 viciousness of these killings.

19           Now, there is no question about it, there is no  
20 question about it that there has been viciousness in these  
21 killings.

22           But that is not the point. That is not the  
23 point.

24           What we are talking about is our civilization,  
25 what we are talking about is what goes on -- what goes on  
26 besides the mere physical act, if anything.

1 (Mr. Kanarek drinks a glass of water.)

2 I will take a chance on Mr. Bugliosi, here  
3 (drinking the water).

4 But it is true, it is true that the prosecution  
5 has relied upon this, when they speak of monstrosity, when  
6 they speak of whatever they speak of, they are appealing to  
7 our emotion, and we put on the board here "uncertainty"  
8 between life and death as to Mr. Manson.

9 This is, in fact, this is in fact what the  
10 problem is, here.

11 The prosecution has -- they have -- they have  
12 forgotten the point.

13 At this phase of the trial the penalty phase,  
14 if there is any uncertainty, if there is any reason why  
15 these people should live, then this is the thing for us  
16 to discuss.

17 And so, in line with that general proposition,  
11bfile. 18 we have gotten the testimony of Stephanie Schram.

11b-1

1 And instead of being here nine months, or as  
2 long a time as we have been here, we have in Stephanie  
3 Schramm, it is earthy, it is not romantic, the words are  
4 not filled with blood.

5 But you know, the word "deliberation," the  
6 word "deliberation" itself, we know what that means.  
7 It is a word that implies just the opposite of high emotion.

8 The word deliberation implies being contem-  
9 plative, where you talk and you discuss -- you discuss  
10 things in an even sort of tone of voice, and you don't  
11 rely upon emotion.

12 And if we look at Stephanie Schramm as far as  
13 Mr. Manson is concerned, we might say that there is the  
14 uncertainty.

15 That is what we are speaking of between life  
16 and death, the uncertainty.

17 And with the investigation that went on in  
18 this case, there is certainly circumstantial evidence --  
19 you might put it that way -- that the prosecution knows that  
20 Mr. Manson, that Mr. Manson has no criminal culpability in  
21 connection with this case.

22 But at this point we are not even talking  
23 about that. We are talking about possible innocence,  
24 uncertainty, or whatever other descriptive term we wish to  
25 apply to it.

26 Now, if this was a race war, kind of thing,

1 it certainly -- it certainly is -- is -- it is beyond any  
2 kind of belief that this would take place in the  
3 surroundings that we know Mr. Manson happened to be in on  
4 August 8, 9, 10, and so forth.

5 As I say, it is not very romantic, but let's  
6 look first and again we are only speaking about uncertainty  
7 here, so that we don't make a tragic mistake, so we can live  
8 our lives in peace.

9 Now, the prosecution clearly -- they called  
10 Stephanie Schramm to the witness stand, and instead of  
11 asking Stephanie Schramm about the details, and remember  
12 this is on direct examination of Stephanie Schramm, called  
13 by the prosecution --

14 Instead of asking her details about the 8th,  
15 the 9th, and the 10th, the prosecution, all they did was  
16 they got it out from Stephanie that she met Mr. Manson up  
17 at Big Sur, maybe it was around August the 3rd or there-  
18 abouts of 1969.

19 They then -- they had her testify that she  
20 then came to the Spahn Ranch to live, and then they took  
21 her by way of questioning immediately away from the Spahn  
22 Ranch and placed her in the desert.

23 To show Mr. Manson's alleged domination, and  
24 so forth, over the people that he was living with.

25 Now, as I say, this isn't very romantic, and  
26 we are not using any colorful words.

But this is the prosecution, 15,209, Volume

135:

"Q (by the prosecution) You met  
Mr. Manson on August the 3rd, 1969?

"A Yes.

"Q Near Big Sur?

"A Yes.

"Q And you did go to Big Sur with  
him?

"A Yes.

"Q How long did you stay at Big  
Sur?

"A About three days."

All right, let's add three days to that, then,  
that makes it August the 6th, 1969.

"Q And then, from Big Sur where did  
you go with Mr. Manson?"

That is the next question.

"A We went down to the Spahn Ranch  
for a little while, just for about a day and  
part of, you know, the beginning of the night,  
and then we left there to go down to San Diego,  
but we only went a few blocks and decided that  
we wouldn't leave for San Diego until the  
morning, and we spent that night in the truck,  
the milk truck.

"Q Then you went to San Diego?

1 "A. Yes.

2 "Q. To visit your sister?

3 "A. Yes. To get some clothes  
4 and things from her, so I could move back up  
5 to the ranch.

6 "Q. And then you returned to Spahn  
7 Ranch with Mr. Manson from San Diego?

8 "A. Yes.

9 "Q. What day did you arrive back at  
10 Spahn Ranch?

11 "A. I think it was the 8th of August.

12 "Q. About what time?

13 "A. Probably about 1:00 o'clock.

14 "Q. In the afternoon?

15 "A. 2:00 o'clock. Yes.

16 "Q. Then how long did you stay at  
17 Spahn Ranch? Strike that."

18 Get that? "Strike that."

19 "You left for the Death Valley area in  
20 late August or early September?

21 "A. Yes.

22 "Q. Between August the 8th and when  
23 you left for the Death Valley area were you at  
24 Spahn Ranch during the entire period of time?

25 "A. No. I went to live with my  
26 parents for a while.



1 "Q For how long?

2 "A I think about two weeks.

3 "Q Do you know Mary Brunner?

4 "A I only met her once, but I, you  
5 know.

6 "Q When did you meet her?

7 "A When I first came back to Spann  
8 Ranch from being in San Diego.

9 "Q On the date of August the 8th?

10 "A Yes. Right after I got to the  
11 ranch, her and another girl went -- took the  
12 truck and went shopping.

13 "So I only met her for a few minutes.

14 "MR. BUGLIOSI: I have no further questions  
15 of this witness."

11a

11c-1

1 Now, if there is any date that is ingrained in  
2 the prosecution's mind, it is certainly August 8, 1969.

3 It is so ingrained in my mind that I tried to  
4 look for places I was on that night, because you never can  
5 tell where lightning is going to strike.

6 And I think that it is very important and very  
7 significant that the prosecution did not develop Stephanie  
8 Schram on any details from 8th, 9th, and 10th, on that  
9 examination.

10 It so happens, which we will now go into, that  
11 as a result of questioning by the defense attorneys, this  
12 was gone into.

13 But the significant part, the significant part  
14 is that the prosecution, here they have a girl that was  
15 living with Mr. Manson.

16 If there was anyone that was closest to him  
17 on these days, it was Stephanie Schram.

18 Now, again we are in the penalty phase of this.  
19 Does that go to the uncertainty?

20 Is there an aspect of uncertainty?

21 Do we smell a possibility of uncertainty?

22 We think that the way we look at these events,  
23 this is supposed to be -- supposed to be a race war motive,  
24 and all of that.

25 We think that the evidence certainly creates  
26 this uncertainty that we should consider in exercising our

11c-2

1 discretion as jurors in deciding what the penalty should be  
2 as to Mr. Manson.

3 And let's look at some of the further evidence  
4 along this line.

5 Stephanie Schram's testimony, and this -- in  
6 other words, at the end of that examination, if no questions  
7 were asked, that would be the end of Stephanie Schram's  
8 testimony.

