

DISTRICT ATTORNEY  
SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff-Respondent,

vs.

CHARLES MANSON, SUSAN ATKINS, LESLIE  
VAN HOUTEN AND PATRICIA KRENWINKEL,  
Defendants-Appellants.

NO. 3093

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent:	THE STATE ATTORNEY GENERAL 600 State Building Los Angeles, California 90012
For Defendant-Appellant Charles Manson:	IRVING KANAREK, Esq.
For Defendant-Appellant Susan Atkins:	DAYE SHINN, Esq.
For Defendant-Appellant Leslie Van Houten:	LESLIE VAN HOUTEN In Propria Persona
For Defendant-Appellant Patricia Krenwinkel:	PATRICIA KRENWINKEL In Propria Persona

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Los Angeles, California 90012

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1 that Judge Keene was involved in this conspiracy.

2 When I talk about the conspiracy, I am just  
3 speaking about the five persons that were involved in this  
4 meeting of December 4th, namely, Mr. Younger and Mr.  
5 Stovitz, and Mr. Bugliosi, Mr. Caballero and Mr. Caruso.

6 So I hope you did not think I meant Judge  
7 Keene was involved in a conspiracy.

8 Now, the agreement which was entered into on  
9 December 4th, was that Miss Atkins would testify truthfully  
10 at the Grand Jury, and also that past cooperation would be  
11 taken into consideration.

12 There was testimony that Miss Atkins did in  
13 fact testify at the Grand Jury and after she testified  
14 there was an indictment against all defendants including  
15 Miss Atkins in this case, and I believe Mr. Caballero and  
16 Mr. Caruso did testify that she did testify truthfully,  
17 and right after they testified they did secure the indict-  
18 ment against all defendants.

19 Now, the position of the District Attorney's  
20 office is that she did not testify 100 percent truthfully.

21 Mr. Bugliosi testified that Miss Atkins did  
22 testify substantially to truth.

23 It is up to you to decide whether or not she  
24 performed her part of the agreement.

25 MR. BUGLIOSI: I object, your Honor, it is a  
26 misstatement.

1 THE COURT: Sustained. The jury will disregard that  
2 remark.

3 MR. SHINN: You can draw a fair inference -- a fair  
4 inference can be drawn from the fact that after Miss Atkins  
5 testified at the Grand Jury there was an indictment against  
6 all defendants including Miss Atkins.

7 Now, if we are going to allow these five persons  
8 who were at the meeting of December 4th, if we allow them  
9 now to deny Miss Atkins her life, no defendant in a criminal  
10 case will ever discuss their case with their attorney.

11 I believe now this is the first time in  
12 criminal history, in such a big case like this, that an  
13 attorney has sold their client's confession before the  
14 trial even began.

15 I never heard of it before.

16 Now, if we allow this to go on, no defendant in  
17 a criminal case will ever relate what actually happened  
18 to the attorneys.

19 Now, the District Attorney is now seeking the  
20 death penalty against Miss Atkins because they say that  
21 Miss Atkins did not testify 100 percent truth at the Grand  
22 Jury.

23 Now, let's examine the facts and see what each  
24 party received.

25 The District Attorney now received a benefit.

26 They acknowledged that Miss Atkins' statement

1 was vital in breaking the case.

2 It secured an indictment against the defendants  
3 and they had the benefit of Miss Atkins testifying at the  
4 Grand Jury, and there was also testimony that Miss Atkins  
5 was removed, I believe, three or four times to various  
6 areas of the Los Angeles area to help the authorities with  
7 this case.

8 Now, Caballero received the benefit of one-half  
9 of the 40 percent for being Miss Atkins' literary agent and  
10 he also received one-half of 50 percent left from the book  
11 for a retainer fee.

12 Mr. Caruso also received one-half of 40 percent  
13 for being an agent for Miss Atkins, and Lawrence Schiller  
14 received 25 percent for selling Miss Atkins' story.

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1 Now, what does that leave Miss Atkins?

2 Miss Atkins has a possibility of going to the  
3 gas chamber.

4 I don't think the State of California should be  
5 allowed to profit from this wrong.

6 Now, the law states that the jury in a penalty  
7 phase has an absolute discretion either to give life or give  
8 death. There are no guidelines, there are no guideposts,  
9 saying that under these circumstances you are supposed to  
10 give death, and under these circumstances you are supposed  
11 to give life.

12 The absolute discretion is upon the jury to  
13 decide whether the person should live or die.

14 In other words, you can look at a person, and  
15 if you don't like the way his hair is parted, you can give  
16 him death; and you can look at another defendant and if you  
17 like the color of his eyes, you can give him life. There  
18 are no guidelines, no guideposts. You have that absolute  
19 discretion.

20 Now, just because Mr. Bugliosi got up here and  
21 stated that there were several lives, seven persons were  
22 murdered, that, in itself, does not mean that you have to  
23 automatically come back with a death verdict.

24 The Judge, the Court, will instruct you on that.

25 Now, you heard the testimony of Miss Atkins  
26 about her early childhood, how she went to church and went

1 to school.

2 She testified that at the age of 14 her father  
3 and mother got a divorce, and when her mother died, I  
4 believe Miss Atkins was possibly 15 years old when her  
5 mother died.

6 Miss Atkins started to take drugs. She left  
7 home. She went up to San Francisco. She was working in a  
8 bar where she met two boys. She started to drink heavily,  
9 and she went up to Oregon with these two men, and got  
10 involved with the law up there.

11 She came back down here to San Francisco and  
12 started to take LSD, marijuana, and ended up at the Haight-  
13 Asbury District in San Francisco.

14 She also testified that she met Charlie and  
15 she drove around in a bus with Mr. Manson, and finally ended  
16 up at the Spahn Ranch.

17 She also testified that she was taking drugs  
18 very heavily, LSD, speed, marijuana, and that she was under  
19 the influence of LSD the nights of August the 8th and  
20 August the 9th.

21 When she got up on the stand, she testified that  
22 she stabbed Hinman, and she also testified that she stabbed  
23 Sharon Tate.

24 She, I believe, under cross-examination, stated  
25 that she felt no remorse. The psychiatrist testified that  
26 he did examine Miss Atkins and he was of the opinion that

1 although she didn't manifest remorse, subconsciously she  
2 was remorseful for what she had done.

3 And I believe a young girl her age is trying  
4 to put on a front, showing that she is not remorseful.  
5 I think we can believe the psychiatrist when he indicated  
6 to us that she is subconsciously remorseful.

7 I think that you should take that into con-  
8 sideration.

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1 I believe that she is still young. She is  
2 21 years old. I believe that there is still a hope of  
3 rehabilitating her.

4 Now, I don't see any usefulness in putting her  
5 to death.

6 She may spend the rest of her life in prison.  
7 Maybe some day she may be rehabilitated to the extent  
8 that she may finally realize what she has done was not  
9 right.

10 I believe that she deserves the chance, an  
11 opportunity, so that maybe some day she may be released  
12 and live the rest of her life out of prison.

13 Thank you.

14 THE COURT: Ladies and gentlemen, it appears that  
15 there is a reasonable probability that the arguments will  
16 conclude tomorrow and the jury will be instructed.

17 So, I remind you to bring whatever personal  
18 articles and clothing you care to because there appears  
19 to be a good chance that the jury will be sequestered at  
20 the close of tomorrow's session.

21 There is also a possibility, of course, that  
22 it won't be. But I think, to be safe, you should bring  
23 your personal articles tomorrow.

24 Do not converse with anyone or form or express  
25 any opinion regarding penalty until that issue is finally  
26 submitted to you.



1 I remind you again, do not read, look at or  
2 listen to any news relating to this case or allow yourself  
3 to be influenced in your decision in the case by anything  
4 except the evidence introduced into the trial, and then  
5 only in accordance with the Court's instructions to you.

6 Do not converse with anyone on any aspect of  
7 your service as a juror in this case until you are finally  
8 discharged.

9 This admonition includes, of course, conversa-  
10 tions with members of the news media, friends, relatives,  
11 your families, and any other persons.

12 The court will adjourn until 9:00 o'clock  
13 tomorrow morning.

14 DEFENDANT MANSON: (From the lockup) When are you  
15 going to let me put on my defense?

16 Hey, Dad. Are you going to let me put on a  
17 defense?

18 (Whereupon at 4:25 o'clock p.m. the court  
19 was in recess.)  
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LOS ANGELES, CALIFORNIA, TUESDAY, MARCH 23, 1971

9:18 a.m.

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(The following proceedings were had in the chambers of the court out of the hearing of the jury and the defendants, all counsel being present:)

THE COURT: All counsel are present. I wanted to run through these instructions with you again to let you know what changes I have made.

I eliminated 102; that is the separate instruction on statements of counsel, stipulations and so forth, because the substance of that is contained in 130, and I made one change in 130 with regard to stipulations where it says, "You will regard that fact as being conclusively proved."

I added the words "as to the party or parties making the stipulations," as we have at least one stipulation by all parties.

And the next one, People's Special Instruction No. 1, the instruction relating to the so-called agreement between Susan Atkins and the District Attorney, I changed the wording of one sentence in the middle of the instruction.

The sentence read, "Whether or not the agreement was performed is not a question to be determined by the jury."

MR. BUGLIOSI: How did it read before?

1 THE COURT: That is the way it did read, and I  
2 changed that wording to read, "whether or not the agreement  
3 was performed is not a question which must be determined by  
4 the jury."

5 They may consider that. The other wording  
6 seems to preclude them from considering whether or not  
7 it was performed.  
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1 MR. BUGLIOSI: The point is, your Honor, if this  
2 Court feels that this agreement is viable --

3 THE COURT: First of all, Mr. Bugliosi, don't forget  
4 the rest of the instructions. The next sentence says the  
5 jury is not bound by any agreement, et cetera, and then the  
6 final paragraph says:

7 You may, however, consider the evidence  
8 pertaining to the agreement and all the surrounding circum-  
9 stances in arriving at your verdict.

10 MR. BUGLIOSI: Right.

11 Here is why I disagree with that language.  
12 If that agreement is still viable, then all the terms of the  
13 agreement --

14 THE COURT: It isn't viable. They are told they are  
15 not bound by it. It simply tells them what happened. That  
16 is all the instruction tells them.

17 MR. BUGLIOSI: The parties to the agreement themselves  
18 say, as one of the clauses to the agreement, that they and  
19 only they would make this determination.

20 MR. KANAREK: No.

21 MR. BUGLIOSI: Wait a while.

22 Caballero said this.

23 THE COURT: You are misinterpreting what this indi-  
24 cates.

25 MR. BUGLIOSI: Caballero said that.

26 MR. KANAREK: That is a matter of evidence,  
Mr. Bugliosi.

1 THE COURT: I am going to give it this way. I have  
2 given it a lot of thought. I felt the other language was  
3 too restrictive in the sense that they seemed to be pre-  
4 cluded from considering what happened and that, of course,  
5 was not the intention at all.

6 MR. BUGLIOSI: You do say, I think, in the original  
7 instruction that they certainly can consider what happened,  
8 along with all of the other evidence, in arriving at a ver-  
9 dict. But the question whether there was performance is  
10 not for the jury to decide.

11 In effect, you are saying here, yes, you can  
12 decide that issue if you want to.

13 THE COURT: What I am telling them is that it is not  
14 a question that must be determined.

15 MR. BUGLIOSI: The implication is that they have a  
16 right to do it if they want to.

17 THE COURT: All right. I have given it a lot of  
18 thought and that is the best I can come up with. I think  
19 it is the fairest to all sides.

20 And as I mentioned yesterday, I have added  
21 CALJIC 17.10, conviction of lesser included offense, with  
22 respect to the assault matters.

23 That now reads: If you are not satisfied beyond  
24 a reasonable doubt that a defendant is guilty of assault  
25 with deadly weapon with intent to commit murder, he may,  
26 however, be found guilty of any lesser offense, the

1 commission of which is necessarily included in the offense  
2 alleged if the evidence is sufficient to establish his guilt  
3 of a lesser offense beyond a reasonable doubt.

4 And we have added CALJIC 2.02, sufficiency of  
5 circumstantial evidence to prove specific intent both as to  
6 the assault with intent to commit murder and the murder  
7 instructions.

8 Then the last concluding instruction is  
9 modified and now reads: You shall now retire for your  
10 deliberations. In order to reach a verdict, all 12 jurors  
11 must reach a decision. As soon as all of you have agreed  
12 upon a verdict, you shall have it dated and signed by your  
13 foreman and then returned with it to this courtroom.

14 MR. KANAREK: Don't you think that should be in the  
15 plural, your Honor, "verdicts"? In other words, as to each  
16 defendant?

17 THE COURT: This is worded the same as it was in the  
18 guilt phase. I thought about it at the time. But they  
19 didn't seem to have any trouble with it, so I didn't change  
20 it.

21 MR. KANAREK: Your Honor, I would once again --

22 THE COURT: Incidentally, there are 54 verdict forms.

23 MR. KANAREK: 54 verdict forms?

24 THE COURT: Yes.

25 MR. KANAREK: I would, once again, your Honor, ask  
26 that the jury be allowed to visit the scene.

1           Although I believe the defendants have a right  
2 to be present, I would ask, your Honor, that they visit the  
3 scene of the Tate residence and the La Bianca residence.

4           The motion is that they be allowed to visit the  
5 scene, first, as I say, with the presence of the defendants.  
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1 If your Honor doesn't deem that your Honor  
2 wishes ~~the defendants~~ to be present, then we would ask that they be allowed  
3 to visit the scene at night of each, that is, the La Bianca  
4 residence and the Tate residence.

5 And if your Honor doesn't allow that, then we  
6 would at least ask that they be allowed to visit the scene  
7 of the Tate residence and the La Bianca residence in the day-  
8 time without the defendants present, if your Honor won't  
9 allow it with the defendants, although it is our position  
10 that the defendants should be allowed to be present.

11 THE COURT: The motion will be denied.

12 MR. BUGLIOSI: I have a brief point, your Honor,  
13 on this Dr. Brown's report.

14 The Court has instructed the jury they cannot  
15 consider it substantively.

16 Of course Mr. Fitzgerald has blown up the  
17 entire report to show to the jury. Dr. Tweed only made the  
18 statement that in his opinion she was suffering from  
19 residual mental illness, or something like that.

20 That is all he said, one little line.

21 Now, as a basis for that line he is going to  
22 show the entire report of Dr. Brown in Mobile, and it is  
23 just obvious that he is arguing it substantively.

24 He has got it blown up, and he is going to go  
25 over it line for line.

26 I would ask the Court to instruct Mr. Fitzgerald



1 not to do this. That report is not to be considered sub-  
2 stantively.

3 In fact, the Court --

4 THE COURT: How can I rule on his argument in advance?

5 MR. FITZGERALD: I don't intend to argue it sub-  
6 stantively but I think you should be aware that:

7 A, it's in evidence and they can read it them-  
8 selves.

9 B. I not only have you to worry about; I've  
10 got Mr. Kanarek to worry about, and Mr. Kanarek cast some  
11 aspersions on the validity of this report, the source of  
12 the report, the internal validity of the report.

13 I am entitled to answer his argument, but I  
14 will not argue it substantively.

15 THE COURT: What do you mean by the internal validity  
16 of the report? That is not in issue.

17 It does not make any difference whether the  
18 report is true or false. If Dr. Tweed relied on it he  
19 relied on it; that is the only thing before the jury.

20 MR. FITZGERALD: But if you read Mr. Kanarek's remarks,  
21 Mr. Kanarek actually said somebody made this report up.

22 I am entitled to say, "Obviously it is not a  
23 made-up report."

24 I mean, it is obviously based on facts. That  
25 is all I intend to say.

26 I won't argue with substantively. I think it's

1 unfair.

2 You actually singled out a piece of evidence  
3 and instructed the jury about it now four times, and I haven't  
4 done anything.

5 MR. BUGLIOSI: Yes, but we know what you are going to  
6 do.

7 MR. KAY: I am thinking about this Dr. Brown's report,  
8 and this actually is kind of unfair because the jury is not  
9 going to have the testimony of other psychiatrists in the  
10 jury room.

11 It is in the transcript. All they will have is  
12 Dr. Brown's report, the report of one psychiatrist, and it  
13 is going to be blown out of all proportion. They will be  
14 able to read this.

15 MR. BUGLIOSI: Here is a man that has not testified  
16 at the trial. The report is dated 1970, about a year after  
17 he examined her. That is the only report they have back  
18 there.

19 I think the probative value is far outweighed  
20 by the prejudicial value.

21 I think Mr. Fitzgerald can argue the testimony  
22 that came from the witness stand, but I would request that  
23 report not go back to that jury room. It was made out a  
24 year after examination.

25 It is not being offered substantively, why  
26 should they have in front of them their every word?

1 I just don't see the need for it. Tweed already  
2 testified and that is in the record, that he based his  
3 conclusion on that report, and the particular thing upon  
4 which he based it.

5 MR. FITZGERALD: He said he based it on every single  
6 sentence; every single phrase.

7 MR. BUGLIOSI: Didn't you draw attention to certain  
8 phrases and clauses --

9 MR. FITZGERALD: First of all, it's received in  
10 evidence. If at this late date you decide it cannot be  
11 received in evidence, I am denied due process.

12 I will make a motion to reopen and bring  
13 Dr. Brown here.

14 It wasn't me, it was Max Keith and Kanarek who  
15 started examining on that report.

16 MR. BUGLIOSI: I agree.

17 THE COURT: You are the one who gave it to Dr. Tweed.  
18 You knew when you gave it to him, Mr. Fitzgerald, what the  
19 problems would be.

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1 MR. FITZGERALD: If I didn't, I would be incompetent,  
2 if I had a previous psychiatric report and did not give it  
3 to a psychiatrist, I would be incompetent.

4 THE COURT: I am not criticizing you. I am just  
5 saying you knew as well as the rest of us when you gave  
6 him that report it was going to create an issue at the  
7 trial.

8 MR. FITZGERALD: Not necessarily, not necessarily --  
9 not necessarily.

10 Had I presented him with the testimony of  
11 Patricia Krenwinkel, I did not anticipate that there would  
12 be any trial problem or the testimony of her parents --

13 THE COURT: When I say a problem, I mean you knew  
14 whoever cross-examined the doctor is going to want to know  
15 what he based his opinion on, and sooner or later it was  
16 going to come out that he had this report and relied in  
17 whole or in part on it.

18 MR. FITZGERALD: If they were foolish enough to do  
19 that, they've got to suffer the consequences for it, and  
20 I gave Mr. Bugliosi a copy of the report.

21 Bugliosi did not need to go into it.

22 MR. BUGLIOSI: It is blatant hearsay.

23 MR. FITZGERALD: It is too late, I agree it is  
24 hearsay of course.

25 THE COURT: Mr. Bugliosi has suggested it not go  
26 into the jury room. What is your thinking on that?

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1 MR. FITZGERALD: It has been received into evidence;  
2 it is extremely important, your Honor, it is terribly  
3 important.

4 THE COURT: Why is it important?

5 MR. FITZGERALD: The credibility of the doctor has  
6 been impeached and attacked not only by the prosecution but  
7 by a person who has a conflicting interest.

8 All right, it is the doctor's opinion as to  
9 her present mental state, it hinges in large part upon  
10 the report of Dr. Brown that he took into consideration.  
11 Throughout his testimony he refers to the fact that she  
12 was actively hallucinating; she was actually in the throes  
13 of delusions.

14 I will agree; I will stipulate it cannot go  
15 back into evidence, if you give me a continuance until  
16 Monday and let me bring Dr. Brown here from Mobile, Alabama,  
17 to testify substantively.

18 That is better for all parties, the prosecution  
19 would be able to cross-examine him. These lawyers would be  
20 able to cross-examine him at length.

21 His testimony would be substantive, no problem  
22 about the jury being misled, not that there is a real  
23 problem about the jury being misled.

24 THE COURT: I don't think so either.

25 MR. FITZGERALD: Because they have been instructed  
26 four times about the validity of Dr. Brown's report.

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1 MR. BUGLIOSI: You blow up the report, the report  
2 goes back to the jury room, here is Dr. Brown, all hearsay,  
3 the prosecution never had a chance to cross-examine Brown.

4 MR. FITZGERALD: You could have brought Brown here.

5 THE COURT: I don't see this is any different from  
6 any other instruction given the jury to disregard something  
7 or to consider it for a limited purpose.

8 MR. BUGLIOSI: Like Mr. Kay said, the other report  
9 from the psychiatrist, Hochman, and all of them, they are  
10 not going into the jury room, and these men were on the  
11 witness stand.

12 Here, Brown didn't even open himself up to  
13 cross-examination and his whole report goes back there.

14 THE COURT: Yes, but with an instruction to disregard  
15 it for substantive purposes.

16 MR. KANAREK: As I say, lawsuits sometimes make  
17 strange bedfellows.

18 I have to agree with Mr. Bugliosi, and this is  
19 what I am saying.

20 I ask that that report not go back; I say in  
21 connection with that report, when I say I agree with Mr.  
22 Bugliosi, I make a motion that the report not go back, it  
23 be withdrawn from evidence, and I point out to the Court  
24 this:

25 Mr. Bugliosi brought up -- interjected this  
26 entire subject matter when for reasons of trial strategy

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1 he brought up about Mr. Manson influencing Patricia  
2 Krenwinkel.

3 That is the reason that this came up.

4 Now, at this stage of the proceedings I have  
5 no alternative, and I agree with Mr. Bugliosi, and I make  
6 the motion --

7 THE COURT: Personally I think we are wasting time.

8 Patricia Krenwinkel testified. She testified  
9 of her interview with Dr. Brown. The jury is thoroughly  
10 instructed as to how they can treat the report.

11 I think --

12 MR. KANAREK: But your Honor would not allow me to  
13 argue substantively on the report.

14 THE COURT: That's right.

15 MR. KANAREK: Then I make a motion, your Honor, that  
16 we be allowed to argue substantively in connection with the  
17 report, and I make a motion, if your Honor does not grant  
18 that, I make a motion for a mistrial because of the  
19 prejudicial effect of this report as far as Mr. Manson is  
20 concerned.

21 Because that jury, that jury is not going to  
22 make this distinction even though we exhort and even  
23 though we give them this instruction, the distinction  
24 between substance and the fact that --

25 THE COURT: All right, I have heard you, Mr. Kanarek.  
26 The motion is denied.



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1 MR. KANAREK: May I have a ruling on my motions?

2 THE COURT: Denied.

3 MR. KANAREK: I make a motion for a mistrial then.

4 THE COURT: Denied. Let's proceed.

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1 (The following proceedings occur in open court.  
2 All jurors and counsel present. All defendants except  
3 Mr. Manson present.)

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

6 You may proceed, gentlemen.

7 MR. KEITH: Thank you, your Honor.

8 May the Court please, learned counsel, ladies  
9 and gentlemen of the jury:

10 Ladies and gentlemen, Leslie must live. She has  
11 got to live, ladies and gentlemen. I feel so strongly about  
12 this that I almost want to insist upon it of you, to demand  
13 of you that you return a verdict of life for Leslie.

14 But I cannot, I can only ask you. And I fear  
15 there are no adequate words to express my feeling, but I  
16 will do what I can. And it is difficult for me.

17 One thing that perhaps makes it more difficult  
18 than it should be is that you were told by Mr. Bugliosi in  
19 his address to you that the eyes of the world are on you.

20 I trust that this was not a subtle attempt on  
21 his part to intimidate you, to make you feel that if you don't  
22 return the verdict that he asks, that the world will somehow  
23 shun you, that your friends and neighbors, that society in  
24 general, will despise you, will show you disrespect.

25 You are individuals, ladies and gentlemen.  
26 You have strength. You have courage. Don't let yourself be

1 intimidated in any way by what you think the uninformed  
2 populace wants. We don't know what the world wants.

3 I don't know what Mr. Bugliosi meant when he  
4 said the eyes of the world are upon you.

5 I think you have strength, and I know you will  
6 give each of us your individual and your courageous judgment  
7 in this most serious and awesome responsibility that any of  
8 you probably have ever undertaken.

9 But don't let yourself believe that unless you  
10 do what the prosecution asks you to do, that you are doing  
11 something that the world wants.

12 We are here to accomplish justice. It can only  
13 be accomplished when you, yourselves, give us your individual  
14 opinions, give us your strength, your purposefulness.

15 Don't be swayed by what you feel your friends,  
16 your neighbors, your community might want. This would be  
17 a disaster, it would be catastrophic, and it would be  
18 unfair.

19 Now, ladies and gentlemen, I am always, when I  
20 find myself in this phase of a penalty trial -- and I  
21 have been here before -- I am always somewhat aghast because  
22 everyone else in the world is in some way trying to better  
23 life. Most human endeavor is devoted to preserving it,  
24 to lengthening it, to beautifying it, if you will, to making  
25 this world a better place to live in.

26 THE COURT: Excuse me just a moment.

(The Court and clerk confer.)

THE COURT: Go ahead.

MR. KEITH: Thank you.

Doctors, teachers, scientists, farmers,  
industrialists, workers, I guess even lawyers. Yet here we  
are, ladies and gentlemen, in the solemnity of this courtroom,  
and you have been asked to take life.

4a-1

1 Sometimes it makes me a little sick at heart  
2 to think that we have to be here at all. But maybe --  
3 maybe -- ladies and gentlemen, and I ask you again, maybe  
4 you will give life.

5 I am going to ask you over and over again to  
6 give life to Leslie. Don't take it.

7 Now, the contention may be made that Leslie  
8 certainly didn't try to benefit humanity, didn't try to  
9 beautify, didn't try to lenthen life by taking a life or  
10 assisting in taking the life of Rosemary La Bianca.

11 But ladies and gentlemen, are we not more  
12 humane? Are we not understanding? Are we not more  
13 reasonable? Are we not fairer than this little girl was?

14 You know what she is like. And if you don't  
15 now, you will at the close of my address.

16 Mr. Bugliosi proclaimed that not only Leslie  
17 but all of the defendants deserve to die by reason of the  
18 savagery of the killing.

19 Ladies and gentlemen, what killing isn't  
20 savage?

21 If you administer poison to someone, although  
22 there is no blood, aren't they just as dead?

23 If you kill somebody in the course of a  
24 robbery, even though accidentally, aren't they just as  
25 dead?

26 If one's paramour is killed, isn't that person

4a-2

1 just as dead?

2 Should your decision, ladies and gentlemen,  
3 be measured by the quantity of blood in this case?

4 Don't be inflamed because of lots of blood.  
5 I suggest to you that this is, in a sense, immaterial;  
6 and in another sense it is not immaterial, and I will address  
7 myself to that in time.

8 But an example. Should someone who has killed  
9 another person with a hatpin into the heart -- probably no  
10 blood at all externally -- should that person be given  
11 greater sympathy, greater leniency, than Leslie?

12 Or should not the very savagery, if you want  
13 to put it that way, of these deeds, the very quantity of  
14 blood letting, be a mitigating factor?

15 Should not the very senselessness of these  
16 misdeeds be a mitigating factor?

17 Does it not indicate to you, ladies and gentle-  
18 men, the terrible irrationality of these homicides? Does  
19 not the very insanity of these homicides, ipso facto, with  
20 nothing else, show that the perpetrators themselves must  
21 be close to insanity?

22 It doesn't take a doctor, a psychiatrist,  
23 really, to lead us to this conclusion, ladies and gentlemen.  
24 It stands before you graphically in the pictures that you  
25 have seen. It is illustrated to you, more than any words,  
26 how mad, how insane these young girls must have been -- and

I submit to you, still are.

4b-1      1            The repetitiousness, the repetition, the  
2 overkill; does this lead us to the inescapable conclusion  
3 that this is the work of deranged and sick minds?

4            Do we put to death the sick and the halt? Do we,  
5 in our enlightened society of today kill those of us whose  
6 brains are either crushed or diseased or both, regardless of  
7 what they have done? Or do we not try to help them, try to  
8 study them, try to find out why, try to treat them, give  
9 them therapy, try to rehabilitate them, restore them to use-  
10 fulness?

11           This is what we do, ladies and gentlemen. This  
12 is what we should do. This is what you should do, I should  
13 do, all of us should do. Not destroy them -- not destroy  
14 them -- ladies and gentlemen.

15           Mr. Bugliosi said the defendants are mutations.  
16 Like a science fiction monster.

17           Look up mutation, the definition of mutation,  
18 in the dictionary. I looked it up.

19           It is defined in Websters as a change or  
20 alteration in form or qualities, a variation due to changes  
21 within chromosomes or genes.

22           I will buy that.

23           Under that definition, you might well consider  
24 Leslie a mutation. Yes, you might. Because she has changed  
25 and she has changed terribly. She has altered.

26           But ladies and gentlemen, let me tell you this.

1 She can come back again, and she will come back again.

2 Mr. Bugliosi read to you at the close of his  
3 argument on the guilt phase the roll call of the dead. Let  
4 me read to you now, ladies and gentlemen, the roll call of  
5 the living dead: Leslie, Sadie, Katie, Squeaky, Brenda,  
6 Ouish, Sandy, Kathy, Gypsy, Tex, Clem, Mary Brunner, Snake,  
7 and no doubt many more.

8 You have seen many of them, if not all of these  
9 girls. You have seen Clem, you have seen Tex.

10 These lives, the lives of these young girls in  
11 particular, have been so damaged that it is possible, in  
12 some cases, their destruction is beyond repair. I hope not,  
13 but it is possible.

14 Why did it happen? What fearful, frightening  
15 forces interacted to produce eight deaths, eight senseless,  
16 eight insane killings? What forces produced these tragedies?  
17 What terrible thing, what terrible storm came down to tear  
18 up and blight the lives of not only these three girls here  
19 but all of the girls who lived at the Spahn Ranch and in  
20 the desert?

5-1

XXXX  
4a-1

1 I think we know, ladies and gentlemen. You have  
2 insight, I think you know.

3 You might wonder why we put some of the girls  
4 of the ranch on the witness stand, Squeaky, Brenda, Sandra,  
5 Gypsy.

6 Do you think it was just to tell you about  
7 life and times at the Spahn Ranch and in the desert?

8 You are not naive. The significance in their  
9 testimony lies, ladies and gentlemen, in what they did not  
10 say.

11 You were told by the girls of an idyllic  
12 existence where everyone loved everyone and everyone was  
13 taught to love themselves, and where everyone shared  
14 everything with each other, where there were no rules, no  
15 regulations, complete freedom, no restraints.

16 Everyone lived as they pleased. It was absolute  
17 liberty.

18 But there was no government, no organizational  
19 structure, no order.

20 Now, this sounds like an anarchy, doesn't it?

21 Well, it is. That is what was described to you,  
22 an anarchy.

23 Historically we know, ladies and gentlemen, that  
24 anarchies are very short lived, simply because people in  
25 a group cannot survive without a government, without  
26 organization.



XXXXX  
4a 2

1 Anarchies have been tried before in history and  
2 the leaders always rise to the top and take over either  
3 benevolently or dictatorially, as the case may be.

4 Now, the group living at the Spahn Ranch was  
5 its own community, its own little society, a microcosm,  
6 because of its integration, and because of its isolation.

7 As the doctors told you, it was a subculture.  
8 It survived, as I understand it, for approximately two years;  
9 maybe more.

10 It survived because it was a very cohesive group,  
11 a very solid group, and it survived for one reason, although  
12 this was not said, it must be the case otherwise the  
13 Family, as it has been called, would not have lasted, they  
14 would have disintegrated. But it didn't. This means, and  
15 this we know because of our understanding of history, that  
16 the girls who testified here and were part of that culture,  
17 could not have told us the whole story at the Spahn Ranch.

18 There must have been a leader. There had to be;  
19 there must have been a government; there must have been  
20 organization.

21 Why didn't they tell us the whole story? Is  
22 there some pervasive, frightening influence that has  
23 permeated what is left of the six minds of these witnesses  
24 that you saw here, already eaten away by the chronic use  
25 of LSD and other mind-changing drugs.

26 Look at Les, look at her, 14 or 15 when she

1 started on drugs.

2 Already a disturbed personality, schizoid, as  
3 Dr. Hochman told us.

4 I'm not quite sure which came first, the  
5 disturbed personality or the drug which created the  
6 disturbed personality. That is not too important. What  
7 is important is her ready acceptance of it, her continued  
8 chronic use of it.

9 The more she used it the more disturbed her  
10 personality became. It's a snowball effect.

11 The more her easy acceptance of the drug, LSD,  
12 the more any underlying personality problems she may have  
13 had were intensified, and it keeps altering her mind.

14 So, ladies and gentlemen, by the time Les  
15 arrives at the Spahn Ranch her mind, I suggest to you,  
16 was a vacuum, a vacuum for the intrusion of the devil.

17 She was vulnerable, malleable, suggestible,  
18 impressionable without any goals any more, living for today,  
19 living for good times.

20 She took nothing seriously.

21 Ladies and gentlemen, she was cannon fodder;  
22 she was not prepared for what was going to happen to her.  
23 She had no chance.

24 I wonder if any of us would have had any chance,  
25 but particularly Leslie, she was only 17 or 18 at the time.

26 I am not telling you -- I am not telling you

1 that Leslie was an angel when she started taking drugs.  
2 Something was the matter.

3 But we know this, we know the effect on her.  
4 We know the effect of chronic drug use on this adolescent  
5 girl.

6 In one word, it was devastating. You know it!

5a fls.

5a-

77

1           Why Leslie found it necessary in the first  
2 place to enter into the Netherland of the drug culture,  
3 perhaps we will never know with absolute precision. We  
4 have some insight.

5           We know her choice of boy friends perhaps leaves  
6 something to be desired: Bobby McKee, Bobby Beausoleil.

7           This is a tragedy in itself. But Leslie was  
8 drawn to these people, and this is Leslie.

9           And we should not find it at all difficult to  
10 conclude, ladies and gentlemen, that Leslie and other girls  
11 like her, the girls here in this court, stopped their mental  
12 and emotional growth through the heavy use of drugs.

13           This is what LSD does. We know this. Nobody  
14 disputes it. It destroys your values; it destroys your  
15 goals, solid goals, goals that you and I see.

16           You have no values left; you have no goals.  
17 This is the terror of the drug.

18           I suggest to you, ladies and gentlemen, that not  
19 only was Leslie's mental and emotional growth stopped, it  
20 regressed. The clock is turned back and you see before you  
21 now a little child to whom nothing is very serious any  
22 more, and she lives for today, not yesterday or tomorrow,  
23 but today, like a little child, with the heart-rending  
24 differences, Leslie and Sadie and Katie, they are not  
25 chronologically little children any more. They are not  
26 physically little children any more.

1           And at the Spahn Ranch, ladies and gentlemen, there  
2 was none of the restraints and discipline imposed on a  
3 child by its parents.

4           To the contrary, all restraints were removed,  
5 not only by the drugs themselves but by the very motif of  
6 life at the Spahn Ranch and in the desert.

7           Leslie was free to do as she pleased. She was  
8 in a milieu -- she was in a society, in a group that  
9 encouraged pretense, magical mystery tours, instead of  
10 facing reality.

11           What chance did she have? What do you expect,  
12 ladies and gentlemen? Something terrible was bound to  
13 happen to Leslie. She was a natural for it. She was  
14 effervescent, vibrant, always getting into things.

15           A little child, her thought content, her self-  
16 discipline, her sense of rightness and wrongness.

17           I wonder if she has an emotional age now of  
18 even ten years old.

19           Yet, ladies and gentlemen, think about this: If  
20 she were chronologically 17, she would not be eligible for  
21 the death penalty.

22           She was 19 -- 19 chronologically when this  
23 happened. Maybe she was -- it's frightening to realize --  
24 frightening to realize how young she really was, how  
25 immature she really was, how emotionally disturbed she  
26 really was.

1 I don't think she was even 10!

2 Dr. Hochman told you that we all -- we all  
3 make our own decisions; that Leslie made her own choice.

4 I suppose this is a valid observation, ladies  
5 and gentlemen, but look who is making the decision, look!  
6 A mindless child, deceived into believing that life at the  
7 Spahn Ranch was beautiful, and to her it was.

8 But she was being used, used, ladies and  
9 gentlemen, viciously so and malevolently so, a sacrificial  
10 lamb, ladies and gentlemen, no adjective is really adequate  
11 to describe the horror of it, the incomprehensibility of it,  
12 but it happened.

13 And it should make us weep to view the virtual  
14 destruction of a lovely young girl before your eyes.

15 Killing her is the last thing we should want to  
16 do, I would like you to have sympathy for her; it would  
17 be nice. But if you don't, please understand her.

18 Let's try to help Leslie, not kill her. The  
19 total evil and hate camouflage this total love. Vengeance  
20 described as social injustice; arrogance masquerading as  
21 benevolence; total immorality fobbed off as total freedom.

22 What chance did Leslie have?

23 As Dr. Hochman told you, her search ended at the  
24 Spahn Ranch. Her search for what she wants and what she  
25 was looking for ended there.

26 I am sure she truly believed that she found love

1 and understanding and freedom there, but we know what she  
2 actually found. She might as well have fallen in a swamp  
3 filled with alligators.

4 This is what she actually found. We know this.  
5 She was taken in. She was totally incapable of under-  
6 standing what was happening to her.

7 Yes, she made a decision. Some kind of a  
8 decision!

9 She alienated herself from society, and was  
10 alienated against society, according to the doctors.

11 But how could she, by then a little girl, a  
12 child, withstand the pressures that were thrust upon her?  
13 No way. There were no contradictory influences or forces,  
14 none. This was a culture that had dropped out. All of its  
15 members had dropped out. It was isolated.

16 How could she be influenced to lead a normal  
17 good life?

18 So when the ultimate horror came about, whom are  
19 we dealing with, ladies and gentlemen? Whom are we  
20 talking about, a hard-bitten professional killer, a monster?  
21 We are talking about a little girl, and a very sick little  
22 girl at that.

23 Do we kill little children, ladies and gentlemen,  
24 no matter how abnormal they may be? You have been told in  
25 psychiatric terms that her personality structure is now  
26 and has been for many, many years severely disordered.

1 In our lay terms I submit to you, ladies and  
2 gentlemen, that her personality structure has been systemati-  
3 cally destroyed. You can see it, and I think you can under-  
4 stand it.

5 Mr. Bugliosi alluded to her testimony along with  
6 the other witnesses as shameful and disgraceful.

7 I don't think Mr. Bugliosi really down deep  
8 means that. I think he knows better.



6-1

1 I think he knows better. He understands. I  
2 know he understands, because her testimony is understandable,  
3 when we take into account, when we consider the frightening,  
4 diabolic juxtaposition of circumstances that persist to this  
5 day, that has pervaded this courtroom.

6 Mr. Bugliosi knows this. He knows it.

7 He doesn't say it to you. He doesn't want to  
8 even intimate any expression of sympathy towards Leslie.

9 MR. BUGLIOSI: Your Honor, I object. He is implying  
10 to the jury that I am sympathetic towards Leslie Van Houten.

11 There is no evidence of this from which he can  
12 draw that inference.

13 MR. KEITH: I didn't say that.

14 MR. BUGLIOSI: He is drawing an inference and there  
15 is no evidence to draw an inference. He is drawing an  
16 inference in a vacuum.

17 He is drawing a strong inference, your Honor,  
18 and I object to it.

19 THE COURT: Continue, Mr. Keith.

20 MR. KEITH: Thank you, your Honor.

21 No, Mr. Bugliosi knows what has been going on.  
22 Leslie's testimony was not shameful, it was not disgraceful,  
23 because it came from the lips of a very frightened and a  
24 very pathetic little girl.

25 Try to understand, please, ladies and gentlemen.  
26 Mr. Bugliosi does.

6-2

1                   Of course Leslie shows no remorse. Of course  
2 she shows no pangs of conscience. Her present psyche won't  
3 let her. Her feelings, her beliefs that she was brought up  
4 with, have been shaped, blunted and crushed by drugs, by  
5 the Spahn Ranch, and by the people there. How can she show  
6 remorse?

7                   She says "What is done is done and I can't  
8 undo it," "Why should I feel badly?" "One should never  
9 feel badly about what is past." "Live for today, the  
10 moment; no regrets for what has gone by." "Sorry is just  
11 a five-letter word."

12                  An infantile philosophy? Of course it is. But  
13 you are talking about someone who is little more than an  
14 infant.

15                  She has been conditioned like a soldier in  
16 battle. Soldiers, sailors, fliers who kill are conditioned  
17 to do so. They intend to do what they do and they do it.  
18 They don't show remorse. Fliers who drop bombs and kill  
19 hundreds and hundreds of people seldom, if ever, show  
20 remorse.

21                  There are many reasons. One is the depersonaliza-  
22 tion of the enemy, just as LSD depersonalizes people, turns  
23 them into objects.

24                  Sometimes it is exciting, there is a thrill  
25 about it.

26                  It is very similar, a very similar experience to

6-3

1 what happened in this case.

2 I know what I am talking about. I have done it.  
3 I have no remorse. This is what happened to her. You know  
4 it. I know it, Mr. Bugliosi knows it.

6a fls.