9 So the prosecution did not elicit, as we said --  
10 this we think is most important. It is not romantic, like  
11 we say, it does not have a lot of flavor to it, but it is  
12 not dramatic, but we think it is significant. It is  
13 significant.

14 Now, then, I believe Mr. Fitzgerald took over  
15 the questioning of Stephanie Schram and he asked her,  
16 beginning at -- well, around 15,218 -- well, let's go back  
17 just to get the context of it:

18 "Q Did you know anybody in August of 1969  
19 that lived in Orange County?

20 "A Yes.

21 "Q Your parents?

22 "A Yes.

23 "Q Your boy friend?

24 "A No.

25 "Q Did you sleep on a lawn somewhere at  
26 any time at a place where there were a lot of dogs?

1 "A No.

2 "Q Are you sure?

3 "A Yes.

4 "Q You came directly back up to Los Angeles?

5 "A Yes.

6 "Q When did you arrive back into Los Angeles,  
7 do you know?

8 "A I think it was the 8th of August.

9 "Q What makes you think it was the 8th?

10 "A Well, if I left Big Sur on the 6th and --

11 "Q You went to San Diego on the 7th?

12 "A Yeah, came back on the 8th.

13 "Q Have you thought about this a lot?

14 "A No, not very much.

15 "Q Have you tried to piece together what  
16 days were what, back during that period?"

17 That is the exact words that is in the transcript.

18 "A Yeah, a little bit.

19 "Q Have you been asked by several people to  
20 try to reconstruct your events during that period of  
21 time?

22 "A Yes, I was asked a long time ago, though,  
23 about, you know, those things. It was easier for  
24 me to remember then, than" t-h-a-n -- "it is now.  
25  
26

12 fls.

12-1

1 There we have something to think about.

2 In other words, Mr. Manson has been arrested.  
3 Stephanie Schramm was someone that was with him. And I am  
4 sure that law enforcement was very interested in what  
5 Stephanie Schramm had to say concerning Mr. Manson.

6 And she says, "Yes, I was asked a long time  
7 ago, though, about, you know, those things. It was  
8 easier for me to remember then than it is now."

9 Now, this is the kind of uncertainty that we  
10 are speaking of, because we can infer from that and from  
11 the way that the prosecution interrogated Stephanie  
12 Schramm and the way that they put her on the ranch and  
13 then got her off the ranch in these critical days, that  
14 is worth a million Paul Watkinses, Bruce Postens and  
15 Greg Jakobsens.

16 This is much more significant because we are  
17 dealing, supposedly, in our courts not with what people  
18 think. We don't damn people because they think some way-out  
19 kind of thinking. It is what they do. It is what they do  
20 that counts.

21 I am sure that we don't want to lose sight  
22 of that when we are discussing the difference between life  
23 and death. And especially when we all know, and the  
24 prosecution concedes, that Mr. Manson did not lift a hand  
25 against anyone.

26 Mr. Manson, a man who has spent -- let's say

1 he is 35, 36 years old -- 23 years in prison. 13 years not  
2 in prison. Regardless of what our collective responsibility  
3 may be for whatever he has done -- we have spoken of that  
4 previously -- the fact of the matter is, are we saying  
5 that Mr. Manson is this gigantic genius that the prosecution  
6 would have us believe just for the sake of extracting his  
7 life?

8 Mr. Manson is a person who is living there.  
9 He may have been liked more maybe than someone else. But  
10 in any event, if we are going to tie a man down to these  
11 murders without even a vestige of criminal act on his part,  
12 no using of knives, no shooting of guns, if we are going to  
13 do that, and we have a witness like Stephanie Schramm and  
14 she is interrogated by police officers, and she says,  
15 "A long time ago, it was easier for me to remember then  
16 than it is now," is it possible that Stephanie Schramm is  
17 the key that really should mean, as far as these are  
18 matters are concerned -- I am not talking about Mr. Manson's  
19 sexual activities because I am sure we don't agree with some  
20 of the goings on at the Spahn Ranch, but we are talking  
21 about these Tate-La Bianca matters -- can it be that the  
22 police officer didn't get the answers that he wanted from  
23 Stephanie Schramm?

24 Because remember, the mind was made up as far  
25 as law enforcement went, as far as the political aspect of  
26 this is concerned. The District Attorney's office is a

1 political office. Their mind was made up before the  
2 prosecution ever met Susan Atkins. The prosecution came in  
3 and told Susan Atkins what a bad man Mr. Manson was. We  
4 will get to that.

5 But here is real garden variety evidence. It  
6 is the kind of evidence -- it is the kind of evidence --  
7 that is just completely lacking in color, and we think  
8 there is some uncertainty associated with Mr. Manson's  
9 alleged involvement here, and that uncertainty may well be  
10 in what Stephanie Schramm had to say, because if Stephanie  
11 Schramm, when she was first questioned -- it opens up a  
12 myriad of possibilities -- let's say when she was  
13 questioned by law enforcement officers -- as she was,  
14 there is no question -- she says "a long time ago," --  
15 she was asked a long time ago -- Page 15,218 of the  
16 transcript.

17 Say that she told the police officer, "Yes,  
18 I remember. I remember. I was at Devil's Canyon with  
19 Charlie. I remember that because I heard or I saw on  
20 TV or I read the newspapers concerning the Tate-La Bianca  
21 matters. I was with Charlie every minute. I was with him  
22 every instant. He and I made love here, and we did this  
23 there, we went in the milk truck here and there. I remember  
24 it." And they keep asking her the questions and they  
25 can't get the answers they want out of her. But they  
26 forget about that evidence.



12a-1

1 Now, remembering that police officers -- officer  
2 Gutierrez, that he threatens a 17-year-old girl with the  
3 gas chamber, like he threatened Dianne Lake -- who couldn't,  
4 in any event, ever get the gas chamber for these events at  
5 the age of 17 -- but when he threatened her, when he has  
6 that state of mind, is he going to have the courage, in the  
7 light of the feeling against Charles Manson, is he going to  
8 have the courage to say, "Wait a minute. Wait a minute.  
9 Here is a girl that has evidence concerning Mr. Manson."  
10 In the context of the publicity and the hullabaloo and the  
11 hue and cry? In the context of pictures like this in the  
12 book The Killing of Sharon Tate? This kind of a picture of  
13 Mr. Manson spread all over not only the community but  
14 spread all over the world.

15 In this context, it would be almost sacriligious,  
16 some police officer might think, to try to clear Mr. Manson  
17 in that kind of an atmosphere.

18 So, we can sit here and play God. Only God  
19 gives life and should take life away.

20 And that is what they are asking us to do here.  
21 They are asking us to play God when we have uncertainties,  
22 when we have uncertainties that are clearly in this  
23 evidence.

24 Because you can't, you just can't substitute,  
25 you can't substitute passion and prejudice for evidence.

26 Then going on to the next page. Just to show

12a-2

1 the continuity of this. Going back to page 15,218.

2 The next question by Mr. Fitzgerald after she  
3 says it was easier for me to remember than it is now.

4 "Q Well, when you are on the witness stand  
5 today, are you relying on your memory today or are  
6 you relying on the memory you had three or four  
7 months ago, or what?

8 "A Just on my memory right now."

9 She doesn't have the benefit of whatever she  
10 told the police officer. And we can rest assured that if  
11 they took a statement from Dianne Lake, who was peripherally  
12 involved, they took a statement from Stephanie Schram. We  
13 can rest assured of that, if she was that intimate with Mr.  
14 Manson, and they knew that she was.

15 "Q Could you be mistaken one day --

16 "A I don't think so.

17 "Q Then you can, of course, tell us where  
18 you were on the 11th; right?

19 "A I was still at the ranch on the 11th.

20 "Q When did you leave the ranch?

21 "A I don't know.

22 "Q Something unusual occurred to you at  
23 the ranch and you were taken away by some people,  
24 were you not?

25 "You can answer that yes or no.

26 "A Yes.

12a-3

1 "Q Do you know what I am referring to?

2 "A When we were all busted.

3 "Q No -- all right.

4 "Were you arrested on the ranch on the  
5 16th?

6 "A I guess it was the 16th. I don't know  
7 the date.

8 "Q Do you know where you were on the 15th  
9 of August?

10 "A No.

11 "Q Do you know where you were on the 16th?

12 "A No. That is because when I started  
13 living with the Family, dates were not as important  
14 as they were before.

15 "Q On the evening of August the 8th, 1969,  
16 you would have been at the Spahn Ranch then; right?

17 "A Yes.

18 "Q Where was Charlie that night?

19 "A He was with me.

20 "Q Where was Charlie the next night, the  
21 9th?"

12b fls.

12b-1

1 Now, remember, August the 8th is the night  
2 that we know -- the night of the Tate events.

3 "Where was Charlie the next night, the  
4 9th?

5 "A I don't remember.

6 "Q Were you released after you were arrested?

7 "A Yes.

8 "Q You were arrested twice at the ranch,  
9 weren't you?

10 "A Yes.

11 "Q When was the second time?

12 "A I don't know the date.

13 "Q All right.

14 "One time you got arrested, you got  
15 arrested with a lot of people; right?

16 "A Right.

17 "Q The other time there was not a lot of  
18 people, were there?

19 "A No.

20 "Q Do you remember the date of the other  
21 times, the time when there weren't a lot of people?

22 "A No.

23 "Q Where were you staying when you were staying  
24 at the ranch? Whereabouts physically on the ranch  
25 property?

26 "A In all different places.

1 "Q Were you a little nervous being away  
2 from home during that period of time?

3 "A For a while.

4 "Q Were you a little homesick in the  
5 beginning?

6 "A Yes.

7 "Q Did you tell Charlie about that, being  
8 homesick?

9 "A Yeah.

10 "Q Did you discuss it a lot?

11 "A I didn't have to.

12 "Q Everybody knew it?

13 "A Yes.

14 "Q And when you went back -- when you went  
15 to San Diego, did you ask Charlie to take you to San  
16 Diego?

17 "A Yes."

18 Now, if Mr. Manson had a big race war plan  
19 going on -- and again, what we are speaking about now is  
20 just to this uncertainty, the difference between life and  
21 death -- that is all we are speaking to now -- if Mr.  
22 Manson had a big race war thing going on, would he take  
23 Stephanie Schram to San Diego?

24 I mean, these are the kinds of things that we  
25 should consider.

26 As we say, they are not very glamorous.

1 they are not very bloody, but there is some significance  
2 to these events.

3 THE COURT: We will take our afternoon recess at this  
4 time.

5 Ladies and gentlemen, do not forget the admoni-  
6 tion.

7 The court will recess for 15 minutes.

8 (Recess.)  
9  
10  
11  
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26

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

3 You may continue, Mr. Kanarek.

4 MR. KANAREK: Thank you, your Honor.

5 During the recess I had the good fortune  
6 speaking with Mr. Fitzgerald, and he pointed out something  
7 that hadn't occurred to me which is something that is very  
8 significant, and that is the Leopold and Loeb case.

9 The Leopold and Loeb case I am sure all of us  
10 have heard about where a little boy named Bobby Franks,  
11 about 1925 --

12 MR. BUGLIOSI: Your Honor, it is improper to talk  
13 about other cases. I object.

14 MR. KANAREK: No, it is not.

15 MR. BUGLIOSI: You can't talk about specific cases  
16 and the results of specific cases.

17 I didn't do that, your Honor. I don't think it  
18 is proper.

19 Those cases aren't before this jury. They  
20 don't know all the facts.

21 MR. KANAREK: I believe it is proper to point out to  
22 the jury, in the exercise of their absolute discretion,  
23 they are historically significant, your Honor --

24 MR. BUGLIOSI: This could go on ad infinitum.

25 THE COURT: If you wish to come up to the bench,  
26 Mr. Kanarek, and make an offer of proof, you may do so.

MR. KANAREK: Yes, your Honor. Thank you.



120-1

1 (Whereupon, all counsel approach the bench  
2 and the following proceedings occur at the bench outside  
3 the hearing of the jury:)

4 MR. KANAREK: Your Honor, I don't think that we can  
5 lose sight of the fact that this is the penalty phase where  
6 it is the absolute discretion of the jury.

7 THE COURT: I think we all know that, Mr. Kanarek.  
8 Let's get to the point.

9 what is your offer?

10 MR. KANAREK: The offer is that we can advert to  
11 matters of historical significance, of historical importance.

12 THE COURT: Let's be specific. What do you want to  
13 say about the Loeb and Leopold case?

14 MR. KANAREK: What I want to point out is that here  
15 was a case where there was no question that the boy was  
16 murdered by Leopold and Loeb, and life resulted.

17 THE COURT: That is improper.

18 MR. FITZGERALD: Maybe I can come to his defense,  
19 because I intend to do the same thing.

20 I have argued this case before, and I have  
21 been where other counsel have argued the death penalty  
22 case, and one of the frequent cases always argued is  
23 Spade Cooley.

24 The jury is entitled to know what a proper case is  
25 and you are entitled to suggest to the jury that this is  
26 not a proper case.

1 In Los Angeles County, for years, defense  
2 counsel have been explaining to juries that Spade Cooley  
3 tortured his wife and killed her in front of his daughter.

4 THE COURT: I have never heard it in any murder case  
5 I have sat on, nor any other murder case.

6 Anything that tends to dilute the responsi-  
7 bility of the jury, to distract their attention from  
8 determining these matters that is solely in their own  
9 discretion according to law, is improper, and that is what  
10 that is.

11 MR. FITZGERALD: You are entitled to compare it with  
12 other cases to show them what a proper case is.

13 MR. BUGLIOSI: If that is the case, I could cite a  
14 hundred cases where someone got a death penalty where they  
15 didn't do anything.

16 MR. KANAREK: You did.

17 MR. FITZGERALD: There is case law on it.

18 THE COURT: The facts of the Loeb-Leopold case are  
19 not in evidence in this case and there is no way of knowing  
20 whether Mr. Kanarek's recitation of them is correct or  
21 incorrect.

22 MR. KANAREK: Your Honor, neither is the Bible.  
23 Neither are his quotations from the Bible.

24 THE COURT: I am not going to permit it.

25 MR. KANAREK: He inferentially made reference --

26 THE COURT: The defense started arguing about the

Bible and there was no objection from either side.

MR. KANAREK: I'd like to make this suggestion. It is my position that your Honor, in foreclosing me, not knowing how they will exercise their discretion or absolute discretion, your Honor so foreclosing me is denying Mr. Hanson a fair penalty phase, a fair trial, and this is a violation of due process under the Fourteenth Amendment of the United States Constitution and under the equal protection clause of the Fourteenth Amendment of the United States Constitution, because my position is that this is of constitutional dimensions what your Honor is doing.