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6a-1

1 This isn't the real Leslie that you see before  
2 you in this court. This is a caricature of that homecoming  
3 princess seven or eight years ago, a pathetic, forlorn  
4 caricature, and probably one very much afraid.

5 Oh, I am not saying that Leslie isn't partly to  
6 blame. I can't say that in good conscience.

7 I don't really know what happened, but nobody  
8 forced her to drop that first acid pill at the point of a  
9 gun. But once she got started and once she accepted it,  
10 she was gone.

11 As we know, the drug's effect is intensified in  
12 adolescents and young people, and people with underlying  
13 emotional problems. So, LSD, in her, took hold much faster  
14 and with far more intensity than it would if we tried it.

15 She didn't want to stop, and we must say that  
16 she is partly to blame for this, but then it got out of  
17 control, and I submit to you, ladies and gentlemen, she was  
18 powerless to stop.

19 And there was nobody to help her. Her parents  
20 didn't know. And what did those that did know do? They  
21 fostered -- they fostered, ladies and gentlemen -- they  
22 encouraged, because she was in that type of society, her  
23 heavy use and dependency on the drug.

24 I understand that LSD is not addictive, but one  
25 can become dependent, psychologically dependent. And this  
26 is Leslie.

1 Oh, I am not trying to say, ladies and  
2 gentlemen, that some of the blame for this should not be  
3 attached to Leslie, because she started herself, apparently,  
4 on this downhill path. But when she most needed help, just  
5 the contrary happened. When it got out of control, nobody  
6 was there.

7 This is what is so frightening about this case.  
8 There was no one she could turn to.

9 She didn't want to turn to anybody, that is  
10 true. So perhaps the phrase "there was no one to turn to"  
11 is erroneous in a sense. But there was no opportunity for  
12 her. None. Nothing.

13 I don't want any of you to think -- and you  
14 might think by the way I have just been talking -- that I  
15 don't like Leslie.

16 To the contrary, my heart goes out to her. I  
17 am very, very fond of Leslie, and I decry, I am sick about  
18 what has happened. I am bitter. I am very bitter over  
19 some of the things that have happened in this courtroom.

20 And if you were at all perceptive, ladies and  
21 gentlemen -- and I know you all are -- I think you know what  
22 I mean. I think you know what I am talking about.

23 This courtroom, to use one of Mr. Kanarek's  
24 expressions, is something like an iceberg, and underneath the  
25 surface, I suspect, ladies and gentlemen, there are forces  
26 that loom as large as the submerged portion of that iceberg,

the analogy that Mr. Kanarek has used.

6b-1  
1 I hate it because Leslie, my client, has been  
2 hurt by it. But the force is so strong, so powerful, so  
3 terrifying, that I am powerless, I am powerless.

4 And the evil I am talking about, ladies and  
5 gentlemen, is not in Leslie. It is not in Leslie. She is  
6 the victim of it. She is a true victim, just as the  
7 La Blancas were. And in her mental state she is powerless  
8 to overcome it, to cast it aside. She is like a rag doll  
9 now, ladies and gentlemen.

10 She really needs help now, and I ask you to give  
11 it to her.

12 I have used the analogy of war. For Leslie the  
13 war is over, except she won't go home. She did not survive  
14 her war.

15 Why kill her, ladies and gentlemen? It has  
16 already been done.

17 But maybe, just maybe, there is a spark left  
18 somewhere down deep.

19 In her unconscious mind, if we can use a  
20 psychiatric term, with intensive help, with intensive  
21 treatment, her soul, her soul, whatever is left of it, can  
22 be nurtured and will grow, and some day in the future she  
23 will live again, if you give her the chance.

24 Do you want to kill somebody, ladies and  
25 gentlemen? Do you want to kill someone who some day may be  
26 a useful, responsible person, as she was?

1 Do you want to kill someone, ladies and gentlemen,  
2 who has the emotions, the thought content, the social values  
3 of a little child, whose soul has withered? Or do you want  
4 to give her the chance to live again?

5 This is what she is entitled to.

6 Death for Leslie, ladies and gentlemen, will  
7 deprive all of us of a very fascinating lovely girl, not a  
8 monster.

9 A mutation in the dictionary sense, yes, because  
10 she has changed and changed terribly. But you are killing a  
11 child. She shouldn't be killed. She should be observed,  
12 studied, examined, treated. Not murdered.

13 I know she killed somebody. And if it could  
14 bring Mrs. La Bianca back to life by killing Leslie,  
15 then her death might have some validity.

16 But Mrs. La Bianca will not be brought back by  
17 Leslie's death. Two wrongs, ladies and gentlemen, are not  
18 going to make a right.

19 The death penalty for Leslie has no validity  
20 in this case. It is barbaric, atavistic; it makes murderers  
21 out of us -- and I include myself, because if Leslie's  
22 penalty is death, I will have failed her, I will have failed  
23 her miserably, and I will have contributed to her death.



6c-1

1 If you kill Leslie, ladies and gentlemen, your  
2 only purpose, your only purpose, will be to exact the  
3 ultimate retribution.

4 Retribution means punishment. Punishment, in  
5 our society of today, is reserved only in a small place of  
6 modern penology. The primary theme of penology today is  
7 rehabilitation. We know this. Isolation and rehabilitation.

8 Obviously, the death penalty denies the victim  
9 thereof the opportunity to be rehabilitated. And therefore,  
10 the death penalty in this case is anachronistic. In Leslie's  
11 case in particular, because of her youth, because of her  
12 emotional age. It is medieval.

13 Mr. Bugliosi tells you that if the death penalty  
14 is not appropriate in this case it would never be appropriate.

15 Well, I wonder if it ever is appropriate?  
16 Particularly in this case.

17 What does it do to us? It makes killers out of  
18 us all, out of responsible citizens. It makes us play at  
19 being God.

20 This is not for us. What social benefit, what  
21 benefit to any of us, to society at large, can be derived  
22 from Leslie's death?

23 Think about it, ladies and gentlemen. How will  
24 our lives be better by doing this awful thing, putting a  
25 little girl to death?

26 Isn't this what we try to do in our lives, to



1 help ourselves and to help others?

2 The only thing we can accomplish by killing  
3 these defendants is to demean ourselves. We are not  
4 structured to kill. This isn't in our thought processes,  
5 our thought content.

6 As I said at the outset, our whole lives are  
7 devoted, in one way or another, regardless of what we do,  
8 to preserving life, to bettering it, to making us happy.

7 fls.

7-1

1           What benefit can we accomplish by killing  
2 Leslie? Think about it! There is none. You cannot  
3 reach any other answer.

4           By killing her we don't give her a chance.  
5 We don't give our society a very rare opportunity, and this  
6 is not a very emotional thought, but it is a very purposeful,  
7 reasonable conclusion.

8           We have been given a very rare opportunity for  
9 doctors and psychiatrists to study these girls so this won't  
10 happen again, to find out the answers.

11           This is what we need to know. Yet, by killing  
12 Leslie we will be deprived of the very real benefits of such  
13 a study, and it should be made, it should be done.

14           Psychiatrists have been here, they testified  
15 and they have offered you very perceptive explanations for  
16 Leslie's complicity.

17           But I really don't think, ladies and gentlemen,  
18 that the whole truth will be known until long after these  
19 defendants are separated from each other.

20           Ties exist now, and don't you not believe it,  
21 ties exist now that militate against us knowing all the  
22 answers, but they should be known.

23           Psychiatry tells us that Leslie could have said  
24 no if she had wanted to. She had that bare, naked power.

25           The question is, ladies and gentlemen, why did  
26 she say yes?

1 The psychiatric answer lies no doubt in a multi-  
2 tude of complex and interacting forces. But I think we  
3 have a pretty good idea why she said yes.

4 I think we can say with moral certainty that  
5 everything good and fine and solid in Leslie has been  
6 systematically destroyed. Her power to say no, I say to  
7 you, ladies and gentlemen, was diminished to virtually  
8 incapacity.

9 No, ladies and gentlemen, was not a very  
10 frequent word, was it, at the Spahn Ranch? Whoever said  
11 no there -- yes was the password, yes, let's do it.

12 What chance did she have to say no? Little or  
13 none.

14 Let her live, ladies and gentlemen. I am not  
15 asking you to forgive her, although to forgive is divine.  
16 I am asking you to give her the chance she deserves to  
17 redeem herself. She deserves to live.

18 What she did was not done by the real Leslie,  
19 ladies and gentlemen. Let the Leslie of today die; she will,  
20 slowly and maybe painfully, but she will die, and let  
21 Leslie as she was live again.

22 I thank you.

23 THE COURT: We will take a recess at this time,  
24 ladies and gentlemen.

25 Remember the admonition,

26 The Court will recess for 15 minutes.

(Recess.)

7a-1

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

3 Mr. Fitzgerald, you may argue.

4 MR. FITZGERALD: Your Honor, ladies and gentlemen of  
5 the jury.

6 It has been a long trial and we are at the end.  
7 I will try to be as brief and as germane as I possibly can.

8 I will try to answer the questions you must have  
9 in your mind.

10 As the other attorneys have pointed out, the  
11 question here is a very simple one. We are not here talking  
12 about Linda Kasabian any more, Tex Watson. The question  
13 here is life or death, and, as other counsel have also  
14 indicated, this is the most important decision you will  
15 ever in your life be required to make.

16 It is going to be within your sole and absolute  
17 discretion to decree either life or death, and in that  
18 respect you have more power than many people throughout  
19 history.

20 You have the power of a Roman Emperor; you can  
21 put your thumb up or you can put your thumb down, and when I  
22 say you have the discretion, I mean that, I mean you. I  
23 mean each one of you. I mean each one of you individually,  
24 each one of you is a jury all to yourself.

25 Each one of you individually must decide, and  
26 no one can die without your individual vote.

7a-2

1 The lives of these defendants actually rest in  
2 your hands, each one of you individually, without your  
3 individual vote no one can die.

4 Now, the warden at San Quentin who pulls the  
5 lever that drops the cyanide pellets into a pail of  
6 sulphuric acid that chokes the life out of a human being  
7 is only performing an administrative task.

8 It is you who must make the decision. It is you  
9 who must assume that awesome responsibility.

10 And as Mr. Bugliosi predicted when he talked to  
11 you, I'm going to ask you for life.

12 The District Attorney argued for death. I'm  
13 going to argue for life.

14 He represents death, as it were. I represent  
15 life.

16 And I am going to ask you in your benevolent  
17 mercy to spare the lives of these human beings, and I'm  
18 going to beg you to spare all of their lives.

19 Now, I have thought about this very carefully  
20 and I am the lawyer for Patricia Krenwinkel and representing  
21 her. I ought perhaps to urge the death of others so that  
22 she might live. That I cannot do.

23 I cannot ask for her life, and somebody else's  
24 death.

25 If you find it necessary to kill someone in this  
26 case in order that other people might live, take the life of

1 Patricia Krenwinkel.

2 Now, in talking to you about life or death,  
3 it is very difficult, as Mr. Keith said, to talk to you.  
4 The task is as awesome as it is intimidating, and it is  
5 not a job for lawyers.

6 We don't have any special training. Perhaps there  
7 should be a theologian here talking to you or a philosopher  
8 or a poet, somebody who knows far more about life and death  
9 than I do.

10 Punishment is not a proper adversary subject,  
11 but one that calls for humanity, wisdom and knowledge rather  
12 than the talents of opinionated advocacy.

13 Lawyers have argued on every side of every  
14 issue, and I suggest that a much more safe source of  
15 information and advice is your conscience and your heart.

16 You are going to be instructed by the Court  
17 that you are entirely free to act according to your judgment,  
18 your absolute discretion and your conscience.

19 You may choose between stern retribution or the  
20 exercise of pity.

21 You may properly display clemency and sympathy;  
22 you may properly consider the age of the defendant, the sex  
23 of the defendant, the effect of the penalty on the family  
24 of the defendant, the early life of the defendant, anything.

25 You can give the gift of life for any reason  
26 whatsoever.

1 But before I make some observations on life, let  
2 me please make some observations about death.

3 The District Attorney has asked for the death  
4 penalty, therefore, you should follow his wishes, we are  
5 told.

6 The District Attorney would ask for whatever he  
7 thought would further his political ambitions. One day we  
8 will select or appoint a distinguished attorney to the  
9 position rather than elect one as the result of a political  
10 campaign.

11 It is the District Attorney himself, we are told,  
12 the elected official who ultimately determines whether or  
13 not the District Attorney will ask for the death penalty.

8 fls.

8-1

1 It is not the staff or it is not the Civil  
2 Service deputies. Don't be swayed by what you are told by  
3 some elected official. Follow your heart and your conscience,  
4 your religion and your philosophy. It is you, not the D.A.,  
5 that must decide. It is you that must live with that  
6 decision.

7 The District Attorney has also argued that these  
8 murders are bloody and they are horrible. All murders are  
9 bloody and all murders are horrible. Murder is not made  
10 less bloody and less horrible because we murder the murderer.

11 There is also an idea here, a thought, that  
12 death is equal to life. That the penalties are equal in the  
13 eyes of the law. That the law prefers not life over death.  
14 That the two are equal in the eyes of the law.

15 The word justice has also been mentioned.  
16 History is replete with what we have done in the name of  
17 justice and what we have done legally.

18 We have beheaded people, burned them, boiled  
19 them alive, buried them alive, stoned them, skinned them,  
20 starved them, chopped them in two, had them eaten by wild  
21 animals, we have crucified them,

22 And all of this in the name of justice. It was  
23 all legal.

24 There was a period in the history of Western  
25 Civilization when we actually put religious persons into  
26 courts and not only made what we did legal, but religiously



1 proper as well.

2           There are some blatant examples throughout  
3 history. In, I believe it was 1814, a czar, Peter I  
4 of Russia, executed 8000 men because he passed a law that men  
5 could not wear beards, and those who did not follow the  
6 law were executed.

7           In 1807, a judge in England ordered the public  
8 hanging of a seven-year-old girl convicted of theft.

9           There was a time when pigs, horses and cattle  
10 were tried and executed for murder. It was the law of the  
11 state.

12           There was a judgment of a court in England in  
13 1812 -- not four or five hundred years ago, a short time ago  
14 in terms of the history of humanity -- and the judgment of  
15 that court is as follows:

16           "That you, and each of you, be taken  
17 to the place from whence you came, and from thence  
18 to be drawn upon a hurdle to the place of  
19 execution, where you shall be hanged by the neck,  
20 not until dead; that you be severably taken down  
21 while yet alive and your bowels to be taken out  
22 and burned before your faces; that your heads  
23 be then cut off, and your bodies be cut into  
24 four quarters, to be at the King's disposal, and  
25 may God have mercy on your souls."

26

8a  
1 That is a very legal and official judgment of a  
2 court condemning to death a man that was convicted of one of  
3 the 200-odd offenses punishable by death in Great Britain.

4 And the gas chamber in California is as legal  
5 as the firing squad, but it is only just as legal as those  
6 instruments of man's brutality to man are legal, and to say  
7 something is legal doesn't necessarily make it right, and  
8 I am sure you are aware of that.

9 Don't impose some relic of savagery in the name  
10 of justice.

11 There is a substantial body of responsible  
12 opinion in this community and in this country that no person,  
13 no human being should be killed by the State. And you may  
14 give these defendants life because you feel that no human  
15 being should die. You would need only to witness one legal  
16 execution to arrive at that position.

17 There were many prospective jurors excluded from  
18 serving on this jury because they had a conscientious  
19 objection to the imposition of the death penalty in any case.  
20 These conscientious objections were based on moral and  
21 religious principles. These prospective jurors were not  
22 all sentimental do-gooders. These prospective jurors didn't  
23 lack character. These prospective jurors were not softies.

24 The death penalty does not exist in 93 countries  
25 in the world nor is it the law in 13 states, including,  
26 except in very limited circumstances, the State of New York.

1 It does not exist in Europe except for France. It doesn't  
2 exist in countries with the most human experience.

3 Fifty per cent of the population is opposed to capital  
4 punishment.

5 MR. BUGLIOSI: Your Honor, this is improper argument.

6 THE COURT: Sustained.

7 MR. BUGLIOSI: I would ask the Court to admonish the  
8 jury.

9 MR. FITZGERALD: I think I can make it clear.

10 THE COURT: All right.

11 MR. FITZGERALD: I am not trying to tell you that the  
12 death penalty is an improper penalty. I am only suggesting  
13 to you reasons why you can give these defendants or any  
14 defendant life.

15 One of those reasons might be because you do not  
16 believe that any person, regardless of the crime, regardless  
17 of the horror, should be executed.

18 And it is only in that respect that I am offering  
19 you these observations.

20 The death penalty is unequally applied. Whether  
21 someone is sentenced to death depends upon the state in which  
22 someone is convicted.

23 MR. BUGLIOSI: This is improper argument, your Honor.

24 THE COURT: Counsel approach the bench.

25 (Whereupon all counsel approach the bench and  
26 the following proceedings occur in open court outside the

1 presence and hearing of the jury:)

2 THE COURT: Mr. Fitzgerald, you know the law as well  
3 as I do.

4 MR. FITZGERALD: I sure do, your Honor, and it is  
5 proper argument.

6 And for the Supreme Court, if you want to  
7 preclude me, I would like to read into the record what I  
8 want to state.

9 I want to make an offer of proof. May I?

10 THE COURT: Go ahead.

11 MR. FITZGERALD: The death penalty is unequally  
12 applied. Whether someone is sentenced to death depends upon  
13 the state in which someone is convicted --

14 THE COURT: If you are going to read it so that I can  
15 hear it, read it a little bit slower.

8b

8b-1

1 MR. FITZGERALD: The death penalty, I think, is  
2 unequally applied. It depends upon the state in which  
3 someone is convicted, frequently the country. It depends  
4 upon whether the District Attorney asks for it. It  
5 depends upon whether a deal has been made.

6 THE COURT: Let's understand each other.

7 I don't want you to read your entire argument  
8 into the record at this point.

9 What we are talking about is what you have  
10 already said, not what you are going to say.

11 I think your argument with respect to the  
12 matters as to which objection was interposed was improper.  
13 I think you know that. You have been around a long time.

14 MR. FITZGERALD: Sure I have, and I have read the  
15 cases. I have read Love and I have read Shipp.

16 What I am doing is perfectly permissible.

17 I don't know how to do it otherwise. If you  
18 are going to foreclose me?

19 THE COURT: I am not foreclosing you from anything.  
20 I am sustaining an objection.

21 Let's proceed.

22 MR. KANAREK: Let the record reflect that I am joining  
23 in Mr. Fitzgerald's opinion and comments and argument.

24 MR. BUGLIOSI: Could the Court admonish the jury to  
25 disregard those last comments? You haven't done that.

26 THE COURT: No, I am not going to. We are going to

8b-2

1 proceed.

2 (Whereupon all counsel return to their respec-  
3 tive places at counsel table and the following proceedings  
4 occur in open court within the presence and hearing of the  
5 jury.)

6 MR. FITZGERALD: It is also argued that the death  
7 penalty is necessary. The defendants killed, therefore they  
8 must die. Actually, they killed seven persons, so certainly  
9 they must die. Wreak your vengeance, retaliation and  
10 revenge upon these defendants. An eye for an eye and a  
11 tooth for a tooth. These defendants killed, therefore  
12 they must die.

13 If a man destroys the eye of another man, they  
14 shall destroy his eye. If a man knocks out a tooth of a  
15 man of his same rank, they shall knock out his tooth.

16 That is from the Code of Hammurabi promulgated  
17 in 1750 B.C. That's 4000 years ago.

18 One would hope that since that time we have  
19 progressed. But the argument persists. They killed, why  
20 shouldn't we, the State, kill.

21 Well, I would hate to live in a state that I  
22 didn't think was better than a murderer. Don't condone the  
23 very crime we seek to punish. If it is to be an eye for an  
24 eye and a tooth for a tooth, this will soon be a blind and  
25 toothless world. And killings will not help anyone.

26 The death penalty is irrevocable. It presumes

1 the infallibility of human judgment.

2 You have convicted the defendants beyond a  
3 reasonable doubt. But before someone is put to death, you  
4 ought to be absolutely certain of guilt; absolutely certain  
5 of the facts and circumstances surrounding the commission of  
6 the offenses, and absolutely certain of the motive and  
7 purposes.

8 You should be certain who Patricia Krenwinkel  
9 killed and why.

10 Are you certain what was going on in the minds  
11 of the defendants at the time of the offenses?

12 If at some later date information, evidence,  
13 or data should be obtained concerning the defendants'  
14 mental state, or information concerning the offenses should  
15 be obtained, it will be no good if she is dead.

16 In everything relating to human affairs, there  
17 is possible and even probable error, mistakes and doubt.  
18 But death is certain and final. It admits of no possible  
19 doubt or mistake.