And I would like also to make the record that this morning when your Honor asked me to sit down, and so forth, I was trying to confer with the clerk, and that was the only time I could do it.

The prosecution did it many times while I was arguing. They tried to confer with the clerk, and your Honor didn't ask them to sit down.

Several defense counsel moved. They were over here looking at exhibits.

THE COURT: No, that is not true, Mr. Kanarek.

What happened this morning -- and let the record be perfectly clear -- during Mr. Bugliosi's argument you stood up, not just once but three or four times, and the last two times you stood up you were just standing there, not doing anything, just standing up distracting

1 the attention of the jury.

2 Now, let's not be naive. One of the oldest  
3 tricks in the bag of the trial lawyer who doesn't care what  
4 he does or how he behaves in a courtroom is to distract the  
5 jury in one manner or another during the other counsel's  
6 argument.

7 MR. KANAREK: Your Honor can ask Mr. Darrow.

8 THE COURT: That is exactly what you were doing.

9 Now, let's get on with it.

10 MR. KANAREK: I would ask your Honor to ask  
11 Mr. Darrow.

12 (Whereupon, all counsel return to their  
13 respective place at counsel table and the following  
14 proceedings occur in open court within the presence and  
15 hearing of the jury:)

16 MR. KANAREK: Ladies and gentlemen of the jury, the  
17 prosecution has argued, they have used the word "proper"  
18 or "proper case."

19 Because they have used that word doesn't mean  
20 that in exercising our discretion there is a proper case.

13-1

1 I am sure that we will agree that there is no  
2 proper time to take heroin. There is no proper time to  
3 take LSD, and there is not necessarily -- that is, for us to  
4 decide whether there is a proper case.

5 If there is anything -- anything, as civili-  
6 zation is ongoing, if there is anything that we should  
7 perhaps be aware of, it is progress.

8 Now, if you -- if you look at the whole  
9 panorama here, of these defendants, and if we look at these  
10 people as walking laboratories, so to speak, this is cer-  
11 tainly not a "proper case," to exercise the death penalty.

12 We know -- we know that when psychiatrists --  
13 I am sure all of us know, let us say -- and anyone who in  
14 his work has any kind of relationship or discussions with  
15 psychiatrists, anything at all, we always come away with  
16 the idea that the people there who do this kind of work  
17 feel there is a void in the science.

18 They feel that they are groping for -- for  
19 experimental materials.

20 You cannot treat people generally the way we  
21 can treat animals, that is guinea pigs or dogs or mice,  
22 or rabbits or whatever.

23 And, furthermore, when we use animals in some  
24 of these experiments, there is always --

25 There is always the problem of extrapolation.  
26 We don't know for sure, there has to be the first heart

1 transplant which we all remember.

2 And there has to be the transistion from  
3 animals in any kind of biological experiment, whether it's  
4 a new wonder drug or a technique.

5 And furthermore -- it is very difficult for a  
6 psychiatrist to talk to dogs and cats, and so forth,  
7 obviously. A psychiatrist has to be able to communicate.

8 And so we have in these -- in the situation  
9 here, in connection with these matters that have been  
10 brought to our attention, we have -- we have the tragedy of  
11 the LSD usage.

12 And it is just a -- it is a beautiful oppor--  
13 tunity, it is like maybe it's analogous to that opening in  
14 The Tale of Two Cities:

15 "These are the best of times and the  
16 worst of times."

17 Well, these are the worst of times, certainly,  
18 as far as these people who died are concerned; there is no  
19 question about it.

20 But it is the best of times, in the sense of  
21 here is an opportunity with the interest that is focused on  
22 this case, let's get some benefit out of it.

23 The psychiatrists and the people in our  
24 universities will flock -- will flock to these females who  
25 have -- who have taken LSD to this extent.

26 The setting, of course, is tragic, we just have

1 to keep emphasizing that because we don't want anyone to get  
2 even an inkling of an idea that anyone is not concerned  
3 about the fact that these people -- that these people died,  
4 and the way that they died.

5 But let's get some good out of it. Do we have  
6 to, if we balance -- if we balance the progress that might  
7 come from it against the other side of the coin, there just  
8 is no balance.

9 And so this is something to consider. This  
10 is something to consider.

11 We have in the State of California, we have  
12 a Department of Mental Hygiene.

13 We have Atascadero. We have Patton State  
14 Hospital. We heard about that in connection with Blaine  
15 Lake.

16 We have even, in this trial, we have in this  
17 trial these people who have testified, and we know that one  
18 of the psychiatrists testified that he had not heard -- did  
19 not know of any acid murders.

20 Well, we know he is wrong, even though he  
21 testified here, and has certain viewpoints that he -- that  
22 he gave to us.

23 We know that is wrong and we know from --  
24 we know from other evidence that has come before us, from  
25 Dr. Tweed, the actual fact -- the actual fact that LSD  
26 was the driving force behind this boy killing, I guess it



1 was, his mother and his grandmother.

2 Maybe that particular psychiatrist -- I mean,  
3 obviously he has not had the years of experience of may-  
4 be Dr. Ditman and Dr. Tweed and Dr. Fort.

5 But what we are saying is, there is here this  
6 kind of an opportunity to avoid future tragedies, to avoid  
7 future tragedies.

8 And when someone like Mr. Manson comes before  
9 us, if there is a chance -- if there is a chance that this  
10 uncertainty is real, for gosh sakes, let's not give up --  
11 let's not give up to emotion.

12 We know in the past, we know there are some  
13 famous situations where people were wrongfully convicted.

14 We have heard of the Dreyfus case, the Dreyfus  
15 case that is of historical interest that we all know about,  
16 where a man was sent to Devil's Island for politics.

17 He was a man in the French Army and somebody  
18 decided they did not like him and they created a fabric  
19 of events and he was later on exonerated.

20 Human experience tells us -- human experience  
21 tells us that there are mistakes; that we are sometimes --  
22 sometimes motivated not as well as we should be, and so  
23 these are some of the things that maybe we should keep in  
24 our minds.

25 Now, getting back to this Stephanie Behrman.  
26 She testified, in answer to Mr. Fitzgerald, after saying on

1 the 8th that Mr. Hanson was with her and where was Charlie  
2 the next night, the 9th, she said she did not remember.

3 And then she went on to testify:

4 "Where were you staying when you were  
5 staying at the ranch, whereabouts physically  
6 on the ranch property?

7 "A In all different places.

8 "Q Were you a little nervous  
9 being away from home during that period of  
10 time?

11 "A For a while.

12 "Q Were you a little homesick in  
13 the beginning?

14 "A Yes.

15 "Q Did you tell Charlie about that,  
16 being homesick?

17 "A Yes.

18 "Q Did you discuss it a lot?

19 "A I didn't have to.

20 "Q Everybody knew it?

21 "A Yes.

22 "Q And when you went back -- when  
23 you went to San Diego did you ask Charlie to  
24 take you to San Diego?

25 "A Yes.

26 "Q Did he take you to San Diego?

1                   Q       Yes.

2                   A       That is where we were.

3                   Q       Our position is, for what it may be worth,  
4 for what it may be worth, that these are not -- these are  
5 not the activities of a man engaged in a race war.