9 fls.



9-1

1 You must not only be certain that they did  
2 commit these offenses, but you must be convinced as to  
3 their actual participation and the degree of their  
4 culpability.

5 It is difficult to determine whether these  
6 defendants have been convicted of first-degree murder  
7 because of premeditation, deliberation and malice afore-  
8 thought.

9 I was not, of course, a party to your deliber-  
10 ations, but if they were, premeditation, deliberation and  
11 malice aforethought indicate a clear, rational and  
12 deliberate mental state.

13 Are you able to get inside the minds of these  
14 defendants? Are you able to get inside their minds and say  
15 that they willfully and deliberately committed these  
16 murders, rather than committing these offenses as the result  
17 of some compulsion, or as the result of some demented mental  
18 process, or as the result of some psychosis, some schizoid  
19 personality, some schizophrenia, some distorted personality  
20 structure?

21 Are you able to determine the causative factors  
22 underlying the crime? Do you know the basic answers to the  
23 questions why and how?

24 You must be sure before you can impose this  
25 irrevocable penalty. There is no turning back.

26 Patricia Krenwinkel is 23 years old. With 365



1 days in the year, there are approximately 8,400 days in  
2 23 years, and approximately 200,000 hours in her lifetime.

3 The perpetration of these offenses took at best  
4 approximately three hours.

5 Is she to be judged solely on what occurred  
6 during three of 200,000 hours of her lifetime? In  
7 assessing whether she is a fit human being, shouldn't we  
8 evaluate and judge that entire lifetime?

9 In determining whether she ought to live or  
10 die, it is her entire life that is important. You must look  
11 at her as a whole being and determine if she is fit to live.

12 Her parents testified about Patricia  
13 Krenwinkel's early life. There are also exhibits that have  
14 been received into evidence relative to her early life.

15 She was a girl from a good home, with good  
16 parents, with a good education, with good opportunities;  
17 a girl who, according to the witnesses, had love, affection,  
18 respect and trust.

19 She was a girl who was responsible, trustworthy  
20 and dependable, a girl who was gentle, hard working, who  
21 liked animals, helped her parents; a girl who presented no  
22 problems. No problems to her parents, no problems at  
23 school, no problems with the authorities. She was a girl  
24 who never so much as received a traffic citation.

25 A girl who, throughout her life, has been  
26 religious, who went to church, sang in the choir, taught

1 other children religion.

2 John, her father, described her as an  
3 exceedingly normal child. She liked to play, she could  
4 entertain herself. She liked to go to the beach; she liked  
5 to swim; she belonged to the normal childhood organizations.  
6 She was a Bluebird, Campfire Girl, all those  
7 activities.

8 She had numerous pets. She got along well with  
9 other children. She got along well with her parents. She  
10 got along well with her classmates. She got along with her  
11 sister.

12 She worked hard in school and she worked hard  
13 out of school.

14 She was never hostile or angry. She never fought.  
15 She was never cruel to animals. She was never cruel to  
16 other children.

17 She was never seen to be physically violent;  
18 she was not a person with a quick temper, not a person with  
19 a violent temper. She was kind and considerate to her  
20 parents. She liked books; she liked music.

21 People believed in her and people cared for  
22 her.

23 Since her arrest her mother has received letters  
24 from teachers, friends, ministers and all the people that  
25 knew them saying that if they could, they would help.

26 She was a clean child. Her mother described

1 her as immaculate. "She liked cleanliness of mind, of body,  
2 of home, everything."

3 Look at these report cards.

4 Look at these class pictures.

5 Look at these photographs, and look at these  
6 citations.

7 Look at the letters she wrote to her parents.

8 This is a picture of a normal child. Maybe  
9 even a model child, perhaps even an exemplary child.

10 It is the picture of thousands of children here  
11 in Los Angeles or Philadelphia or Mason City, Iowa, for  
12 that matter.

13 Her early childhood is certainly no different  
14 than the childhood of my daughters, or your daughters or  
15 their daughters (indicating audience.)

16 I cannot tell you how mine are different or  
17 theirs are any different. The report cards look the same;  
18 the class pictures look the same, the photographs and  
19 citations and little memorabilia of childhood, they are  
20 all the same.

9a

21

22

23

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26

9a-1

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What made this child commit murder? What made this model child kill?

You cannot catapult her into death without knowing. Was she a born killer?

Was she some sort of a bad seed?

Was she a genetic misfit? Was she predestined to kill?

If she was, if we believe that, how can she be as responsible as those who are allowed to exercise their own free will.

Did she become demented? Was she crazy, insane, psychotic, disturbed, psychopathic? What happened?

Was she able to deliberately and intentionally take life? Did she have the mental capacity to meaningfully and maturely reflect upon the gravity of her acts?

To what extent could she reflect, and to what extent could she weigh?

Was she sufficiently endowed to be presumed to have assumed the risk of her acts? For 19 years of her life she was a normal kid, a decent kid. From 1947 to 1967 at least she was a model child.

Then she killed, or she was present when others killed.

What happened? What happened to this girl?

Would you have predicted from what you knew about her that she would commit murder?

9a-2

1 Was there anything about her background that  
2 you could point to and say "This is it"?

3 What changed this young woman?

4 One September day in 1967 this model child left  
5 her home, with her car parked across the street, with her  
6 paycheck unclaimed. She left quickly and she left impul-  
7 sively.

8 She got on a bus and drove down a one-way road  
9 to madness; a one-way road to a demented perverse land of  
10 Alice in Wonderland where reality was fantasy and fantasy  
11 reality; where love was hate and hate was love; a world of  
12 hallucinations and delusions, a world of terror and panic,  
13 a land of some gruesome fairy tale.

14 When you became a juror you did not abandon  
15 your common sense. We don't need psychiatrists to know  
16 that something happened; that something went wrong; that  
17 something went terribly terribly wrong.

18 How many people have you heard say that those  
19 Manson people must be crazy?

20 How many people have you heard say that they are  
21 insane?

22 How many people have you heard say that people  
23 who did something like this must be out of their mind?

24 Who stabs people this number of times for no  
25 reason? This is surely a senseless crime, as senseless as  
26 has ever been committed, certainly as senseless as Leopold

9a-3

1 and Loeb.

2 How did she become crazy? Was it the insanity  
3 of LSD? Was it some preexisting mental illness? These  
4 offenses are not excusable, but they might be understand-  
5 able.

6 Now, LSD is legally classified as a dangerous  
7 drug. Its sale, transportation and use has been outlawed  
8 in every state and by the federal government.

9 LSD has been the subject of numerous newspaper,  
10 magazine, periodical, radio and TV reports; the subject of  
11 numerous articles in scientific journals; the subject of  
12 debate in every Legislature in America, including the  
13 United States Senate and the House of Representatives.

14 And it is against the law because it is  
15 dangerous. There is no generally approved medical use and  
16 there is no legal source for the drug.

17 Testimony has indicated that the chemical purity  
18 and dosage of the illicit drug are uncertain. The drug has  
19 been known to be cut with strychnine and methamphetamine.

20 The dosage, according to Dr. Ditman, of street  
21 LSD varies from 80 to 1000 micrograms, whereas the medical  
22 dosage is 25 to 250 micrograms with purity established.

23 The effect of the drug as set out in the charts  
24 behind me, for the chronic user or heavy user are distor-  
25 tions of time, body, image, perception, thought, mood and  
26 behavior.

9a-4

1 The drug is classified as a hallucinogenic  
2 because one of its common effects is hallucinations.  
3 These hallucinations are frequently terrifying and unpleasant.

4 In many instances hallucinations cause fear and  
5 panic and can overwhelm the individual.

6 Delusions or false beliefs can cause fear and  
7 panic and are also terrifying on occasion.

8 LSD produces bizarre ideation including ideas  
9 of persecution. It distorts judgment, thinking and rational  
10 thought processes.

11 Under the influence of the drug, these processes  
12 are impaired. The LSD user cannot think in an ordinary  
13 logical sequence.

14 To quote Dr. Tweed:

15 "The ability of an individual under the  
16 influence to weigh the pros and cons of any  
17 particular situation is impaired."

18 Under the influence of the drug one is less  
19 responsible for one's actions and activities:

20 "Q (Of Dr. Tweed) Would the LSD user be  
21 less responsible for his or her judgmental activities  
22 than the non-user?

23 "A Under the influence of LSD she would  
24 certainly be less responsible in the sense that  
25 she would be responding to things with this impaired  
26 judgment."

9b fls.



9A-1

Users also display homicidal and suicidal urges:

"Q (To Dr. Tweed) Is that what you are referring to when you talk about a suicidal urge?

"A Yes, and also they may perform homicidal acts while under the influence of LSD (Page 2,968)

"Q Could you elaborate on that portion of your answer where you refer to homicidal acts while under the influence of LSD?

"A Well, I was thinking of a situation of an 18-year-old boy that I had examined for the court, who was hearing voices which told him he had to kill his mother and his grandmother in order to save the world, and he did just that.

"Q Was that attributable to the use of the hallucinogenic drug?

"A To the use of the hallucinogenic drug at that time and the hallucinations that he was experiencing which were very real to him."

The user also feels an enhanced sense of belonging to other drug users -- a feeling of brotherhood and love. A sense of religious consciousness with mystical overtones is often present.

The religious -- mystical feeling is profound



1 and influential.

2 Abstract metaphysical beliefs are espoused and a  
3 certain philosophical naivete is noted.

4 The beliefs adhered to are irrational and foolish.  
5 A preoccupation with fantasy is also present in the chronic  
6 user and the distinction between fantasy and reality is  
7 distorted.

8 The user is detached, impulsive and confused.

9 Testimony by all the psychiatrists here indicates  
10 that the user is highly suggestible, malleable and subject  
11 to influence.

12 Dependent individuals are even more susceptible  
13 to influence and suggestibility. LSD also frequently  
14 changes the personality itself, often with disastrous  
15 results.

16 The effects vary widely and the single most  
17 important determinant is the underlying personality of the  
18 user.

19 Dr. Ditman stated that the pre-existing  
20 personality difficulties accentuate the likelihood of some  
21 disastrous untoward reaction. He stated the medical  
22 literature in the field contains numerous reports of adverse  
23 and often catastrophic effects of the drug, particularly  
24 among those with pre-existing severe pathological conditions.

25 Numerous cases have been reported in recent  
26 years concerning the prolonged psychotic reactions from

1 LSD.

2 Dr. Fort also indicated the untoward or ill  
3 effects of the drug are likely to be increased when used  
4 by a person who is severely emotionally disorganized in  
5 terms of his or her personality.

6 Specifically he stated:

7 "I would say that that would be the single  
8 most important variable. The underlying personality,  
9 character, moods, attitudes and expectation of the user  
10 are the main variable in that kind of drug experience,  
11 particularly with a drug like LSD.

12 "And if you are unstable, immature,  
13 depressed, or whatever, you are far more likely  
14 to have a very serious adverse consequence."

15 Dr. Tweed likened the underlying personality  
16 to the contents of Pandora's Box, which might prematurely  
17 and catastrophically be released.

18 Drastic complications can follow, including a  
19 temporary or semi-permanent severe mental illness or  
20 psychosis. LSD induced psychosis can be profound.

21 Dianne Lake suffered from an LSD induced  
22 psychosis, according to Dr. Skrdla, and was admitted to a  
23 California mental institution as a result.

24 In her case the psychosis was induced some  
25 four months after the last possible exposure to the drug.  
26 It apparently was a flashback or recurrence without

1 notice. It nonetheless required institutionalization.

2 The extent to which an individual's personality  
3 may be affected depends, according to Dr. Fort, upon the  
4 underlying personality structure of the individual -- the  
5 unstable or emotionally immature individual, or the  
6 adolescent, or the person in whom the personality has not  
7 been firmly developed suffer the most adverse consequences.

8 It also depends upon the dosage and purity of  
9 the drug, the setting in which the drug is taken and the  
10 presence of a trusted, responsible person or guide.

11 Patricia Krenwinkel was a chronic, consistent,  
12 persistent, heavy user of LSD.

13 The testimony is abundant that Patricia  
14 Krenwinkel was under the influence and effects of LSD on the  
15 evenings of August 8th and 9th, 1969.

16 In addition, Krenwinkel was suffering the  
17 residual effects of the chronic, prolonged use of the drug.  
18 All the experts have indicated that there is a carryover  
19 from the drugged state into the non-drug state.

20 The characteristics of the drug when  
21 experienced under the influence are actually carried over in-  
22 to an ordinary life when you are not under the influence of  
23 the drug.

24 Consequently the chronic user of the drug  
25 display symptomatology of the person in the throes of the  
26 LSD experience.

1 After prolonged use, whether under the  
2 influence of the drug or not, the chronic user displays  
3 impulsiveness, detachment, philosophical naivete, personality  
4 change, the rejection of moral beliefs, irrational abstract  
5 metaphysical concepts, and so forth.

9c-1

1 Most importantly, the chronic prolonged user  
2 displays impaired judgment, irrational thinking and  
3 distorted thought processes, and it is the impaired judgment, irrational thought processes and inability to function in a logical coherent manner that is so terribly  
4 important in assessing her penalty.  
5

6 She is not as responsible.  
7

8 The characteristics of the drug have been  
9 amply demonstrated to have been possessed by Patricia  
10 Krenwinkel. It was obvious from her testimony, and from  
11 the testimony concerning her that she had a preoccupation  
12 with fantasy, and an impulsiveness, a detachment, a  
13 philosophical naivete. She demonstrated a rejection of  
14 moral systems and beliefs.

15 Her testimony was replete with bizarre ideation;  
16 she professed an enhanced sense of belonging to others, a  
17 feeling of brotherhood and love, a solidarity, a oneness  
18 with others, to the extent that she actually raised her  
19 hand along with the other defendants indicating a belonging  
20 to "one thought."

21 She was obviously confused and impulsive and  
22 certainly from what we know of her early life, you saw a  
23 demonstrable personality change.

24 As Mr. Keith pointed out to you, the phenomena,  
25 this mass psychosis, this social insanity, was not limited  
26 to Patricia Krenwinkel.

9c-2

1 You saw similar characteristics demonstrated  
2 by Leslie Van Houten, Susan Atkins, Lynette Fromme, Sandra  
3 Good, Cathy Gillies, Ruthanne Moorehouse, Steve Grogan,  
4 Nancy Pitman.

5 They all graphically demonstrated bizarre  
6 ideation, impaired judgment and irrational thought processes.

7 They were Messianic in their zeal in attempting  
8 to convince you of the rightness of their position.

9 They professed beliefs in slogans and concepts  
10 that could only be described as pseudo profundities.

11 In short, it was obvious that these Family  
12 members marched to the tune of a different drummer, an  
13 irrational, disturbed and totally different drummer.

14 But perhaps I am wrong; perhaps beliefs in  
15 bottomless pits, imminent revolutions, there is no right,  
16 there is no wrong, and we are all one are examples of  
17 cogent, coherent, rational, non-bizarre thinking and judg-  
18 ment.

19 Recall also that the effects of the drug are  
20 to a great extent influenced by the setting in which the  
21 drug is taken.

22 Recall the testimony of Drs. Fort, Dittman  
23 and Tweed.

24 And remember that the setting in which Patricia  
25 Krenwinkel frequently took the drug was isolated.

26 Bear in mind also that she was subject to the



9c-3

1 enormous influence of what has been referred to as a  
2 peer group or a subcultural group.

3 Also be reminded that Patricia Krenwinkel may  
4 have suffered from a pre-existing personality disturbance  
5 or pre-existing mental illness or disturbance.

6 Dr. Tweed testified that he arrived at certain  
7 psychiatric conclusions as the result of examining Patricia  
8 Krenwinkel.

9 In addition to its examination, Dr. Tweed  
10 testified that in arriving at his conclusion he took into  
11 consideration Patricia Krenwinkel's background and history  
12 as it had been related in the courtroom as a result of  
13 reviewing the testimony of her parents.

14 He was also in possession of a review of the  
15 testimony of Patricia Krenwinkel on the witness stand.

16 Additionally, Dr. Tweed had a psychiatric  
17 report of a previous psychiatric examination. The examina-  
18 tion of Patricia Krenwinkel by Dr. Claude Brown in Mobile,  
19 Alabama, on December 24, 1969.

20 There has been a considerable amount of contro-  
21 versy surrounding the report of Dr. Brown.

22 On recross-examination by Mr. Kanarek, in  
23 response to a question by Kanarek, Dr. Tweed responded  
24 that in arriving at his opinion that Patricia Krenwinkel  
25 was mentally disturbed, replied:

26 "I took everything in that report into

9c-4

1 "consideration; every word, every sentence, every  
2 phrase."

3 There was a considerable amount of examination  
4 by the attorneys concerning the report of Dr. Brown. For  
5 these reasons, it might be fruitful to carefully review  
6 the report of Dr. Brown which has been received into  
7 evidence, as Defendants' Exhibit P-TT.

8 Mr. Kanarek has attacked the source of the  
9 report, the credibility of the person who reported it,  
10 the internal consistency of the report and the internal  
11 credibility of the report.

12 I suggest that a careful review of the report  
13 refutes all those allegations. It would be impossible for  
14 someone to ghost write such a report, a report containing  
15 numerous personal and family details, as well as statements  
16 that were obviously incriminating, devastating and not  
17 flattering.

9d fls.



9d-1

1 Krenwinkel also admitted under oath that the  
2 examination itself took place and that she was in fact  
3 interviewed by such a psychiatrist. The report of Dr.  
4 Brown not only sets out a medical psychiatric opinion,  
5 but it states many, if not all, of the facts upon which  
6 that opinion is based.

7 The conclusion of that report is extremely  
8 important in evaluating the testimony of Dr. Tweed.

9 This is a blow-up of page 4 and page 5 of the  
10 report of Dr. Brown, and, as you can see, the conclusion  
11 of Dr. Brown is, and that is the portion that is underlined  
12 in red and black:

13 "It is my opinion that at the time I saw  
14 Miss Krenwinkel she showed a schizophrenic reaction,  
15 mixed type, with emotional flatness and withdrawal,  
16 impaired judgment, loosening of thought processes  
17 and auditory hallucination.

18 "I do not state with any certainty that this  
19 psychosis existed at the time of the alleged murders  
20 but it is obvious that at that time she was a  
21 severely emotionally disorganized personality and  
22 probably psychotic.

23 "I think that her original poorly organized  
24 personality structure was progressively disor-  
25 ganized, fragmented and able to operate in very  
26 poor fashion under the influence of chronic

9d-2

1 "hallucinogenic experiences plus difficult external  
2 reality situations such as a state of highly fluctu-  
3 ating and often fearful emotional experiences  
4 engendered by her associates plus chronic malnutri-  
5 tion."

6 The report of Dr. Brown contains a family  
7 history of Patricia Krenwinkel that is as we know from  
8 testimony in court accurate.

9 The report contains statements concerning  
10 Charles Manson, particularly that he played the guitar,  
11 sang and thought that perhaps he was Jesus Christ.

12 That also squares with the facts as we know  
13 them.

14 She also indicated to Dr. Brown that she had  
15 had a number of hallucinogenic experiences, and that  
16 squares with the facts as we know them.

17 In the report she talked of a hole in the  
18 desert. She talks about Linda Kasabian; she talks about  
19 Tex Watson; she talks about the killing of certain people;  
20 she talks about physical evidence that was at the scene,  
21 including ropes; she talks about multiple victims; she  
22 talks about two nights; she talks about the method by  
23 which the victims were killed.

24 Information that would only be known to someone  
25 who participated.

26 The report indicates that Brown noticed a thin,

1 rather disheveled white female who showed inappropriate  
2 giggling and smiling, although her emotional reactions were  
3 usually remarkably flat.

4 The same inappropriateness of affect that Dr.  
5 Tweed noticed and considered to be symptomology of mental  
6 illness.

7 Patricia Krenwinkel mentioned auditory and  
8 visual hallucinations and illusions. These are, of course,  
9 consistent with the chronic use of hallucinogenic agents  
10 and is consistent with mental illness.

11 She indicated that the delusions and hallucina-  
12 tions she was experiencing were terrifying and fearful,  
13 causing panic and anxiety in her.

14 We know, of course, that this is consistent  
15 with the ingestion of hallucinogenic agents.

16 Now, the cause of Patricia Krenwinkel's mental  
17 illness is unknown.

18 Dr. Tweed was asked:

19 "Q In your opinion was this pre-existing  
20 mental illness, this acute psychotic state that  
21 she was in in December, 1969, caused by the use of  
22 LSD?

23 "A In my opinion it may have precipitated  
24 it at that particular time.