6                   A       These simply don't coincide.

7                   Q       Did he take you to San Diego?

8                   A       Yes.

9                   Q       Did you ask to come back to the  
10 ranch then?

11                  A       Yes.

12                  Q       Now, here is Mr. Hanson with a beautiful young  
13 girl, it sort of gives an insight into Mr. Hanson.

14                  A       Maybe it doesn't mean a lot, maybe it does.

15                  Q       Here is this girl, there; she wants to go home,  
16 so he takes her back.

17                  A       Then she decides she likes him and comes back  
18 with him.

19                  Q       Now, this is, we think, an inkling of what we  
20 have heard in this courtroom from these female witnesses,  
21 from these defendants.

22                  A       They have indicated that at the Spana Ranch  
23 each person did what he or she wanted to do.

24                  Q       If they were acting -- they were acting for  
25 themselves, for themselves, alone.

26                  A       The prosecution has given us this deal about

1 this big discipline.

2 But there is something to think about in  
3 connection with these people.

4 They left discipline -- when these girls --  
5 when these girls went away from their home atmosphere,  
6 Leslie Van Houten left home because she did not want that  
7 9:00 to 5:00 discipline. She did not even want the 9:00 to  
8 5:00 existence when it would give her immunity and give her  
9 the same freedom that Linda Kasabian has.

10 Susan Atkins -- she left where she was living  
11 there in Northern California, she left and went to San  
12 Francisco.

13 She did not want discipline.

14 Patricia Krenwinkel -- Patricia Krenwinkel  
15 did not want that establishment type of life, and because  
16 these people are physically living together at the Spahn  
17 Ranch, does it mean that they are all of/sudden going to  
18 take somebody else's influence to the extent that they are  
19 going to give up their idea of not wanting discipline?

20 Charlie Manson had lined these people up, the  
21 way the prosecution would have us believe, they would have  
22 gone somewhere else because if there is anything that  
23 these girls did not want, it was discipline, and we know,  
24 we know from the testimony, we know from what the  
25 prosecution has told us this morning, from what the  
26 prosecution has told us this morning we almost all of us

1 ought to walk in and say not guilty and walk out of the  
2 courtroom, because Mr. Manson -- Mr. Manson is not giving  
3 these girls any kind of narcotics, any kind of LSD.

4 There is not a vestige, not a vestige, not a  
5 hint of any testimony or any evidence that Mr. Manson was  
6 distributing any kind of materials or any kind of dangerous  
7 drugs to these girls.

8 As a matter of fact, these tragedies probably  
9 came from Linda Kasabian's stash, if we really want to think  
10 about the culpability in this case, and maybe depart from  
11 some of these colorful words, these emotional words.

13a

13a-1

1 The proximate cause that we spoke of previously  
2 is undoubtedly, is undoubtedly in that stash of LSD, to  
3 some extent.

4 We can certainly infer, because a person is a  
5 prosecution witness and given immunity, does not mean that  
6 that person all of a sudden becomes something other than  
7 just plain old people.

8 And no matter how many times we are exhorted,  
9 no matter how many times we are told the opposite, the fact  
10 of the matter is the LSD on that ranch, when we look at it,  
11 if we are going just for the sake of argument to be hyper-  
12 technical for a moment --

13 The only LSD we know about on that ranch came  
14 from Linda Kasabian.

15 And our intelligence is insulted when the  
16 prosecution tells us that what occurred here occurred at  
17 a time when these people were not under the influence of  
18 some dangerous drug.

19 They were not under the influence of this  
20 chemical, whatever we want to call it, hallucinogenic  
21 material, whatever, LSD.

22 These people lived in a subculture from what  
23 we have heard here that is dependent upon drugs.

24 And so when these girls went out and did what  
25 they did with Linda, Watson, Linda Kasabian, there is every  
26 logic, every bit of common sense that we have tells us that

13a-2

1 they were using these drugs, and so I think we should  
2 beware of any kind of inference to the contrary.

3 Now, the prosecution has adopted this concept,  
4 and I guess we are in agreement on something.

5 At page 26,179, referring to testimony of  
6 Dr. Hochman:

7 "Q And so you are telling us then in  
8 layman's language that when someone takes a knife  
9 and stabs, that the decision to do that is a  
10 personal decision, when that stabbing takes place?

11 "A In the ultimate analysis, it is.

12 "Q If it is a personal decision of the person  
13 who is doing the stabbing?

14 "A Yes."

15 And as a matter of fact this is the same general  
16 area that the prosecution read to us earlier today.

17 So if a person, if one single stabbing, if a  
18 single stabbing is a personal decision, by even a greater  
19 sense of logic, a multiple stabbing has to be the personal  
20 decision of the person doing the stabbing.

21 I mean, it's just common plain old horse sense.

22 And, as we say, when these girls, when we look  
23 at these girls, when we look at Mr. Watson and look at  
24 Linda Kasabian, Linda Kasabian was running away from  
25 discipline.

26 That was her personality, and the fact that she



13a-3

1 is a prosecution witness does not cleanse her of her  
2 characteristics, and of her traits and of her motivations.

3 And so, we have every reason to believe that  
4 these people were there because of a lack of discipline.

5 They were there because there was no discipline.

6 And each person did what he or she wanted to do,  
7 and this is all -- this is all part of what our consideration,  
8 perhaps, should be in connection with this uncertainty.

9 And here we have Mr. Manson.

10 Mr. Manson -- the girl wants to go back to San  
11 Diego; he takes her to San Diego.

12 She decides she wants to come back:

13 "And when you went back -- when you went to  
14 San Diego did you ask Charlie to take you to San  
15 Diego?

16 "A Yes.

17 "Q Did he take you to San Diego?

18 "A Yes.

19 "Q Did you ask to come back to the ranch  
20 then?

21 "A Yes.

22 "Q Had you changed your mind about wanting  
23 to go home once you got there?

24 "A Yes, after a little while.

25 "Q Because of the fact you were a little  
26 nervous about being away from home or homesick or

13a-4

1 "something, did you ask Charlie to promise that he  
2 would not leave your sight for two weeks?

3 "A Yes.

4 "Q Did he keep that promise?

5 "A More or less, yes."

6 Now, this is important. This is important in  
7 connection with the uncertainty as to whether or not Mr.  
8 Manson has any criminal culpability here.

14 fls.

13-1

1 And at penalty this is very important for obvious  
2 reasons.

3 Now, in looking at what these girls were doing,  
4 when we look at, for instance, at this period of time,  
5 when we look at how these -- we have been so besieged by  
6 the evidence of Mr. Manson's statements, supposedly, to  
7 Greg Jakobson and Brooks Posten and Paul Watkins, and those  
8 people, that we may lose sight of what is the nitty-gritty  
9 kind of evidence.

10 If we were deciding here, instead of this case,  
11 where the prosecution has brought in all of this philosophy  
12 of Mr. Manson's so-called, if we were deciding a case --  
13 let's say a case of stealing an automobile. We would want  
14 to know, basically, where was the guy when these events  
15 were taking place. We would want to know where was the guy  
16 when the automobile was stolen, when all these things  
17 happened in connection with the theft.

18 We are not interested in the man's philosophy,  
19 are we?

20 Or are we? Maybe we are. This is for us to  
21 decide in the penalty phase.

22 But let's say that the man that is accused of  
23 stealing the automobile has some way-out philosophies about  
24 property, or he has some idea about cars and how they  
25 should be run and who should own them, or some unusual  
26 type of attitude. Does that mean that we would decide that

1 he stole the car if we didn't have the nitty-gritty evidence  
2 that he actually had something to do with that particular  
3 theft?