25 "Q Is it possible, Doctor, however, that  
26 Patricia Krenwinkel had a mental illness unrelated

12

1 And he answered as follows: "This is entirely  
2 possible. However, there appears to be a causal relationship  
3 between the two, LSD and mental illness.

4 "I would venture an opinion and say that it  
5 appears that there was a causal relationship, because prior  
6 to taking it, she was apparently functioning in a normal  
7 manner, and after becoming involved with it and taking it,  
8 she was not functioning in a normal manner."

9 In cross-examination by Mr. Bugliosi, Tweed was  
10 asked,

11 "Q Is it your opinion that Miss  
12 Krenwinkel's ingestion of LSD has contributed  
13 toward her mental illness?

14 "A Yes, sir.

15 "Q Do you feel that there is a  
16 distinct possibility that you are incorrect in  
17 that assumption?

18 "A A distinct possibility?

19 "Q Yes.

20 "A No."

21 Dr. Tweed also stated that he took into consid-  
22 eration the opinion of Dr. Brown that Patricia Krenwinkel had  
23 a poorly organized personality structure prior to the  
24 commission of these offenses.

25 Any poorly organized personality structure, as  
26 we know, would obviously emphasize the ill effects of the use

1 of the drug.

2 Her underlying unstable personality would affect  
3 the way she would act under the influence of the drug and  
4 it would affect the residual symptoms of the use of the drug.

5 When asked about Patricia Krenwinkel's present  
6 mental state, Dr. Tweed replied:

7 "It is my opinion that she shows residual  
8 evidences of an acute mental illness which she  
9 suffered some time in the past. Dr. Claude L.  
10 Brown in Mobile, Alabama, indicated that she was  
11 actually psychotic at the time of her interview.  
12 At that particular time she was actively  
13 hallucinating. She was quite fearful, she was  
14 showing a tremendous amount of anxiety. Her  
15 appearance was dissheveled, emaciated. She was  
16 quite confused, and she smiled inappropriately  
17 to various responses, showing an inappropriate  
18 affect."

19 What were the evidences Miss Krenwinkel  
20 demonstrated of some pre-existing mental illness? In other  
21 words, what were the symptoms?

22 Dr. Tweed answered:

23 "The inappropriateness of her responses at  
24 times, her laughing inappropriately, her lack of real  
25 concern about her present situation which is very real.  
26 Her ideas, bizarre ideas, in my opinion, about love. And

1 there is no difference between -- that everything she has  
2 ever done, including in this instance, was done out of love.  
3 Her ideas that she is still able to communicate in the jail  
4 with various individuals out of jail and things of that  
5 nature. Inappropriate affect is a symptom of mental illness.  
6 Affect is feeling, it is the feeling tone of an individual."

7 As Mr. Keith so earnestly suggested to you, and  
8 with whom I will agree, the crime itself is evidence of  
9 mental illness.

10 It just doesn't fit with her past life --  
11 something happened to change this girl, and Leslie Van Houten,  
12 and we asked the psychiatrist about this.

10a

10a-1

I asked Dr. Tweed:

"Are these qualities that I have just referred to, the fact that she was religious, the fact that she had no disciplinary background in terms of her home and school, and that she was described by her parents as trustworthy and responsible, are these qualities consistent with a person who would participate in such bizarre homicides?"

"A No.

"Q They are inconsistent?"

"A They are inconsistent."

Then the payoff question:

"Is it possible for you to answer with reasonable medical certainty how a girl with a background like this could commit these crimes?"

And he answered:

"The only thing that I could say is that prior to her ingestion of LSD and leaving home, that she apparently was functioning in what we would say is a normal fashion. Subsequent to that, when she left home and continued the use of LSD, she became somewhat of a different person from what was described by her parents. And also, it is indicated that she recognized this difference when she spoke with the doctor in Alabama at the



10a-2

1 "time of his interview, that she was aware that  
2 she had altered in some way. So that I can only  
3 go on the basis of the information I have from  
4 there, and the information and knowledge of her  
5 behavior prior to becoming involved, and state that  
6 certainly this shows a great deal of alteration."

7 Another evidence of her mental illness, as  
8 I mentioned earlier, is her total lack of concern.

9 Self-preservation is the most basic human  
10 instinct, and perhaps it even rises to the status of an  
11 emotion.

12 Patricia Krenwinkel demonstrates no appreciable  
13 concern for her state in life or the future state of her  
14 life.

15 It appeared to Dr. Tweed that she had a lack  
16 of real concern for herself. She didn't care what happened  
17 to her.

18 Dr. Tweed considered this lack of concern to be  
19 a symptom of her mental illness or the residual mental  
20 illness from which she was suffering.

21 Dr. Tweed pointed out that Patricia Krenwinkel  
22 was extremely sincere and honest in her bizarre ideation.  
23 She earnestly tried to convince the doctor that there was  
24 nothing in the universe that was wrong or evil.

25 So bizarre were her responses that Dr. Tweed  
26 referred to her as Alice in Wonderland. An interesting choice



10a-3

1 of terms when one recalls that the witnesses in this case  
2 have referred to Charles Tex Watson as being a Mad Hatter.

3 Dr. Tweed opined that her belief structure was  
4 irrational, inappropriate and bizarre.

5 Dr. Tweed further opined that Patricia Krenwinkel  
6 was schizophrenic and is now schizophrenic.

7 MR. BUGLIOSI: That is a misstatement, your Honor.  
8 He never said that.

9 A residual indication of prior mental illness  
10 which was schizophrenic. He never said she was schizophrenic.

11 THE COURT: That is my recollection.

12 MR. FITZGERALD: I think that Mr. Bugliosi is mistaken,  
13 your Honor.

14 THE COURT: Well, the jury heard the doctor's  
15 testimony. The arguments of counsel are not evidence.

16 You must find the facts from the evidence  
17 introduced during this trial. If there are any questions  
18 in your mind as to what any particular witness said, we  
19 can always have the testimony read back.  
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10b fls.

10b-1

1 MR. FITZGERALD: About Patricia Krenwinkel's schizo-  
2 phrenia -- I didn't ask the question, he asked it, and I  
3 will read it to you --

4 "Q (Of Dr. Tweed by Mr. Bugliosi) Are  
5 you saying that she is schizophrenic now?

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

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

10 "A Yes.

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

13 "A I'm putting a label on it, yes.

14 "Q Do you feel she is schizophrenic?

15 "A A residual type, yes."

16 Much has been made about the fact that Patricia  
17 Krenwinkel when she testified, as Leslie Van Houten and  
18 Susan Atkins did, did not demonstrate any appreciable  
19 remorse.

20 And that is a problem that has caused me a  
21 considerable amount of grief, and I think that would  
22 ordinarily be a very, very disturbing situation.

23 If a normal person committed murder, and that  
24 person did not demonstrate any remorse when there was not  
25 a good reason for the killing, we would likely conclude  
26 that the person was mean or vicious. Something like that.

1 But the point really is that Patricia Kren-  
2 winkel is not a normal person, and her lack of remorse,  
3 according to the experts, is actually evidence of her  
4 mental illness.

5 Do not irrationally retaliate against her  
6 because she is not remorseful. She has a severe mental  
7 disease that prevents her feeling remorse.

8 As Mr. Keith pointed out with respect to Leslie  
9 Van Houten, I'd like to point out with respect to Patricia  
10 Krenwinkel. Patricia Krenwinkel was herself a victim.

11 Certainly she didn't suffer the horrible  
12 physical pain that the victims in this case felt, but she  
13 was, nonetheless, a victim of a more obscure disease than  
14 the sharp edge of a knife.

15 Her mind was altered, be it by LSD or some  
16 other cause. This sick child was not in a position to  
17 resist the influence of others. She was a very dependent  
18 person. She was not a leader, ladies and gentlemen, she  
19 was a follower.

20 "Q Doctor, would you say" -- incidentally,  
21 this question is by Mr. Kanarek -- "Would you say  
22 that Patricia Krenwinkel is a self-reliant, strong  
23 personality type?

24 "A No, I wouldn't.

25 "Q What would you say she is?

26 "A A very dependent individual who has

1 "need of other individuals.

2 "Q OF belonging? She has a need of  
3 belonging, would you say?

4 "A Yes."

5 Then Mr. Keith questioned Dr. Tweed.

6 "Q Did you form an opinion, Doctor, as to  
7 whether or not a dominant personality using her  
8 suggestibility could persuade her to do something  
9 she otherwise would never have considered?

10 "A My opinion is that this could very  
11 easily have occurred."

12 She wasn't any leader at 10050 Cielo Drive  
13 or at 3101 Waverly Drive. There was a man there who was  
14 six feet three inches tall.

15 You and I know that if this girl, Patricia  
16 Krenwinkel, was alone, everybody in those two houses would  
17 be alive today.

18 Is this a convenient time, your Honor?

19 THE COURT: Ladies and gentlemen, do not converse  
20 with anyone or form or express any opinion regarding penalty  
21 until that issue is finally submitted to you.

22 Court will recess until 1:45.

23 (Whereupon at 11:59 o'clock a.m. the court  
24 was in recess.)

1 (The following proceedings were had in the  
2 chambers of the court out of the hearing of the jury and  
3 the defendants, all counsel being present:)

4 THE COURT: Let the record show all counsel are  
5 present. Also present is Mr. Busch, the District Attorney,  
6 John Howard, Gordon Jacobson, Assistant District Attorney.

7 MR. BUSCH: Your Honor, we asked to have an audience  
8 with you.

9 I just got back from lunch and the press  
10 secretary, Bill Farr, came in and said the newspapers are  
11 about to print a quotation from Mr. Manson to the effect  
12 somehow that while he was in the lockup he made a statement  
13 that if he gets the death penalty, in substance, I'm not  
14 trying to be exact, there will be a blood bath in the  
15 community.

16 And apparently it is going to hit the newspapers  
17 -- portions of it, as I understand -- somebody asked,  
18 "Did you hear that?"

19 And Mr. Kay heard it and repeated it, so the  
20 newspapers may attribute part of it to Mr. Kay as being the  
21 source of the information.

22 THE COURT: Well, where did he say this?

23 MR. BUGLIOSI: This was in the lockup, and I was at  
24 the fountain having a drink of water.

25 He said, "Bugliosi, I would like to talk to you."

26 So I took a couple of steps towards him.

1 He said rather loudly, "If I get the death  
2 penalty," or, "At the end of this case there is going to be a  
3 lot of bloodletting."

4 MR. KAY: I will tell you what his exact words are.

5 He said, "If I get the death penalty there is  
6 going to be nothing but murder and bloodshed because I am not  
7 going to take it."

8 The impression was that Vince and I had better  
9 start quaking in our boots.

10 MR. KEITH: When was this?

11 MR. KAY: This morning.

12 MR. FITZGERALD: When this morning?

13 MR. KAY: About 9:00 or 10:00.

14 MR. BUGLIOSI: Before court started, before Mr. Keith  
15 started his argument.

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1 MR. BUSCH: I am informed that Mr. Kay and  
2 Mr. Bugliosi asked the press not to print this.

3 MR. BUGLIOSI: Right. That is correct.

4 MR. FITZGERALD: Who told the press?

5 MR. BUSCH: Somebody heard it.

6 MR. FITZGERALD: We don't know about it.

7 MR. BUSCH: That is what I want to find out.

8 MR. KANAREK: Well, your Honor, if I may, I move for  
9 an evidentiary hearing, because I believe that Mr. Bugliosi  
10 and Mr. Kay are lying to the Court.

11 I say it on the record, that Mr. Bugliosi and  
12 Mr. Kay --

13 THE COURT: You have no basis to say that.

14 MR. KANAREK: I do have a basis. If your Honor  
15 will hear me.

16 He has deliberately --

17 THE CLERK: Mr. Kanarek, there is a third person,  
18 because I heard part of it, too.

19 MR. KANAREK: Let's have an evidentiary hearing.

20 THE COURT: Just a moment.

21 We are not going to interrupt this trial with  
22 some evidentiary hearing. We have had an evidentiary hearing  
23 for ten months.

24 Now, if you have something that you want to  
25 bring to the Court's attention, then do it in the usual way.

26 MR. KANAREK: It will be too late.



1 THE COURT: Too late for what?

2 MR. KANAREK: Mr. Bugliosi and Mr. Kay have fostered  
3 conversation with --

4 THE COURT: I want to hear what Mr. Busch has to say.

5 MR. BUSCH: What I wanted to ask, your Honor, if this  
6 does appear in the newspapers, I don't know how far the case  
7 is along, but I thought it was being finished today, and  
8 I would ask that the jury be sequestered.

9 THE COURT: That is a good idea. They are all ready.

10 MR. FITZGERALD: I will join in that motion, if it is  
11 a motion.

12 THE COURT: What about you, Mr. Kanarek?

13 MR. KANAREK: I make a motion that the jury be  
14 voir dired as to what they heard over the radio during the  
15 noon hour in connection with this material.

16 I have reason to believe that this material is  
17 already disseminated over the radio at least, and probably  
18 over the entire city and probably over the entire United  
19 States of America, and I move for an evidentiary hearing  
20 under Cooper vs. the Superior Court.

21 The California Supreme Court holds that that  
22 which occurs at certain sensitive times in a proceeding --

23 THE COURT: Just hold it right there, Mr. Kanarek.  
24 Never mind citing the authorities. I am familiar with them.

25 The jury has always been in the custody of the  
26 Sheriff during its noon recess, and that was also true today.



1 They have no access to any radio so, there is no possible  
2 danger of having heard on the radio anything that Mr. Busch  
3 is talking about.

4 MR. KANAREK: The only way we can find out, your  
5 Honor, is by conducting the hearing.

6 THE COURT: You have made that motion now, and I am  
7 denying it.

8 MR. KANAREK: Then I move for a mistrial.

9 THE COURT: That will be denied also.

10 I do plan to sequester the jury.

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12a-1

1 MR. KANAREK: May I make my record, your Honor?

2 It is my allegation that Mr. Bugliosi and Mr.  
3 Kay -- Mr. Bugliosi especially -- has continually, and  
4 over my specific objections, spoken to Mr. Manson.

5 MR. BUGLIOSI: To whom?

6 MR. KANAREK: To Mr. Manson. He has deliberately  
7 gone over and spoken to him.

8 THE COURT: Just a moment.

9 If you have some factual basis that you want  
10 to bring to the Court's attention, then I will insist that  
11 you do it by way of declaration under penalty of perjury.

12 MR. KANAREK: Just so we can preserve it. I think  
13 this morning even -- I think Mr. Fitzgerald saw Mr.  
14 Bugliosi speaking to him. I think Mr. Keith --

15 THE COURT: You heard what I said.

16 MR. KEITH: I think it is important to find out how  
17 the newspapers found out.

18 THE COURT: That has nothing to do with the rest  
19 of this trial. This is another matter.

20 All right, gentlemen, anything further?

21 MR. KANAREK: May I make the record?

22 It is my contention that proceeding forward  
23 at this time without having an evidentiary hearing is  
24 denying fundamental due process to Mr. Manson under the  
25 Fourteenth Amendment, denial of equal protection and  
26 due process, and under Sheppard vs. Maxwell, and Rideau vs.

1 Alabama, and under the Billie Sol Estes case, under the  
2 Constitution of the State of California as well as our own  
3 Federal Constitution, I move that we find out right at  
4 this time if the jury knows anything about this or whether  
5 or not they have any information.

6 THE COURT: You are repeating yourself.

7 The motion is denied.

8 MR. KANAREK: I am trying to convince the Court.

9 MR. FITZGERALD: I would sincerely ask that your  
10 Honor seriously consider Mr. Busch's suggestion that they  
11 be sequestered.

12 THE COURT: I am going to. They will be sequestered  
13 at the close of the session today.

14 How much more do you have?

15 MR. FITZGERALD: A half an hour.

16 THE COURT: Are you going to argue?

17 MR. BUGLIOSI: Yes.

18 THE COURT: How much more do you estimate?

19 MR. BUGLIOSI: I will be working very late tonight  
20 to make that determination.

21 THE COURT: It is going to happen this afternoon.

22 MR. BUGLIOSI: I won't finish this afternoon.

23 THE COURT: What is the estimate of your argument?

24 MR. BUGLIOSI: Well, I don't know exactly what he  
25 is going to say during the remainder of his argument,  
26 but I think Mr. Keith said several things that I have to

1 reply to.

2 I had already written up an argument a long  
3 time ago, and when Mr. Kanarek finished I was of the  
4 opinion that maybe I shouldn't even give it at all, but  
5 now Mr. Keith and Mr. Fitzgerald are raising issues which  
6 I feel I have to respond to, and in doing so, I am going  
7 to respond to Mr. Kanarek also.

8 So, it could be three or four hours.

9 THE COURT: All right. Let's get started.

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13 fls.

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

3 THE COURT: All parties are present except Mr. Manson;  
4 all counsel and jurors are present.

5 You may continue, Mr. Fitzgerald.

6 MR. FITZGERALD: As long as the argument was broken  
7 up, as long as we had an intermission, sort of let me  
8 very briefly explain something to you.

9 At the guilt phase of the trial, at the guilt  
10 phase of actually any trial in California, at the  
11 conclusion of the case the prosecutor sums up the case,  
12 called a summation or argument.

13 The defense then presents their summation to you  
14 and the District Attorney replies.

15 The District Attorney opens and closes, and the  
16 defense is in the middle.

17 On the penalty phase of the trial the order of  
18 argument is a little different.

19 The prosecutor opens, then the defense attorneys  
20 argue.

21 What happened is Mr. Bugliosi opened up by  
22 arguing; then Mr. Kanarek, Mr. Shinn, Mr. Keith and myself  
23 addressed some remarks to you.

24 If Mr. Bugliosi chooses to talk again -- he need  
25 not -- but if he chooses to, then the defense attorneys in  
26 the same order, Mr. Kanarek, Mr. Shinn, Mr. Keith and myself,

would be allowed to answer his remarks.

Now, Mr. Shinn, Mr. Keith and myself because of the extreme length of the trial have tried to keep our remarks very brief and very direct and I hope to talk to you only about a half hour more, and I hope the prosecution exercises the same self-restraint.

When I left, just before noon, I was talking about Patricia Krenwinkel's mental condition, and I referred to Dr. Tweed largely.

Dr. Hochman also examined Patricia Krenwinkel, and opined that she was suffering from a definable mental disorder called schizoid type.

He said that there was a relatively severe schizoid personality disorder. A schizoid personality is a term which is used to describe a complex of characteristics in an individual, the most impressive of which is the absence of availability of a person's emotions to themselves, their difficulty with receiving emotionality or sharing feelings, feelings of alienation, isolation, distance, a kind of coldness about their status in life, a certain joylessness, particularly in their relationships with other people.

He continues, and he said that this is symptomized by a tremendous flow of intellectualization, philosophizing and rationalizing to cover up an absence of emotional feeling.

1 In short, what Dr. Hochman said was that  
2 Patricia Krenwinkel did not have the emotional complement  
3 that most people have; that she was unable -- there was a  
4 barrier between her intellect and her emotion, and that  
5 it was difficult if not impossible in her case, as a  
6 result of this mental disease, to function adequately  
7 on both levels.

8 That she could not bring up this emotionality,  
9 these feelings of love or joy or jealousy or what-have-you,  
10 up into her conscious mind.

11 When I asked Dr. Hochman about her prognosis  
12 or her likely future he replied that he felt that her  
13 prognosis was guarded:

14 "I think Patricia Krenwinkel would be an  
15 extremely difficult but challenging patient.

16 "The degree of her resistance to dealing  
17 emotionally with me or any other therapist is  
18 probably the measure of the potential success.  
19 It would be very hard and very long term. It  
20 would be a long time before she trusts you,  
21 and invests any emotions in you. But I tend  
22 to be very optimistic about any condition.

23 "Q Doctor, without treatment will  
24 she become progressively worse?

25 "A Yes. It is dangerous to  
26 prognosticate. But I would guess that when



1 "she is in a situation in which these intellectual  
2 defenses, these intellectualizing, rationalizing,  
3 philosophyzing defenses are not useful to her,  
4 no one listening, no one cares, I think that at  
5 that point she would stand a high risk of decompen-  
6 sation, psychologically, of becoming psychotic."

7 Then Hochman was asked:

8 "Q Of the three girls you have  
9 interviewed, Susan Atkins, Leslie Van Houten and  
10 Patricia Krenwinkel, is Patricia Krenwinkel the  
11 most severely emotionally disturbed?"

12 And he answered: "I would say that her  
13 personality disturbance is the most obvious and  
14 perhaps the most severe. In some ways it is the  
15 least successful of all three adaptations."

16 Hochman also, like the other doctors, formed the  
17 opinion that Patricia Krenwinkel was a chronic user of  
18 LSD; that in the case of Patricia Krenwinkel she was  
19 using LSD to escape this emotional state.