4 And in this case, for instance, when the  
5 prosecution discusses Mr. Manson's attitude towards  
6 killing people, Mr. Manson's philosophy about people dying,  
7 and all of that, I am sure we would all agree that Mr.  
8 Manson is not responsible if he didn't have something to  
9 do with it.

10 And is there this uncertainty? Are we being  
11 given a smoke screen which is made up of Mr. Manson's  
12 unusual attitudes, his unusual philosophies? Is that a  
13 substitute for evidence that he participated?

14 Is there some uncertainty? Because if there  
15 is -- if there is -- then we certainly ought to allow  
16 Mr. Manson to live.

17 Now, again, it is not necessarily Earl Stanley  
18 Gardner nor Agatha Christie kind of interest. It is not a  
19 detective story kind of thing. It doesn't carry with it  
20 all of the romantic aspects that some of these novels may  
21 have, these detective stories. But some of these things  
22 like Stephanie Schramm, and for instance, the fact that  
23 Mr. Manson was not around when these events were occurring,  
24 they certainly go to show uncertainty, the kind of thing  
25 that we don't want to make a tragic mistake about.

26 This conduct on Mr. Manson's part during these

1 days, comparing the actual location of Mr. Manson, his  
2 physical person, with these other girls, remember, there is  
3 every reason to expect that when Bobby Beausoleil was  
4 arrested that Mr. Manson was up at Big Sur. Mr. Manson was  
5 with Stephanie Schramm, somewhere, probably, on Highway 1,  
6 around the Hearst Castle maybe, around San Simeon or Santa  
7 Cruz, or somewhere up in that area.

8 This is the summertime, Big Sur. You can  
9 sleep on the beach there. You can go to Monterey. There are  
10 various places you can go, to Monterey County into the  
11 forests there. Many of us have been there, we know that  
12 country. That country lends itself to this kind of going  
13 off with a girl. Whether we approve of it or whether we  
14 disapprove of it.

14a-1

1 At this point, when Bobby Beausoleil was arrested,  
2 remember these formulations of these ideas, Susan Atkins was  
3 there at the ranch, Linda Kasabian was there at the ranch,  
4 Patricia Krenwinkel was there at the ranch, Leslie Van  
5 Houten was there at the ranch, but Mr. Manson wasn't.

6 Mr. Manson was, in his way, living it up with  
7 Stephanie Schram. He wasn't even there.

8 And when the prosecution pooch-poochs this Bobby  
9 Beausoleil -- the events that these girls have testified  
10 to concerning Bobby Beausoleil, we think that we ought to  
11 stop a minute and see whether it is to be pooch-pooched.

12 Because when those girls, when those girls got  
13 word that Bobby Beausoleil was arrested, it is perfectly  
14 reasonable -- we are dealing with girls who have, as we  
15 have spoken of, they have left discipline, they have left  
16 discipline behind them when they left their respective  
17 homes and their respective environments, their school,  
18 family, work -- the last thing they want is discipline.  
19 Like we said, all Mr. Manson had to do is give them a  
20 little discipline and they are gone. The mere fact that  
21 they are there means there is a lack of discipline.

22 But in any event, these girls, we certainly  
23 can believe, wanted Bobby Beausoleil out.

24 So, they sat around and talked about it.

25 Now, if we put ourselves back there and  
26 consider Mr. Manson's absence from that ranch, is it

14a-2

1 unreasonable, is it just the kind of thing that is of such  
2 a nature that it is just unbelievable?

3 Well, that is not so. It certainly falls in  
4 the bushel basket of putting this whole case, as far as  
5 Mr. Manson is concerned, into a state of uncertainty.

6 These girls sit around and they decide that  
7 they are going to get Bobby Beausoleil out.

8 Now, Linda Kasabian, she knew about the Gary  
9 Hinman matter. We find out belatedly that she knew about  
10 that.

11 The prosecution has spoken to us and indicated  
12 that Linda Kasabian is different. Well, she didn't go to  
13 the police. She didn't report that. She stayed there.

14 She wasn't afraid. We know that is just not  
15 so. Linda Kasabian wasn't afraid as she has portrayed to  
16 us.

17 In that aspect, certainly, she is less than  
18 candid. She wasn't afraid of the people that she was  
19 living there at Spain Ranch with.

20 And this is something that we would suggest --  
21 we think that this is something akin to when a press agent  
22 puts out something concerning some famous person, and the  
23 person that is being publicized sometimes begins to believe  
24 that press agent falderol.

25 Now, what we think is in this case the prosecu-  
26 tion certainly, intellectually, knows the difference between



14a-3

14b

evidence and facts.

Because things are said from the witness stand does not make it factual. These things do not raise themselves to the dignity of fact automatically.

And when the prosecution argues, as the prosecution has argued, that certain things are thus and so because Linda Kasabian said this and that, we certainly are not going to allow ourselves to be fooled, we aren't going to allow ourselves to be insulted, because we know that evidence is not equated to fact until we so deem it. That is, when the jury so deems it. Then this may be some fact.

But in connection with what the prosecution has told us in this last address, we think that there is a danger that the prosecution has been carried away by its own vehemence and we can't accept some of the statements as being gospel.

For instance, the prosecution made a statement concerning Juan Flynn, and directing that at me personally, the prosecution said that I told Juan Flynn "Don't say anything to anyone."

Well, this was concerning Juan Flynn's arrest for drunk.

The prosecution didn't interrogate Juan Flynn any further on that because I am sure that the prosecution, and we feel to this day, we feel that some day it may come out, and that is one of the reasons, one of these kinds of

14-4

1 things that makes us feel that the death penalty should not  
2 be invoked in this case, because we don't want to do any-  
3 thing irreversible, that Juan Flynn was wired for sound.

4 When we spoke to Juan Flynn, here he was,  
5 he had just been arrested, because he wanted to be arrested,  
6 and then somehow or other, when I am speaking to him,  
7 there he is, discussing with me matters concerning an  
8 arrest for drunkenness, or it was drunk in auto, or  
9 something; having an open bottle of whiskey in his possession  
10 there somewhere in Barstow. And when we told him not to  
11 discuss it, not to discuss it -- the prosecution certainly,  
12 we certainly can infer, the prosecution told Linda not to  
13 discuss anything; you couldn't even get anywhere near the  
14 girl; you needed a Sherman tank to approach her -- so,  
15 because of the fact that, as a lawyer, we are interested in  
16 the welfare of Mr. Flynn and we suggest to him not to  
17 discuss this matter, it had to do with the matter of his  
18 arrest out there, and the prosecution knows that.

19 The reason they know that is because of the fact  
20 that they didn't interrogate except for one question. And  
21 the prosecution knows that they know it. It is probably  
22 sitting in a tape somewhere in the Los Angeles Police  
23 Department.

24 It is incredible of belief that Juan Flynn,  
25 when he spoke to me, did not have some kind of recording  
26 device upon him.

14-5

1 And notwithstanding Mr. Bugliosi's laughter --  
2 I am sure he is laughing at the present time -- it doesn't  
3 substitute for evidence any more than his allusion to  
4 monstrosity and his appealing to our emotion substitutes  
5 for evidence.