20 He testified almost that she used the drug  
21 compulsively. It would give her, in sharp contrast to  
22 this feeling of cold, disaffected, alienated position,  
23 intense feelings of joy, immediacy, contact, communication  
24 with others.

25 And he continues, he said -- Hochman --

26 "I think she started regularly as a kind



1 "of relief from her illness. To have feelings  
2 in that position is like to find water in the  
3 desert. I think she was always looking for  
4 that."

5 What he is saying is she cannot feel, she  
6 doesn't have the emotional response that we have but she  
7 can get it through LSD.

8 To continue to quote:

9 "To have feelings in that position is like  
10 to find water in the desert. I think she was  
11 always looking for that."

12 Hochman also states that the origin of her  
13 mental illness was probably infancy and that she had little  
14 or no control over the development of her personality.

15 That concludes any sort of psychiatric remarks  
16 that I might make to you.

17 But I would like to point out that if there are  
18 deficiencies in what I have attempted to do, or what  
19 any of the defense attorneys have attempted to do with  
20 regard to psychiatric evidence, in regard to expert  
21 evidence, if you will, please remember that we have  
22 presented what limited knowledge there is available and  
23 which is capable of being presented in a court of law.  
24  
25  
26

13a-1

1 This case in many respects, as I'm sure you  
2 are well aware, this case in many respects is a medical,  
3 a psychiatric and a social case.

4 We are restricted by the rules of evidence and  
5 the rules of law. Additionally we need time and a clinical  
6 setting, and it is important, and I feel very badly about  
7 that too, but this is not the sort of setting in which we  
8 can litigate everything adequately.

9 And the reason I feel so badly is because it  
10 is so terribly important. It is vastly important.

11 This case may be the first of the LSD murders.  
12 As a society, as a people, as a nation we need to know, we  
13 need to study and we need to evaluate.

14 These are our children and something happened,  
15 something terrible happened to them and we need to know  
16 why and we need to know how in order to prevent this from  
17 ever happening again.

18 Maybe you are really not convinced about what  
19 the chronic prolonged misuse of LSD in conjunction with  
20 an underlying poorly organized personality structure,  
21 and in conjunction with demonstrable mental illness can do  
22 to somebody.

23 If you have any doubt in that respect, let me  
24 ask you a question.

25 If you think, sort of, and this is more  
26 rhetorical than it is an individual question to any of

13a-2

1 you --

2 If you think LSD is harmless, either under the  
3 influence of it or as the result of the chronic prolonged  
4 use, ask yourself a question;

5 Would you allow your children to use it?

6 Would you use it?

7 Would you walk up to a dealer and buy it not  
8 even knowing what you were getting?

9 And this is not an isolated phenomenon.

10 Ask yourself how many children are using  
11 hallucinogenic psychedelic drugs.

12 How many children will take them in the future.

13 How many children are using dangerous street  
14 drugs, uncertain in dose, uncertain in chemical purity --  
15 frequently cut with speed or poison.

16 How many children are taking drugs in non-  
17 supportive settings, without any responsible persons  
18 present.

19 How many of these children, these adolescents  
20 have strongly integrated personalities that can withstand  
21 the effects?

22 How many have underlying personality problems?

23 How many are disturbed, lonely, alienated?

24 How many have been abandoned by their parents?

25 Is it their fault? They did not determine when  
26 they were to grow up. They did not choose to be subjected

13a-3

1 to the pervasive influence of the drug culture. Will it  
2 happen to my children? Yours, theirs? (Indicating the  
3 audience.)

4 There but for the grace of God go ours. Don't  
5 turn your back on these children or the children of the  
6 future. Our children may be next and the society that  
7 executes its problem children is destroying its own access  
8 to insight and self-understanding.

9 Killing these children is killing only the  
10 symptoms. You are not killing the disease.

11 Don't kill our mistakes.

12 It might certainly be easier, less difficult,  
13 save the taxpayers some money.

14 But we don't kill the mentally ill, the insane.  
15 We don't kill terminal cancer patients. We don't kill  
16 people afflicted with any disease.

17 Suppose, as Mr. Keith pointed out, the whole  
18 recent history of our civilization has been in terms of  
19 preserving life. We have strived in the medical profession  
20 to reduce the infant mortality rate.

21 We try desperately to keep people alive. We  
22 rejuvenate people's hearts after they stop. We transplant  
23 hearts and kidneys.

24 We take tremendous pride in conquering disease  
25 and pestilence, and that is the noble history of this  
26 nation and it stands as a monument to the proposition that

13a-4

1 we value the preservation of life, not the destruction of  
2 it.

3 Over 100 years ago Victor Hugo said:

4 "We shall one day come to look upon  
5 murder as a disease. Physicians shall replace  
6 judges, and hospitals the gallows.

7 "We shall pour oil and balm where we formerly  
8 applied iron and fire, and evil will be treated in  
9 charity instead of anger -- a change simple and  
10 sublime.

11 "The gentle laws of Christ will  
12 penetrate at last into the statutes and shine  
13 through its enactments."

14 fls.

14-1

1 If we care not to cure when cure we hopefully  
2 can, then justice is not served nor is society vindicated.

3 And it is not necessary to kill these people.  
4 If this girl is put to death, it will be for no good  
5 reason. It would accomplish nothing. Would society be  
6 any better protected?

7 I am not asking that they go free. I am not  
8 asking that you release this girl. I am asking for life  
9 in the penitentiary. Imprisonment within the state  
10 prison for life. Certainly, society will be protected.

11 It seems to me, as a people, our goal ought to  
12 be to redeem rather than to retaliate. And the appropriate  
13 penalty is the lowest penalty consistent with public  
14 safety.

15 Mr. Bugliosi will unquestionably tell you about  
16 the victims, the sorrow and the horror of the victims,  
17 and the sorrow and the horror of the families of the  
18 victims.

19 You are going to be exhorted to think of the  
20 victims, think of the families of the victims.

21 But as everybody else has pointed out, will  
22 killing these defendants bring the victims back?

23 If it would, kill them. But it isn't going to,  
24 we know that.

25 Furthermore, there is an implication of some  
26 extraordinary magnitude there, it seems to me, that the

1 family of the victims feel some particular way; any  
2 family of any particular victim.

3 Be not so certain of the feelings of the victims  
4 and the family of the victims.

5 In that regard, for that limited purpose, I  
6 would like to read to you a letter of a father of a three  
7 and a half year old girl who was murdered by an honor  
8 student.

9 The letter was written early in the morning,  
10 a few hours after a confession had been obtained, and it  
11 is addressed to The People of the City of Philadelphia.

12 MR. BUGLIOSI: I am not too sure this is admissible.

13 I don't know if this is admissible or not, your  
14 Honor. It is up to the Court.

15 He is going to read some letter from some third  
16 party to some other third party.

17 MR. FITZGERALD: It is for illustration purposes  
18 only.

19 THE COURT: I will permit Mr. Fitzgerald to read it.

20 MR. FITZGERALD: It is a letter of a father of a three  
21 and a half year old girl who was murdered by an honor  
22 student, and it is addressed to The People of the State of  
23 Philadelphia.

24 "I write to you this morning at the  
25 rise of dawn, still in the midst of a tormented  
26 wake, the most terrible grief which has ever



1 "seared my soul. Yesterday afternoon, on  
2 June 4, I lost the most precious thing that  
3 life ever gave to me -- a three and a half  
4 year old girl child of surprising purity and  
5 joy; a being profoundly close to the secret  
6 wellsprings of life itself -- a closeness from  
7 which she derived a great unconscious strength  
8 and which made her irresistably attractive to  
9 human beings with whom she came in contact.  
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14a

14a-1

1 "She was murdered at 3:00 in the  
2 afternoon, in the basement of a house only a  
3 few doors away from ours by a 15-year-old boy.  
4 The boy himself has always given an excellent  
5 formal accounting of himself -- honor student,  
6 gentle in manner, handsome and all the rest.

7 "I am sure that his parents have  
8 been God fearing, upright citizens, too  
9 uneducated in matters of the human soul to  
10 have recognized the plight of their child during  
11 the years of his growth.

12 "They undoubtedly took naive pride  
13 in his constant good behavior, neat appearance,  
14 and good performance at church and school,  
15 never suspecting that this very goodness was a  
16 serious cause of wrong in the light of what  
17 must have been unaccounted for.

18 "It is profoundly worrisome that it  
19 should have been possible for this boy to go  
20 through his whole 15 years without anyone who  
21 was responsible for his upbringing such as his  
22 school and his church -- having taken note of  
23 the danger signals before the tragedy.

24 "Beware, citizens. The human  
25 animal cannot be cheated forever. It will  
26 have love or kill.

14a-2

1 "You will understand that I am not  
2 lecturing to you for the pure joy of sounding  
3 wise. I am hurt to the depth of my being,  
4 and I cry out to you to take better care of  
5 your children.

6 "My final word has to do with the  
7 operation of the machinery of justice. Had I  
8 caught the boy in the act, I would have wished  
9 to kill him. Now that there is no undoing of  
10 what is done, I only wish to help him.

11 "Let no feeling of caveman vengeance  
12 influence us. Let us rather help him who did  
13 so human a thing.

14 "Signed, A Sick Father."

15 That states far more eloquently than I am able  
16 to the very feelings I have.

17 I wish, in many respects, I had more ability.  
18 I wish I had more experience and more years. I wish I had  
19 more articulateness, more ability to convince you of the  
20 rightness of allowing these people to live.

21 Please spare their lives. Please permit them  
22 to live.

23 Life locked up, deprived of your freedom, is  
24 the worst of all penalties. You jurors are keenly aware of  
25 that. You each have vivid memories and experiences, I am  
26 sure, of being locked up. Society will be protected.

1 I beg you, please allow them to live. Give  
2 the gift of life. You will be happier, you will realize  
3 that in a time of crisis, you acted as human beings.  
4 What you do unto the least of these little ones, you will  
5 be doing unto yourself.

6 We have had enough killing.

7 THE COURT: Mr. Bugliosi.

8 MR. BUGLIOSI: Yes.

9 May I approach the bench very briefly, your  
10 Honor?

11 14b fls.

12 THE COURT: Yes, very well.  
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14b1

(Whereupon, all counsel approach the bench and the following proceedings occur at the bench outside of the hearing of the jury:)

MR. BUGLIOSI: Just two very brief points, your Honor.

Mr. Kanarek, again, in his argument, accused the prosecution of subornation of perjury. He didn't use those words.

It doesn't bother me one bit when he says those names, but when I look over to my right and I see certain jurors taking notes on certain accusations that he made, I feel that I have a right to respond and to show my indignation about it, because if certain jurors write certain things down, I can't assume that they are not giving Mr. Kanarek any credibility. I can't assume that.

So, I intend to respond and show some of my indignation for the charges he has made -- not just against me -- of subornation of perjury, but against the witnesses and the police, and stuff like that.

But it will be very brief.

The second point is that the defense has indicated that I cannot argue any testimony that I gave.

My understanding is I might not be able to argue my credibility. I don't know if there is any case on that, but certainly I can argue --

THE COURT: What the evidence shows.

1 MR. BUGLIOSI: Yes. What the evidence shows.

2 My testimony, or what Susan Atkins admitted she  
3 told me. That is part of the record.

4 But they have indicated that I can't.

5 THE COURT: I have seen no authority.

6 After all, this is not a case where you are a  
7 witness for the prosecution. You were called by the  
8 defense.

9 MR. BUGLIOSI: That's right.

10 THE COURT: And I see nothing wrong with merely dis-  
11 cussing what the testimony was.

12 I agree, I think it would be improper to argue  
13 credibility.

14 MR. BUGLIOSI: Right; to say that I am a truthful  
15 person. Right.

16 MR. KANAREK: Well, your Honor, I maintain that --

17 THE COURT: If you are simply going to repeat what  
18 you have said before, Mr. Kanarek, you don't have to.

19 MR. KANAREK: It is State action. It is a denial of  
20 due process and equal protection under the Fourteenth  
21 Amendment for the prosecution to argue his own testimony.

22 THE COURT: You have made this point before.

23 MR. KANAREK: they have other prosecutors. He is not  
24 the only one.

25 THE COURT: All right. Let's proceed.

26 (Whereupon, all counsel return to their

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

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

6                I had intended to be very, very brief in my  
7        final summation to you, but defense counsel, I think,  
8        collectively, argued about three or three and a half days.  
9        They have made so many contentions, that I feel it is  
10       incumbent upon me to go into a little more depth than I  
11       had originally intended. But my final summation will  
12       in no way approximate three days, as the defense attorneys  
13       argued, or the two and a half days that I argued to you  
14       during the guilt phase.

15  
16        14c  
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14c-1

1 Irving Kanarek, ladies and gentlemen, during  
2 his argument to you, argued basically the same as he did  
3 during the guilt trial.

4 In other words, his old tricks. You accuse the  
5 police of all types of unethical, sinister conduct, and  
6 you accuse the prosecution -- which is me and my two  
7 partners here -- you accuse us of subornation of perjury,  
8 which is a capital offense.

9 In other words, he accused us of telling wit-  
10 nesses to lie, putting words in their mouth, telling them  
11 what to say. A very, very serious accusation.

12 He even accused the press of turning this case  
13 into entertainment and making money off the case.

14 He accused Evelle Younger, the Attorney General  
15 of this State, of making arrangements with his supposed  
16 friends, Mr. Caballero and Mr. Caruso, to permit them to  
17 make money from a book.

18 He implied that this prosecution of Mr. Manson  
19 was for the purpose of getting publicity for Mr. Younger  
20 in his race for the Attorney Generalship of the State of  
21 California.

22 He even accused you ladies and gentlemen of  
23 being murderers if you come back with a verdict of death.

24 Now, his client, Charles Manson, is so evil,  
25 ladies and gentlemen, that Satan himself would be jealous.

26 He has ordered seven murders, and yet, according

1 to Mr. Kanarek, everyone else is on trial, everyone else  
2 is bad, everyone else is the culprit.

3 Mr. Kanarek sees something sinister and  
4 suspicious behind everything. Nothing is on the up and up.  
5 Everyone connected with this case, according to him,  
6 has engaged in some type of unprincipled, surreptitious,  
7 unscrupulous conduct.

8 Of all people to be making these accusations,  
9 ladies and gentlemen, Mr. Kanarek, as you recall, is the  
10 person who told Juan Flynn, the man whom his client, Mr.  
11 Manson, confessed to, "Don't say anything to anyone."

12 Mr. Kanarek is living in the thinnest glass  
13 house in existence. It is so thin it only has one side.  
14 Yet he has the audacity to pick up giant jagged boulders  
15 and throw them out of that glass house at everyone.

16 What can be said about Mr. Kanarek except to  
17 say that he is a fact of life.

18 How many times did Mr. Kanarek, during his  
19 argument to you, during the guilt trial -- and the reason  
20 that I am arguing these things, ladies and gentlemen, I  
21 have no way of knowing whether one or more of you are giving  
22 any credibility to what that man is saying -- I don't know  
23 that, and I can't take any chances; that is why I am saying  
24 these things. It is not enough for me to just write it  
25 off. You folks are the ones that are going to come back  
26 with that verdict.

1 And, if he does certain things, I have to  
2 respond to them, because I don't know what impression he  
3 is having on you.

14d fls.

14a-

1           How many times during his argument, during the  
2     guilt trial and the penalty trial, did Mr. Kanarek say to  
3     you, "We don't have any proof, ladies and gentlemen, but  
4     we can certainly infer that," and then go on and accuse  
5     someone of the most swinish, reprehensible type of  
6     conduct?

7           How many times? A hundred times? Two hundred  
8     times?

9           Well, if he could do it a hundred times, ladies  
10    and gentlemen, I think, in all fairness -- Mr. Kanarek is  
11    always talking about fairness and equity -- I think I  
12    can draw just one inference. And I am not going to be  
13    as gross about it as Mr. Kanarek. I am going to state my  
14    inference in the form of a question. Just one inference,  
15    I think, I am entitled to.

16          The question is this. The whole thrust of  
17    Mr. Kanarek's argument during the guilt phase and the  
18    penalty phase, the whole thrust of it, if you separate the  
19    wheat from the chaff, is that the police, the District  
20    Attorney, and the prosecution witnesses got together and  
21    framed an innocent man, Charles Manson.

22          Now, the question is this, ladies and gentlemen.  
23    Do you really think that Mr. Kanarek's performance in  
24    this case, and the slanderous accusations he has made,  
25    are any different from what he does in every single case  
26    he tries?

1           You ask yourself that question.

2           I am not even going to respond to every absurd,  
3 extravagant contention made by Mr. Kanarek during his  
4 argument to you. During the guilt phase of the trial I  
5 did respond to all of his argument. I am not going to do  
6 it now. Guilt has already been established beyond a  
7 reasonable doubt. This is a different ball game now.  
8 The issue now is death vis-a-vis life. During the other  
9 phase of the case it was guilt as opposed to innocence.

10           But I am going to respond to a few contentions.

11           Mr. Kanarek said that the prosecution concealed  
12 the Hinman murder from you, and he asked why didn't the  
13 prosecution join the Tate-La Bianca murders with the  
14 Hinman murder?

15           In other words, we were trying to hide something,  
16 engage in some type of sinister, unscrupulous conduct.

17           Now, I say this is the high water mark in  
18 sophistry. It is not almost unbelievable, it is unbeliev-  
19 able. Because Mr. Kanarek, if he opens up Volume No. 4  
20 of the Superior Court file, he will see a written motion  
21 prepared by myself on June the 12th, 1970, asking for a  
22 joinder of the Hinman case with the Tate-La Bianca case.

23           MR. KANAREK: Your Honor, if he wishes to reopen the  
24 evidence on this subject, let him make a motion.

25           MR. BUGLIOSI: He made the accusation.

26           MR. KANAREK: That is outside the scope of the

evidence in this case.

This is the typical duplicity that this man engages in.

He knows that is outside the scope of the evidence.

If he wants to open up the subject, let him make a motion.

Furthermore, my contention was in connection with the Grand Jury.

MR. BUGLIOSI: No. He said more than that.

MR. KANAREK: It is a fact that he didn't at the very beginning make it a part -- the Hinman case a part of the Tate-La Bianca case.

He is deliberately misstating and misleading.

MR. BUGLIOSI: I didn't bring it up. He told the jury that we were trying to conceal the Hinman case.

THE COURT: All right.

14e-1

1 MR. BUGLIOSI: I also draw your attention to page  
2 21,825 to 21,900, where the prosecution, during the penalty  
3 trial, attempted to introduce evidence of the Hinman case,  
4 and Mr. Kanarek literally screamed bloody murder, and his  
5 objection was sustained on legal grounds, and we never  
6 introduced evidence on the Hinman case.

7 We never did. The prosecution never did.

8 Mr. Shinn, very considerately and thoughtfully,  
9 introduced the Hinman murder for us. But we didn't.

10 Yes. Yes, there is a connection between the  
11 Hinman murder and the Tate-La Bianca murders. There is a  
12 connection. But it is not this silly Bobby Beausoleil  
13 nonsense that Mr. Kanarek speaks about.

14 Here is the connection. Mr. Manson not only  
15 ordered the Tate-La Bianca murders, he ordered the Hinman  
16 murder. That is the connection.

17 Question by me of Mr. Caballero:

18 "What did Susan Atkins tell you about  
19 Mr. Manson's participation in these murders?

20 "A She stated to me that Mr. Manson is a  
21 person that she had met a long time ago, that  
22 apparently he had a certain amount of influence  
23 over her."

24 And listen to this:

25 "That he had asked her to go to the  
26 Gary Hinman house and to kill him -- tie him up,



1 "kill him, and to have him sign over all of his  
2 papers for his automobiles to her."

3 That is the connection between the Tate-La  
4 Bianca murders and the Hinman murder. The same guy in  
5 that lockup over there ordered all eight of them.

6 Mr. Kanarek said that if these three female  
7 defendants were trying to protect Mr. Manson, why would  
8 Susan Atkins and Leslie Van Houten say he was at the Hinman  
9 residence?

10 Well, conveniently, Mr. Manson is not charged  
11 with the Hinman murder in this case right here. So, saying  
12 he was at the scene of a murder he is not charged with is  
13 very, very easy.

14 Very easy, isn't it?

15 But ask yourself this question, ladies and  
16 gentlemen: If the Hinman murder had been joined with the  
17 Tate-La Bianca murders, and if Mr. Manson were charged in  
18 a separate count of the indictment with the Hinman murder,  
19 do you think Susan Atkins and Leslie Van Houten would have  
20 testified that he was at the Hinman residence?

21 Were you to hear testimony like that, you would  
22 have to wait until wild flowers grow at the intersection  
23 of Seventh and Broadway; in other words, until the cows  
24 come home.

25 Moreover, Susan Atkins' testimony as to Manson  
26 on the Hinman murder was self-serving as to Charles Manson.

4f-1

Self-serving.

1 She said Manson sliced off Gary Hinman's ear  
2 after Gary Hinman shot at Mr. Manson. In other words,  
3 Manson was acting in self-defense.

4 Well, even the Pope has the right to act in self-  
5 defense. So, what was Susan Atkins saying?

6 Then she went on to say that Manson fled the  
7 Hinman residence and she, and she alone, murdered Gary  
8 Hinman.

9 Incidentally, with respect to this Hinman murder,  
10 something disturbs me very, very much.

11 Leslie Van Houten testified that she was at  
12 the scene of that murder.

13 At the Grand Jury, in the Hinman case, Mary  
14 Brunner admitted on the witness stand, she testified that  
15 she, Mary Brunner, was at the scene of the Hinman murder.

16 And Susan Atkins told Dick Caballero that she  
17 -- that is, Susan -- Mary Brunner and Bobby Beauseleil  
18 were at the scene of the Hinman murder.

19 Now, the inference I draw, ladies and gentlemen  
20 -- it is just an inference -- the inference I draw is  
21 that Leslie Van Houten was not at the Hinman residence,  
22 and she lied on the witness stand.

23 Now, Leslie Van Houten deserves the death  
24 penalty, ladies and gentlemen, and I am going to go into  
25 that in great detail later on.

26 She deserves the death penalty because of her

1 participation in the murders of Leno and Rosemary.  
2 La Bianca.

3 But it is my opinion, in determining her fate --

4 MR. FITZGERALD: I object to any opinion of Mr. Bugliosi!  
5 your Honor.

6 MR. BUGLIOSI: -- that in determining her fate, you  
7 should, perhaps, not consider the Hinman murder against  
8 her.

9 Of course, whether you do or not is up to your  
10 own absolute discretion.

11 Mr. Kanarek said the prosecution most likely  
12 played the Susan Atkins-Richard Caballero tape to Linda  
13 Kasabian.

14 Well, that tape was never played to Linda  
15 Kasabian. The evidence at this trial shows that I listened  
16 to it once and then returned the tape to Richard  
17 Caballero.

18 Why in the world would Linda Kasabian have to  
19 listen to a tape of Susan Atkins'? Linda was at the  
20 scene both nights. Even Kanarek admits that. Why does  
21 she have to listen to a tape of Susan Atkins and Richard  
22 Caballero?

23 Mr. Kanarek said that on the night of the  
24 La Bianca murders the defendants never took any knives  
25 with them into the La Bianca residence. He claims that  
26 they got their knives from the kitchen of Mr. and Mrs.

15-1

La Bianca.

Ladies and gentlemen of the jury, the previous night, the very same killers with the exception of Leslie Van Houten, the very same killers took knives with them into the La Bianca residence.

It's just not reasonable to believe that the following night, the night of the La Bianca murders they would not take knives with them into the La Bianca residence. To believe that these vicious coldblooded murders would go into the residence of Leno and Rosemary La Bianca completely unarmed is ridiculous.

In fact, before they left for the La Bianca residence on the night of the La Bianca murders, Watson complained to Mr. Manson. He said that their weapons, referring to the knives, their weapons were not good enough the night before.

Can you imagine that? They were not good enough.

In any event he said that night -- he was telling Mr. Manson "We need better weapons," and Linda Kasabian testified there were knives inside that car on the night of the La Bianca murders.

Moreover, these knives right here --

These are some of the knives, ladies and gentlemen, that were taken from the La Bianca residence.

Notice, not extreme, but they are very very thin. They are certainly not thick knives at all.

1 And these are illustrative of the knives that  
2 were taken inside the kitchen of the La Bianca residence.  
3 The police seized those knives and they were introduced into  
4 evidence.

5 Now, Dr. Katsuyama testified that many of the  
6 wounds on Leno and Rosemary La Bianca could not possibly have  
7 been caused by these knives right here because these knives  
8 are just too thin; they are just too thin.

9 Dr. Katsuyama testified that many of the wounds  
10 on Leno and Rosemary La Bianca were caused by a blade that  
11 had a thickness of one-eighth of an inch.

12 Now, that is very thick. In fact on page 9396  
13 of the transcript he testified that some of Rosemary's  
14 wounds were caused by a blade with a thickness of five-  
15 sixteenths of an inch. That is the thickness of almost  
16 a third of an inch!

17 You are not apt to find blades that thick in  
18 any kitchen in any American home.

19 The only thing these killers got from the La  
20 Bianca residence was this knife right here which was stuck  
21 into Leno's throat, and the fork which was stuck into his  
22 stomach.

23 Of course, by the time they did that, ladies  
24 and gentlemen, by the time they stuck that knife and fork  
25 into Leno's body, poor Leno probably most likely was already  
26 dead at that point.

1 That was just a final desecration and sacrilege  
2 of what these people think of human beings.

3 They undoubtedly were thinking of the last  
4 few lines of the Beatles song, Piggy, that is in the white  
5 double album they used to play all the time at the Spahn  
6 Ranch.

7 The last few lines of the song Piggy read:

8 "Everywhere there's lots of piggies living  
9 piggy lives;

10 "You can see them out for dinner with their  
11 piggy wives, clutching forks and knives to  
12 eat their bacon."

13 Mr. Kanarek said in terms of equity why should  
14 Linda Kasabian receive immunity and these defendants get the  
15 death penalty?

16 Well, No. 1, ladies and gentlemen, the prosecu-  
17 tion does not have the power to give anyone immunity. We  
18 don't have that power.

19 Only Judge Older has that power.

20 Now, in this case the prosecution, it is true,  
21 did petition Judge Older to grant Linda Kasabian immunity,  
22 and Judge Older in his discretion did so.

23 No. 2, ladies and gentlemen, Linda Kasabian  
24 deserved immunity. She testified at this trial against  
25 each and everyone of these defendants and told the complete  
26 truth as to what happened on these two nights of murder.

1 Now, during my argument to you, during the  
2 guilt trial I pointed out the overwhelming evidence, proving  
3 beyond all doubt that Linda Kasabian told the truth on  
4 that witness stand, and I am not about to go over that  
5 evidence again. This is the penalty trial now.

6 Thirdly, ladies and gentlemen, Linda Kasabian  
7 is completely different from these other defendants,  
8 completely different.

9 Not only did she not order these murders like  
10 Charles Manson did, she didn't actually kill anyone as  
11 these three females did and Tex Watson.

12 In fact, on the night of the La Bianca murders  
13 she actually frustrated another murder, saved that actor's  
14 life by deliberately knocking on the wrong door.



1           As I indicated earlier, during the guilt phase  
2 she is cut out of a completely different cloth from these  
3 people.

4           Mr. Kanarek spoke about the fact that some  
5 first degree murderers only get life imprisonment.

6           Well, that is true. What he forgot to tell you  
7 is that many juries likewise give convicted first degree  
8 murderers the death penalty. It is not unusual at all.

9           But he did not want to add that.

10          Mr. Kanarek repeatedly spoke of Charles Manson's  
11 possible innocence.

12          And he says that if you have any doubt of Mr.  
13 Manson's innocence, you should not give him the death  
14 penalty, in fact I would say that the great bulk of this  
15 penalty trial which took, I believe, about two months,  
16 the great bulk of it concerned itself with the defense  
17 of putting on evidence that Manson was supposedly innocent  
18 of these murders.

19          Mr. Kanarek, at one time, went even further.

20          In fact twice he went even further than possible  
21 innocence.

22          Here is one quote from Mr. Kanarek:

23                 "The evidence shows that Mr. Manson is  
24 innocent of these murders beyond a reasonable doubt."

25          And then he says, "The proof that he is  
26 innocent is that Susan Atkins, Patricia Krenwinkel and



1 Leslie Van Houten said he was, that he wasn't along on  
2 either night."

3 Well, Mr. Kanarek apparently does not realize  
4 that you ladies and gentlemen of the jury have already,  
5 and I underline the word already, convicted Charles Manson  
6 of seven counts of murder and one count of conspiracy to  
7 commit murder.

8 But Mr. Kanarek says that even though you folks  
9 have convicted Charles Manson, he is still innocent. He  
10 is insulting you ladies and gentlemen, he is saying even  
11 though you <sup>listened</sup> / very attentively all through these long  
12 months to the evidence that came from that witness stand,  
13 and even though you deliberated for about seven days, you  
14 don't know what you're doing.

15 This in effect is what he is telling you.

16 He apparently also does not realize that when  
17 Atkins, Krenwinkel and Van Houten testify that Manson was  
18 not involved in these murders, it had to be obvious to  
19 everyone in this courtroom that they were lying on that  
20 witness stand in an effort to save their God, Charles  
21 Manson, from the gas chamber.

22 If they were willing to die for him, ladies and  
23 gentlemen, and, as Susan Atkins admitted on the witness stand,  
24 page 23,480, murder for him, lying for him on that witness  
25 stand was easier than taking a drink of water! It was  
26 nothing!

1 If you will die or murder for someone, what is  
2 a lie? What is a lie?

3 I would like to remind Mr. Kanarek that though  
4 there was a tremendous amount of evidence during the guilt  
5 trial against the three female defendants, there was even  
6 more evidence against Charles Manson.

7 I would like to point one further thing out to  
8 him, when Atkins, Krenwinkel and Van Houten played the part  
9 of the sacrificial lamb and admitted their participation in  
10 these murders, and then lied on that witness stand and said  
11 that Manson wasn't involved --

12 The fact that they were willing to lie on that  
13 witness stand just proves all the more, just proves all the  
14 more Manson's domination over them and the fact that he was  
15 also dominating them and directing them on these two nights  
16 of savage murder.

1 Mr. Kanarek said "There was a wealth of testimony  
2 from witnesses during the penalty phase that Charlie Manson  
3 did not tell anyone to do anything; that these defendants  
4 and everyone else in the Family stood on their own two feet  
5 and did what they wanted to do."

6 In other words, Mr. Kanarek claims Mr. Manson  
7 did not dominate anyone.

8 Yet, ladies and gentlemen, the very people who  
9 testified to this, the very people who testified to this,  
10 Squeaky, Gypsy, Nancy Pitman -- you know the group I'm  
11 talking about.

12 Those very people testified that Manson did not  
13 control anyone in the Family, yet they carved and burnt  
14 X's on their foreheads right after Manson did.

15 They literally live right out on the street,  
16 the corner of Temple and Broadway, conducting some type of  
17 holy or religious vigil for him and visit him every chance  
18 they get.

19 All of them sound like a broken record on that  
20 witness stand. They all have the same thought; they use the  
21 same language, each one was a carbon copy of the other.

22 These people, like Squeaky, Sandra Good, Brenda  
23 McCann, Ruth Moorehouse and Catherine Gillies, they are  
24 still all totally subservient and subject to Charles Manson.  
25 They are his X'd out slaves.

15a-1

1            Their testimony could not possibly have been  
2 unbiased and unprejudiced on that witness stand, it's  
3 so obvious they were lying, it's silly for me to even  
4 bother mentioning it.

5            Those people are still beholden, still  
6 mortgaged, as it were, still subject to Charles Manson.

7            I wouldn't be surprised if after this trial they  
8 follow him up to San Quentin and offer to go to the gas  
9 chamber for him.

10           They are all connected to Mr. Manson by some  
11 type of an invisible umbilical cord, as it were.

12           Those members of Charles Manson's family who  
13 have successfully severed that umbilical cord and are  
14 inhaling and exhaling on their own, testified on the  
15 witness stand during the guilt trial the way it really was  
16 out at Spahn Ranch, and Manson's family, these people are  
17 no longer Manson's slaves, ladies and gentlemen, so they  
18 have no reason at all not to tell the truth about Charles  
19 Manson.

20           I am referring to people like Linda Kasabian,  
21 Barbara Hoyt, DiAnne Lake, Stephanie Schramm, Danny  
22 De Carlo, Paul Watkins, Brooks Posten.

23           Even non-family members, like Gregory Jakobson  
24 and Terry Melcher and Juan Flynn and Ruby Pearl testified  
25 to the total domination Manson exercised over his band  
26 of vagabonds.

1 All of these witnesses, of course, gave many,  
2 many examples showing Manson's domination, like Dianne  
3 Lake's testimony that every morning Manson would gather the  
4 whole tribe together and tell each one of them what he  
5 wanted to do, even where he wanted them to stay out of.

6 And Paul Watkins' testimony that to be a member  
7 of the family you had to completely give yourself up to  
8 Charles Manson.

9 Danny De Carlo's testimony that only Manson  
10 spoke to the group when they assembled that night and no  
11 one else spoke unless Manson spoke to the person first.

12 Now, I can go on and on as I said.

13 My closing argument during the guilt phase,  
14 there were 286 such references in the transcript of  
15 Manson's domination over the family, among which, were  
16 several witnesses called the Family, Manson's Family.

17 This was all developed in great depth during the  
18 guilt trial.

19 I am not going over that evidence again.  
20 This is the penalty trial.

21 Mr. Kanarek has raised the issue, if you have a  
22 possible doubt about Manson's guilt, that he is entitled  
23 to life.

24 So I am addressing myself very briefly to this  
25 issue.

26 Mr. Kanarek said that the Tate-La Bianca

1 murders were copycat murders committed by the girls to  
2 make it look like Bobby Beausoleil did not commit the  
3 Hinman murder.

4 It is really laughable, ladies and gentlemen,  
5 the way the three female defendants and the defense  
6 witnesses sought to take the heat off Charles Manson.

7 They had to come up with a motive for these  
8 murders other than this helter skelter.

9 Why? Because no less than ten witnesses during  
10 the guilt trial had irrevocably connected Manson with  
11 helter skelter, so they certainly could not say from that  
12 witness stand that the motive for these murders was  
13 helter skelter.

14 If they said that, they would be saying, "Yes,  
15 Charles Manson masterminded these murders.

16 So they had to come up with a motive other  
17 than helter skelter, so Susan Atkins testified that  
18 Linda Kasabian, mind you, not Charlie Manson, master-  
19 minded these murders, and Linda was the one that originally  
20 came up with the idea of committing these murders to free  
21 Bobby Beausoleil, make the murders look like copycat  
22 murders and Sadie also testified that Linda had been  
23 burnt out of \$1,000 of LSA at the Tate residence.

24 I can give you between 20 and 30 reasons why  
25 this nonsensical story of the defense was fabricated out  
26 of whole cloth. I won't take up your time with it. I

1 am not going to insult your intelligence, but I will make a  
2 few comments with respect to Mr. Kanarek's contention.

3 Number one, Linda Kasabian testified during  
4 the penalty trial that she never participated in, nor did  
5 she ever even hear these defendants or any one out at  
6 Spahn Ranch mention anything about committing these murders  
7 to free Bobby Beausoleil, never heard anything like that.

8 Incidentally, ladies and gentlemen, if these  
9 murders were committed to help free Bobby Beausoleil,  
10 and if Charles Manson had nothing to do with these murders,  
11 isn't it unbelievable if he had nothing to do with these  
12 murders that out of one million or so homes in Los Angeles  
13 County, Manson is connected with the two homes where these  
14 murders took place.

15 He had been to the Tate residence on two occasions,  
16 and right next door to the La Bianca residence on several  
17 occasions.

18 Mr. Kanarek points out that the word "pig" was  
19 left at the Hinman-Tate and La Bianca residences, and he  
20 suggests that this means that the Tate-La Bianca murders  
21 were copycat murders to free Bobby Beausoleil.

22 He says that the word "pig" at the Tate residence  
23 and "death to pigs" at the La Bianca residence were placed  
24 there to copy political piggy at the Hinman residence.

25 Well, Patricia Krenwinkel printed the words  
26 "death to pigs," ladies and gentlemen, at the La Bianca



1 residence. She never testified that she had any such  
2 thought in her mind.

3 So I don't know where Mr. Kanarek gets this  
4 idea, the very person who printed those words said that  
5 she had no such thought in her mind.

15b

15b-1

1                    "Q            Having in mind what you wrote  
2 on the wall at the La Bianca residence,  
3 Miss Krenwinkel, did you have in mind as you  
4 wrote on the wall at the La Bianca residence  
5 the words 'political piggy'?

6                    "A            I had nothing in mind."

7                    I had nothing in mind. That's Page 23,905.

8                    Moreover, ladies and gentlemen, if these  
9 defendants were seeking to commit copycat murder, they  
10 would not have printed "pig" at the Tate residence and  
11 "death to pigs" at the La Bianca residence, since the  
12 words "political piggy" were printed in blood at the Hinman  
13 residence.

14                   If the Tate-La Bianca murders were designed to  
15 be copycat murders, those very same words, "political  
16 piggies," would have been printed in blood at the Tate  
17 and La Bianca residences.

18                   Here is something else for you to consider,  
19 ladies and gentlemen.

20                   (Mr. Bugliosi shows photographs to the jury.)

21                   Whatever this exhibit number is, in any event  
22 here is "political Piggy" printed in blood at the Hinman  
23 residence.

24                   Right next to it in blood is a paw print, right  
25 next to political piggy there is a paw print.

26                   Now, if these people were seeking to commit

1 corycat murders, if the Tate-La Bianca murders were  
2 to be corycat murders, not only would these defendants  
3 haveprinted the words "political piggy" at the Tate and  
4 La Bianca residences, but they would have put a paw print  
5 right next to it as was done at the Hinman residence.

6 THE COURT: We will take our recess at this time,  
7 Mr. Bugliosi.

8 Ladies and gentlemen, remember the admonition.

9 The Court will recess for 15 minutes.

10 (Recess.)

11 THE COURT: All parties are present except Mr. Manson.

12 All counsel and all jurors are present.

13 You may continue, Mr. Bugliosi.

14 MR. BUGLIOSI: Thank you.

15 Printing the word "pig," ladies and gentlemen,  
16 at the Tate residence and "death to pigs" at the La Bianca  
17 residence had nothing to do with copying the words "political  
18 piggy" at the Hinman residence.

19 The purpose of the Hinman murder, as we know,  
20 was, of course, to simply get Hinman's cars, and he refused  
21 to do it. They killed him.

22 It was a very simple, common, garden variety  
23 type of motive. The purpose, the motive for the Tate-  
24 La Bianca murders which we proved beyond all doubt, the  
25 principal purpose, of course, was helter skelter.

26 Long before Hinman was murdered, long before the

1 Hinman murder, long before there were any words "political  
2 piggy" to copy, this is what Manson told the entire family  
3 in February of 1969 at the Gresham Street address in  
4 Canoga Park.

5 There was no political piggy at the Hinman  
6 residence at this time. If Manson wanted those cars of  
7 Gary Hinman, he did not know at that time whether he even  
8 wanted them.

9 If he did know, he certainly did not know that  
10 Hinman was not going to give the cars up and that he would  
11 have to be killed.

12 This is Brooks Posten testifying now, February,  
13 1969.

14 "Q All right, in February of '69  
15 were you still at Canoga Park?

16 "A Yes.

17 "Q At any time in early February at  
18 the Gresham house in Canoga Park did Mr. Manson  
19 ever say how helter skelter was going to start?

20 "A Yes.

21 "Q Who was present on that occasion?

22 "A The entire family.

23 "Q Was Susan Atkins present?

24 "A Yes.

25 "Q Was Patricia Krenwinkel present?

26 "A Yes.

1 "Q Was Leslie Van Houten present?

2 "A Yes.

3 "Q What did Mr. Manson say, sir,  
4 how would helter skelter start? What did  
5 Mr. Manson say about that?

6 "A He said a group of the real  
7 blacks, real blacks, would come out of the  
8 ghettos and do an atrocious crime in the richer  
9 sections of Los Angeles, and other cities.

10 "They would do an atrocious murder with  
11 stabbing, killing, cutting bodies to pieces,  
12 smearing blood on the walls, writing 'pigs'  
13 on the walls."

14 Writing "pigs" on the walls.

15 This is February of 1969 in Canoga Park, long  
16 before the Hinman murders.

17 So writing "pig" at the Tate and La Bianca  
18 residences was simply a part of Manson's blueprint for  
19 starting helter skelter.

20 He ordained that the word "pig" would be  
21 printed in blood long before the Gary Hinman murder.

22 In fact, Susan Atkins told her attorney,  
23 Richard Caballero, that Manson wanted the word "pig"  
24 to be printed at the Tate and La Bianca residences,  
25 not the Hinman residence, but at the Tate and La Bianca  
26 residences because Black Panthers call white people pigs,

1 and, of course, Manson wanted to frame the Black Panthers,  
2 or some other black group for the murders.