14c fls.

6 And we think that he knows it.  
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14-6

1 Now, in connection with this -- and we have  
2 become cognizant of the fact that the prosecution separated  
3 -- and what we are talking about now is back when they first  
4 spoke to Susan Atkins -- when they first spoke to Susan  
5 Atkins, the prosecution deliberately -- deliberately --  
6 kept the Hinman case separated from the Tate-La Bianca  
7 case.

8 We have to look at the motivation at that time.  
9 Because certainly -- certainly -- Susan Atkins was arrested  
10 on the Hinman case.

11 But the prosecution didn't want -- didn't want --  
12 that Hinman case part of the Tate-La Bianca matter. Because  
13 if there was any kind of a race war, any kind of that  
14 approach, as motive, it started with the "Political piggy"  
15 thing, and the prosecution knew that Mr. Manson's involvement  
16 in that was peripheral at best, it was transitory, it had  
17 nothing to do with anything that amounted to any criminal  
18 culpability.

19 And so, they kept it out. They kept it out.

20 This is the motivation where we think, we  
21 suggest, that the circumstances are more important than the  
22 actual words that are uttered. The circumstances.

23 Why? Let's all become Mr. Bugliosis for a  
24 moment. Let us say that we are there in the prosecutor's  
25 office and we have a situation, we have the Hinman case,  
26 and we have the Tate-La Bianca matters. We have Susan

14-7

Atkins before us.

We have the power, because of the fact that the Grand Jury listens to evidence that the District Attorney brings in, we have the power to bring before that Grand Jury the "Political piggy" evidence that we have seen here.

Is there some reason for not doing it, not bringing it all in?

The reason is obvious. The reason is obvious. If Mr. Manson has nothing to do with it, it is going to sort of water down this specious race war theory.

And so, the prosecution, who had absolute control over it, did not bring in the Hinman case at the Grand Jury.

This is a circumstance -- a circumstance -- that certainly is something for us to think about.

Why wasn't it there? Why wouldn't it be part and parcel of this litigation that we are talking about right now?

Can we think of any reason? Can we think of any reason it wouldn't be, except for the fact that it doesn't hold water?

That is the reason.

Because Susan Atkins doesn't like discipline, she left the establishment approach to things long before she saw Mr. Manson, and when she wrote "Political piggy" there in the Hinman house, she wrote it because she was

14-8.

1 speaking her thoughts and her mind, and when she wrote  
2 "Pig," when she wrote "Pig" there at the Tate home, we  
3 think the circumstances there have sort of a dual thing.  
4 She was getting across this Bobby Beausoleil thing.

5 Sure, it is ineffective, it is a kind of an  
6 attempt that wouldn't work, certainly, but her, to her  
7 thinking, to her state of mind, with her having ingested  
8 whatever she had taken, to her thinking, at that time,  
9 this was accomplishing something.

14d fls.

14d-1

1 She was striking at, certainly, the establish-  
2 ment, she was writing the word "pig"; and at the same time  
3 she is accomplishing something for Bobby Beausoleil, she  
4 thinks.

5 But you see, that detracts from Mr. Manson's  
6 culpability, because Mr. Manson, as we see, in connection  
7 with the Hinman matter, has only this very, very little  
8 connection. We have seen it here in the courtroom.

9 It is something that intrigues our curiosity  
10 because this is a matter that the District Attorney knew  
11 about, and Susan Atkins was arrested for it, for that very  
12 crime.

13 There are so many interesting -- if we look at  
14 the people, just put them like chess -- say we are playing  
15 chess, something like that, and put on a piece of paper  
16 various names, and each square means a different name,  
17 what is it that motivated Mr. Caballero?

18 He was representing Susan Atkins in the Hinman  
19 case. Why the Tate-La Bianca tape? Why didn't he take  
20 a tape on the Hinman case? That is what the court appointed  
21 him for.

22 Well, we know why. Because there is more money  
23 in the Tate-La Bianca matter. Gary Hinman doesn't involve  
24 any money because Mr. Manson has no real responsibility  
25 for any real participation there, and there is no money  
26 unless Mr. Manson is involved, as far as publicity and books



14d-2

1 are concerned.

2 Now, just so we can set the record straight,  
3 the prosecution, in its zeal, in talking about the immunity  
4 concerning Linda Kasabian -- remember the prosecution told  
5 us that the prosecution doesn't give the immunity, the  
6 Court does, the Judge does.

7 But what was the very first question -- what  
8 was the very first question that the prosecution asked  
9 Linda Kasabian way back in July, I think it was. What was  
10 the first question they asked her? Concerning an immunity  
11 arrangement with herself and Mr. Fleishman and Mr. Goldman,  
12 who were sitting here as her attorneys during her testimony.

13 Now, the prosecution says that the Court doesn't  
14 grant immunity -- pardon me -- that the prosecution doesn't  
15 grant immunity, that the Court does.

16 But what we are interested in is the state of  
17 mind of Linda Kasabian. And there is no question but what  
18 Linda Kasabian -- this was pinpointed to her from the very,  
19 very beginning as to where her bread was buttered -- the  
20 first question was: Do you know of an immunity arrangement  
21 between yourself and the District Attorney's office.

22 Well, this means -- and we are not saying this  
23 out of any lack of respect to the Court -- this means that  
24 the District Attorney was expecting some kind of rubber  
25 stamp.

26 Why else would they bring it up?

14d-3

1 Now, in this final address to you, the point  
2 is made that this is all a matter of the Court, the Court  
3 granting the immunity.

4 Well, what was Linda Kasabian's state of mind?

5 Linda Kasabian's state of mind was that it  
6 wasn't coming from the Court.

7 I am sure that we are all agreed that Linda  
8 Kasabian's state of mind was that these benefits were  
9 coming from the prosecution.

10 Now, the prosecution made some comment during  
11 their argument to us that we think is patronizing something  
12 as far as the jury is concerned.

13 I am sure that none of us, when we are on jury  
14 duty, want -- we don't wish to be insulted. At the same  
15 time, we don't want to be patronized.

16 We don't want people, I am sure, to sort of  
17 worship us or sort of have some synthetic or phony kind of  
18 respect in the sense of not true respect, just because of  
19 the power that the jury has, like to be treated the way  
20 Henry VIII was treated by the sycophants, who just bow,  
21 and, say, Salaam, you know, this kind of worship.

15 fls.

15-1

1 I'm sure that we don't want that. We want to  
2 be treated with respect.

3 We don't want any of this, and what we are --  
4 we are alluding to that because of the fact that some of  
5 the prosecution's comments to us, from the way we heard it,  
6 certainly sounded like -- like there was some kind of a --  
7 some kind of an idea that a result would come about because  
8 -- because of this -- of this effect by being overly  
9 respectful.

10 Now, we -- we -- the District Attorney's office  
11 is a political office, there is no question about it.

12 And all that we ask; all that we ask is that  
13 the -- what we are talking about, what the evidence is, that  
14 it be viewed, that it be viewed with detachment. That is  
15 all we are asking.

16 We are not begging -- we are not begging for  
17 Charles Manson's life. As we said in the antonym of the  
18 conduct here of the prosecution.

19 We are not here begging, because we don't  
20 feel that the jury wants to be begged. We don't feel that  
21 the jury wants to be -- so that we can get down on our  
22 hands and knees and that kind of thing, so to speak.

23 What we feel that the jury wants to do is  
24 discharge its duty so that you can look yourself in the  
25 mirror, so that you can feel that you have done what you  
26 should do.

15-2

1 And the prosecution, by bringing in for instance  
2 the conscience of the community kind of thing is trying to  
3 in a way -- that is maybe indirect or maybe direct -- trying  
4 to tell us that the people out there want a certain result.

5 Well, we think that there could be nothing more  
6 beautiful, nothing more wonderful than after this case is  
7 over for the people on this jury to be able to tell people  
8 "You just don't know what was going on because you weren't  
9 in the courtroom."

10 To be able to tell the outside world that they  
11 should not make prejudgements.

12 That certainly there is evidence here one way  
13 and there is evidence here another way. But that it is bad  
14 for all of us for these judgments to take place outside of  
15 the courtroom because you just cannot know what is going on  
16 unless you hear, unless you see it and feel it by being  
17 here.

18 Now, this is something for us to consider. Are  
19 we going to be -- when we are on the jury are we going to  
20 "Yes" the world and are we going to "Yes" each other?

21 Now, those of us that are on this jury have  
22 been together for many months. You cannot be together for  
23 many months without developing friendships and also  
24 developing feelings that maybe some people on the jury  
25 don't like everyone else.

26 This is normal. We would say it would probably

15-3

1 not be normal if this were not the case.

2 There may be differences of opinion by the  
3 individual people on the jury with respect to each other.

4 Whatever those differences of opinion may be,  
5 we feel that -- we are just suggesting this -- that these  
6 differences of opinion are healthy.

7 Differences of opinion -- that is what made  
8 this country, where somebody somewhere somehow, in certain  
9 situations, said "Let's do something this way." And maybe  
10 a lot of people did not agree with him, and that is how a  
11 lot of good things have come about, by people maintaining  
12 their position as long as they felt it was correct.

13 Now, this may not be -- this may not be good  
14 politics, or maybe it is not smart to discuss it.

15 We are supposed to always -- we are supposed to  
16 always do things to cater to the jury.

17 But we feel -- we feel that this -- we certainly  
18 hope that this is not what the individual members of this  
19 jury want, is to be catered to just for the sake of cater-  
20 ing.

21 Now, whatever this result may be, it is  
22 supposed to reflect the individual opinion of each juror,  
23 and we hope that those on the jury -- if we have said  
24 certain things where we may disagree with a particular  
25 thought that the jury may have at a particular time, we  
26 hope that the individual juror does not believe that because

15-4

1 we have this disagreement, that we are insulting them;  
2 that there is any kind of a feeling of animosity, because  
3 there isn't.

4 We can have differences of opinion without  
5 animosity.

6 Now, this is a delicate subject, supposedly.  
7 We hope that it is a synthetic delicacy; that it really  
8 doesn't exist because the jury must -- must act individually,  
9 even though there are 12 people that are discussing the  
10 matter.

11 Still the result must reflect the individual  
12 opinion of each juror.

15a fls.

115a-1

1 As Mr. Fitzgerald has said, as Mr. Fitzgerald  
2 has said, a single person, a single person in this type  
3 of a situation makes the difference between -- can make the  
4 difference between life and death, and we hope that we  
5 are not being naive.

6 There are some -- there are some fantastic  
7 pressures that are brought upon those of us that are in  
8 the jury.

9 These pressures are pressures that -- these are  
10 pressures that are there because of what the prosecution has  
11 done in releasing the publicity in this case, and we hope  
12 that what we are speaking of here will be taken in the  
13 spirit -- in the spirit that it is given because in deciding  
14 this case we are going to have some very very -- some very  
15 very important decisions to make.

16 By that I mean, in arriving at whether someone  
17 lives or dies there must be intermediate decisions.

18 Certainly the jury is not going to, hopefully,  
19 is not going to just come in and say "This is it," and  
20 then vote.

21 Because even if -- even if this were a situa-  
22 tion where the prosecution was not asking for death, what  
23 has occurred here is of such a nature that our common sense  
24 tells us that we should discuss it, talk about it, and the  
25 jury discussing these matters, for instance, may be one  
26 of the things that you will want to discuss is how come



15a-2

1 the prosecution did not interrogate Linda Kasabian when she  
2 was back here.

3 She was put on the witness stand; she talked;  
4 she answered questions.

5 But the prosecution did not ask her anything.  
6 Does that have any significance? The whole prosecution case  
7 is Linda Kasabian.

8 Are we willing to send Mr. Manson to the gas  
9 chamber based upon Linda Kasabian's testimony?

10 This is something -- this is really what the  
11 prosecution is asking us. This means that the District  
12 Attorney's office -- the District Attorney's office can  
13 play God because they could have had Susan Atkins up there  
14 just as well as Linda Kasabian.

15 From what happened in this courtroom we certainly  
16 know that.

17 Now, the prosecution has, and this is the kind  
18 of thing that is dangerous -- the prosecution has for  
19 instance used Brooks Poston and what Brooks Poston testified  
20 to as if it were -- as if it were gospel.

21 The prosecution, my notes indicate, read  
22 something here from Brooks Poston to prove -- to prove  
23 Mr. Manson should not be allowed to live.

24 Now, there is something that is so remote, so  
25 remote from the events of the 8th, 9th, and 10th, that it  
26 defies the imagination if you sit down and think about it.

11a-3

1 Brooks Poston wasn't there on the 8th, 9th or  
2 10th.

3 Brooks Poston, from the evidence in this case,  
4 was somewhere at the Barker Ranch or in the Meyers Ranch.

5 He was somewhere in the Death Valley area, and  
6 the prosecution is using this kind of evidence again to try  
7 and inflame us.

8 Why, it's -- it's -- it's -- it's tragic that  
9 the prosecution would use in the penalty phase such a  
10 statement by Brooks Poston.

11 How does that prove -- how does that prove that  
12 Mr. Manson committed anything or did anything wrong on the  
13 8th, 9th, 10th of August, 1969?

14 This is the danger. This is the danger in just  
15 taking one little bit of evidence like that and trying to  
16 hang your hat onto it, to prove Mr. Manson's supposed  
17 domination over these three girls and Mr. Watson.

18 And it is interesting to note, and my notes  
19 indicate that the prosecution left out Linda Kasabian.

20 There was a series of statements that the prose-  
21 cution made concerning what these people did that night.

22 They went here and they used a knife and they  
23 killed this person and that person.

24 And in delineating the actual events that  
25 occurred, the prosecution in each instance left Linda  
26 Kasabian out of it -- but Linda Kasabian, as a matter of

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1 law in this courtroom was found to be an accomplice.

2 We know what an accomplice is. An accomplice  
3 is a person who with criminal intent participates in the  
4 crimes.

5 And so for whatever that may be worth, the  
6 prosecution deliberately, I am sure, no question about it,  
7 the prosecution deliberately left out, in running over the  
8 roll call of the defendants and who did wrong, they  
9 deliberately left off Linda Kasabian.

10 THE COURT: It is 4:30, Mr. Kanarek.

11 Ladies and gentlemen, do not converse with  
12 anyone or form or express any opinion regarding penalty  
13 until that issue is finally submitted to you.

14 The court will adjourn until 9:00 o'clock  
15 tomorrow morning.

16 (Whereupon the adjournment was taken.)  
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