3 Also Manson and his Family felt that just about  
4 everyone outside of their Family were pigs, and they felt  
5 that the eight victims who were murdered in this case  
6 were pigs.

7 According to Dr. Katsuyama's testimony Mr.  
8 Hinman was stabbed a minimum of two times, a maximum of  
9 four times -- certainly not an unusual number of stab  
10 wounds in a murder case.

11 In the Tate-La Bianca murders all were  
12 stabbed a number of times. Voityek Frykowski 51 times;  
13 Rosemary La Bianca, 41 times; Leno La Bianca, 46 times.

14 Since there is this very great disparity between  
15 the Hinman murder on one hand and the La Bianca murder on  
16 the other hand it is very obvious that these defendants  
17 who committed the Tate-La Bianca murders did not attempt  
18 to lead anyone to believe they were also the Hinman  
19 killers.



15c-1

1 In their efforts to make it look like freeing  
2 Bobby Beausoleil was the motive for the Tate and La Bianca  
3 murders, it was really amusing the way the defense witnesses  
4 tried to disassociate Charles Manson from Helter Skelter.

5 Several defense witnesses, as you recall,  
6 testified that they never heard Manson use the word Helter  
7 Skelter or "pigs" or "bottomless pit" or "Revelation 9."

8 Everyone else at Spahn Ranch was using those  
9 words, but not Charlie.

10 Somehow those words did not come out of Charlie's  
11 mouth. Those words originated in Charlie's mouth. He was  
12 the originator, he was the origin, the genesis of those  
13 words.

14 At the guilt trial no less than ten witnesses,  
15 it was proved beyond all doubt that Manson had a sick  
16 obsession, a fanatical obsession with Helter Skelter.

17 Among other things Brooks Poston testified that  
18 he had never heard the words, Helter Skelter, used before  
19 in the Family, never heard the words/Charles Manson during  
20 1969 at Barker Ranch introduced those words into the Family.

21 You remember he said "Manson had been in Los  
22 Angeles;" he was commuting between Los Angeles and Barker  
23 around New Year's, 1969, he comes back and it is no longer  
24 "defecation is coming down."

25 "Helter Skelter is coming down," according to  
26 Paul Watkins who testified that Manson used the words,



15c-2

1 Helter Skelter, constantly, in fact went on to say:

2 "Helter Skelter seems to be the main topic with  
3 Charlie."

4 These defense witnesses get up there, never heard  
5 Charlie use that word.

6 "We use it, but we never heard him say that."

7 Well, as they say in bars, "Sure, Mike."

8 Incidentally, Mr. Kanarek never did try to  
9 explain to you, I don't know why, I guess I do know why,  
10 there is no explanation.

11 He never did try to explain to you why the words  
12 Helter Skelter were printed in blood on the refrigerator  
13 door at the La Bianca residence.

14 He never did try to explain that to you.

15 What does Helter Skelter have to do with freeing  
16 Bobby Beausoleil or a \$1,000 MDA burn at the Tate residence?  
17 Absolutely nothing, that's what.

18 The words Helter Skelter were left printed in  
19 blood on the La Bianca residence because all of the evidence  
20 at this trial shows beyond all doubt that was the principal  
21 reason for these savage murders.

22 Susan Atkins even admitted on the witness stand,  
23 she admitted on the witness stand that on December 4, 1969,  
24 when she spoke to me, she told me that the purpose of these  
25 murders was to show the black man how to take over from  
26 the white man, and also to instill fear into the establishment.

1 And Mr. Caballero, Susan Atkins' first attorney,  
2 testified that Susan told him that Manson through these  
3 murders was trying to start a race war which he, Manson,  
4 called Helter Skelter.

5 Susan Atkins never mentioned to me, or to Dick  
6 Caballero, to Roni Howard or to Virginia Graham, to anyone  
7 anything about the Bobby Beausoleil nonsense.

8 During this penalty trial the defense actually  
9 tried to substitute Linda Kasabian for Charles Manson.

10 Listen to this testimony, ladies and gentlemen,  
11 Susan Atkins testified:

12 "And Linda said, 'Well, what do you want  
13 to do to get him out?' "-- Linda is talking to Sadie,  
14 according to Sadie:

15 "Well, what do you want to do to get  
16 him out?

17 "Q Linda said this?

18 "A Yeah, and I said, 'Well, I don't know,  
19 maybe we can get him a lawyer.'

20 "And she said, 'We don't have any money.  
21 We can go out and steal and get some money.'

22 "And I said, 'Well, I will do anything --  
23 anything to get my brother out of jail.'

24 "And at the same time I didn't feel as if  
25 I would go to the police and tell them I did it. That  
26 was not the answer for me at the time.

1 "And Linda come off with something like  
2 'Well, I know some people.'

3 "She said, 'You remember the thousand  
4 dollars that I had?'

5 "I told her 'Yeah.'

6 "She said, 'Well, I went up to some people  
7 in Beverly Hills and asked them for some" -- some new  
8 kind of drug, MDA, LSD -- oh, anyway, she went to  
9 buy somethin g from them and they burnt her for  
10 the bread.

11 "And she was angry, and I looked at her  
12 like, wait a minute, you know, in other words, Sadie  
13 was shocked at the possibility. She just --

14 "Q Now, let's go into more detail as to  
15 what Linda Kasabian said to you about getting Bobby  
16 out.

17 "A I really do not remember word for word.

18 "It is just, can you look at from where  
19 I am coming from, man.

20 "Word for word conversation, I don't  
21 remember word for word conversation I had an  
22 hour ago.

23 "Q Well, just tell us the substance of the  
24 conversation.

25 "A The substance of what she said is:

26 "'What would you do? I know some things

1 "that we can do to get him out. We can make some  
2 more of the same.

3 "Q In other words, she said go out and kill  
4 other people?

5 "A She didn't say it in those exact words  
6 to me. She said 'Just make it look like more of the  
7 same.'

8 "She said, 'If you will make lots of them,  
9 they will cut Bobby loose and everybody will go free.'

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16-1

1 In other words, this is Linda's idea.

2 "I couldn't accept that right away. Until  
3 I dropped some acid with her, and she told me to  
4 get a knife and change of clothes."

5 All of a sudden Linda Kasabian is Charles  
6 Manson. Linda Kasabian is telling Sadie to do these  
7 things.

8 "Did she say to you -- I mean, did Linda Kasabian  
9 say to you, tell you, about these people in Beverly Hills?

10 "She just said that they had burned her  
11 for some money.

12 "In other words, they took her money and  
13 didn't deliver any narcotics or drugs?

14 "That is what she said.

15 "And did she say she knew where these  
16 people lived?

17 "Yes. Evidently she did. Evidently she  
18 knew where they lived because she went up there.

19 "So, after you talked to Linda Kasabian  
20 and the other girls about trying to get Bobby  
21 out, did you all decide to do something?

22 "If you can conceive of not deciding to  
23 do anything and just doing it.

24 "Okay."

25 Now, then, you got in an automobile to go some  
26 place?

1 "I dropped some acid. Linda gave me a  
2 tab of acid.

3 "She told me: I just gave Tex some  
4 STP. And she says: Go get Katie."

5 Linda said, "Go get Katie.

6 "So I went and I got Katie.

7 "And Katie come. Linda come.

8 "Tex was in the car, and I got in the car,  
9 and Linda got in the car, and we drove off.

10 "And I don't know where we drove.

11 "Okay.

12 "Now, Sadie, let's go back.

13 "How many people got into the automobile?

14 "Name the people that got into the  
15 automobile.

16 "Tex, Linda, Katie and myself.

17 "Is that all four?

18 "Four.

19 "Who is driving?

20 "Linda -- excuse me -- Tex, and Linda was  
21 telling Tex where to go."

22 Now, when they got to the Tate residence, it  
23 is Linda who was the first one that went over the gate,  
24 according to Sadie, and said, "Come on," and Tex and  
25 Sadie and Katie followed Linda.

26 The defense attorneys couldn't keep up with

1 their own clients, and people like Gypsy, as to why the  
2 murders were taking place.

3 Paul Fitzgerald even intimated it might have  
4 been for some reason of Linda and her husband's.

5 Irving Kanarek, during the guilt trial, argued  
6 that Tex and Linda went to the Tate residence because  
7 Linda was out of LSD, and her boy friend, Tex, went there  
8 to get some more LSD for her.

9 You remember, Mr. Kanarek said that. Those  
10 are his words.

11  
12 16a  
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6a-1

1 Now, during the penalty trial, all of a sudden  
2 the purpose of the murders was to get Bobby Beausoleil  
3 out of jail and for Linda to get even with the Tate  
4 victims for taking a thousand dollars from her and not  
5 delivering the drug MDA.

6 The extremely preposterous thing about it is  
7 that Sadie and Gypsy testified that they had never told  
8 anyone, no other human being, period, about Linda being  
9 behind these murders until they took that witness stand  
10 and testified.

11 In fact, Gypsy, who would die for Charles  
12 Manson, claims that she knew that Linda was behind  
13 these murders since the murders happened in August of  
14 1969, yet she tells no other living soul, not even the  
15 defense attorneys, until February the 9th, 1971, when she  
16 is on that witness stand testifying.

17 During the guilt trial, Gypsy didn't even  
18 testify. During the penalty trial, on direct examination  
19 by four defense attorneys, she still didn't say boo about  
20 it, keeping the key to the Tate-La Bianca murders locked  
21 in her perjurous bosom.

22 Finally, on direct examination, during the  
23 penalty trial, mind you, on redirect, when Mr. Kanarek  
24 was up there whispering with her at the witness stand,  
25 she testified that she told Irving Kanarek that Linda  
26 was behind these murders.

1 Well, for one and a half years she keeps it a  
2 secret from the world, doesn't tell anyone, no attorneys,  
3 no one, Gypsy says.

4 No one can unlock that secret except the  
5 illustrious Mr. Kanarek.

6 Not on direct, but on redirect examination,  
7 during the penalty trial.

8 To believe Gypsy, she sat on the corner of  
9 Temple and Broadway with an X carved on her forehead  
10 during the guilt trial and she just let her God, Charles  
11 Manson, be convicted of seven murders she claims he is  
12 innocent of. And as I say, Susan Atkins also admitted  
13 that she never told anyone about Linda being behind these  
14 murders.

15 Now, proof positive, ladies and gentlemen,  
16 proof positive of the motive of freeing Bobby Beausoleil  
17 is complete, unadulterated hogwash and was recently  
18 fabricated by the three female defendants and the defense  
19 witnesses, is the fact that if it were true, they would  
20 have told the defense attorneys about it, particularly  
21 Mr. Kanarek, who represents Mr. Charles Manson.

22 How do we know they didn't? Because Sadie and  
23 Gypsy say they didn't.

24 Furthermore, if anyone -- not just Sadie or  
25 Gypsy, but if anyone -- had told Mr. Kanarek about it --  
26 I am talking about Leslie or Katie or Brenda Mc Cann or

1 Catherine Gillies -- if anyone had told him anything  
2 about that, since Mr. Kanarek knows them well, he speaks  
3 to them, they refer to him on the witness stand at  
4 Irving, so you know he has spoken to all these people  
5 before -- if anyone had put that thought in that man's  
6 head right there, anyone at all, since Linda Kasabian was  
7 on that stand for 18 days, don't you think that Mr. Kanarek  
8 would have asked her about this Bobby Beausoleil stuff?

16b

16b

1 We are all a witness to the fact, ladies and  
2 gentlemen, that when it comes to asking questions, no  
3 one will ever accuse Mr. Kanarek of being stingy.

4 If he could ask her questions ad nauseum, day  
5 after day after day, about the most completely inconse-  
6 quential matters, why didn't he ask her about the alleged  
7 motive of freeing Bobby Beausoleil?

8 He was willing to waste time, ladies and gentle-  
9 men, asking Linda Kasabian what was her state of mind  
10 during the first hour of her second LSD trip in Boston in  
11 1965. Why didn't he ask her about all this Bobby  
12 Beausoleil nonsense?

13 But he never asked her one single, solitary  
14 question about it.

15 Why didn't he? Because it is obvious that none  
16 of these three female defendants or any of the defense  
17 witnesses told him about it.

18 Why didn't they tell him about it? Because it  
19 didn't exist. It was recently fabricated.

20 They had to come up with some motive other than  
21 helter skelter. And the inference is that Manson is the  
22 one that came up with this Beausoleil nonsense and told  
23 these gals what to testify on that witness stand.

24 Mr. Kanarek has an argument, and I am going to  
25 give it to him. He might not be thinking about it.

26 He is writing something down on his paper, but

1 there is an argument to answer me.

2 Take notes, Mr. Kanarek.

3 He might argue to you that the reason, ladies  
4 and gentlemen, that the reason he never asked Linda  
5 Kasabian about the Bobby Beausoleil nonsense is because  
6 he had so much concern for the three female defendants.  
7 He didn't want to implicate them.

8 That is an argument for you, Mr. Kanarek.

9 And I say that no rational person would even  
10 begin to accept that explanation, ladies and gentlemen.

11 Mr. Kanarek, during his argument to you, showed  
12 no concern for the three female defendants.

13 Time and time again he said they are completely  
14 responsible by themselves for these murders. They and  
15 they alone are responsible. And he kept pointing out the  
16 fact that these three female defendants had no remorse.

17 They say that war makes strange bedfellows.  
18 Well, lawsuits apparently do also. Because I agree with  
19 I. Kanarek, attorney-at-law, about this bit of no remorse.

20 When he argued about no remorse about the girls,  
21 he wasn't arguing in the same vein as Mr. Fitzgerald and  
22 Mr. Keith. They argued that these girls had no remorse  
23 because of some type of mental illness. Mr. Kanarek said  
24 they have no remorse because he is telling you how bad  
25 they are.

26 Well, we have all seen the fervor of Mr. Kanarek's

1 representation of Mr. Manson. If he had in his possession  
2 anything about this Beausoleil nonsense which he thought  
3 was favorable to his client -- and we know he felt it is  
4 favorable to his client because for about two months we  
5 have been listening to it; he put evidence on -- if he  
6 was in possession of this evidence, this Bobby Beausoleil  
7 nonsense, to believe that he kept it a secret to protect  
8 these three females at his client's expense is so  
9 ridiculous that it doesn't even rise to the dignity of  
10 being absurd.

11 He is going to let Charles Manson be convicted  
12 of seven counts of murder because he is concerned about  
13 these three girls?

14 Let him make that argument.

15 He never asked Linda Kasabian any questions  
16 during the guilt trial about this Bobby Beausoleil nonsense  
17 because it didn't even exist. It was recently fabricated.  
18  
19  
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16c-1

1 Charles Manson started the Family in Haight-  
2 Asbury in 1967. Members of his family thought he was  
3 Jesus Christ, and apparently still do. He knew all and  
4 could see all. He could read their minds.

5 He brought a dead bird back to life. You  
6 remember that. He brought a dead bird back to life. Can  
7 you imagine that, ladies and gentlemen?

8 Sandra Good testified that Charlie could shout  
9 so loudly -- you remember she testified -- he could shout  
10 so loudly that this Hall of Justice would tremble.

11 Maybe Charlie caused the last earthquake. If  
12 he did, I'd like to have him put some of the plaster back  
13 on the wall in my office.

14 Sandra Good testified that when that guy over  
15 there in the lockup used to comb his hair, everyone used  
16 to gather around and watch. Just combing his hair.

17 He completely dominated the every day existence  
18 of every member of the Family, ladies and gentlemen. They  
19 were all his slaves.

20 Yet Susan Atkins and defense witnesses like  
21 Gypsy and Nancy Pitman and Catherine Gillies want you to  
22 believe that Linda Kasabian, who was even afraid to give  
23 her little daughter, Tanya, love in front of Charles  
24 Manson -- you remember, she testified that Charlie said,  
25 "Don't give her any love; this is to be done by other  
26 people" -- she said that when Charlie wasn't around, she



1 used to give Tanya her love.

2 Here is Linda who has just joined the Family --  
3 Susan Atkins told her attorney, Dick Caballero, that she  
4 didn't even know Linda's name -- Linda Kasabian just  
5 joined the Family, and in a month she is in charge of  
6 Tex, Sadie and Clem, she had the motive for these murders,  
7 she is leading the way. She dopes up Tex on STP,  
8 tells Sadie to get a knife and change of clothing, tells  
9 Sadie to go get Katie, leads the troops over the front gate  
10 of the Tate residence, and the next night it was she who  
11 picked out Harold True's residence to go to.

12 Well, anyone who would believe a story like  
13 that, as I said before, they would believe that alligators  
14 can do the polka and cows can speak the Spanish language.

15 To accept a story like that, one would have to  
16 have the mind of a mentally-retarded insect.

17 Only one person ordered these murders, ladies  
18 and gentlemen, and his initials are CM. He also has  
19 an aka: "JG." And he is in that lockup right now  
20 listening to me.

21 He is as guilty as sin and he knows it.

22 Mr. Kanarek said that the evidence is over-  
23 whelming from the testimony of many witnesses that Mr.  
24 Manson was with Stephanie Schramm in Devil's Canyon on  
25 both of these nights.

26 Now, isn't it strange that all of Mr. Manson's

1 X'd out slaves have testified to this during the penalty  
2 trial, and the very person, Stephanie Schramm, whom they  
3 claim Manson was with, testified that Manson was not with  
4 her.

5 She testified on October 23rd, 1970, five  
6 months ago, so you may have forgotten some of her  
7 testimony.

8 As I told you at times, I can't remember what  
9 suit I wore yesterday, and I am serious about that. You  
10 may have forgotten what she testified to five months ago.

11 So, let's go over Stephanie Schramm's testimony.

12 We had a parade of perjurers on that witness  
13 stand saying that Stephanie Schramm was with Charles  
14 Manson. Let's see what she has to say about it.

16d

1 Incidentally, I am asking these questions.

2 Mr. Kanarek said I was trying to hide what Stephanie  
3 Schramm was doing. These are my questions.

4 He said I was trying to hide what Stephanie  
5 was doing with Charles Manson on the night of the murders.  
6 These are my questions.

7 MR. KANAREK: I object. That is a misrepresentation.

8 On direct examination Mr. Bugliosi did not cover  
9 that.

10 MR. BUGLIOSI: I said these are my questions,

11 MR. KANAREK: It wasn't on direct examination,  
12 Mr. Bugliosi. It was only after the defense had  
13 questioned her.

14 MR. BUGLIOSI: You raised an issue that was not an  
15 issue.

16 MR. KANAREK: That is a misrepresentation.

17 THE COURT: You will have your opportunity for  
18 argument again.

19 MR. BUGLIOSI: I am asking Stephanie Schramm,

20 "On the date of August the 8th, did you  
21 have dinner at the ranch that evening?

22 "Yes.

23 "After dinner what did you do?

24 "I guess I just walked around and talked  
25 to people for a little while, because I did not  
26 know anybody very good, and then I went to sleep.

16d-1

1 "Where did you go to sleep?

2 "In the trailer.

3 "Did Charlie tell you to go into the  
4 trailer?

5 "Yes.

6 "Did you go in the trailer by yourself?

7 "Yes.

8 "And you went to sleep?

9 "Uh-huh.

10 "How long after dinner did you go to the  
11 trailer?

12 "Not very long. Maybe an hour.

13 "Did Charlie sleep with you on the night  
14 of the 8th?"

15 "This is the night of the Tate murders.

16 "He took me into the trailer and he told  
17 me to sleep there, and he told me he would be  
18 back in a little while. He told me to stay there  
19 until he came back.

20 "The question was: Did Charlie sleep  
21 with you?

22 "No, he did not.

23 "Did you wake up sometime after you went to  
24 sleep that night?

25 "He" -- referring to Charlie -- "woke  
26 me up before it was light, a little before dawn,

1 "and we went down into Devil's Canyon."

2 That is the night of the Tate murders.

3 It seems like these girls, like Catherine Gillies  
4 and Nancy Pitman, especially, should have checked out their  
5 story with Stephanie Schramm. She doesn't remember  
6 Charlie being with her on those nights.

7 Now we go to the night of the La Bianca murders.

8 "Do you remember what Mr. Manson did on  
9 the date of August the 9th, 1969?

10 "Well, as close as I can remember he took  
11 me down to Devil's Canyon and we spent the day  
12 there, and when it got dark, he left, and he  
13 came back either sometime during the night or  
14 early in the morning."

15 "When it got dark he left and he came back  
16 either some time during the night or early in  
17 the morning."

18 "So, on August the 9th he left when it  
19 got dark?

20 "Yes."

21 "You don't know where he went?

22 "No."

23 "And then he came back when?

24 "During the night or in the morning,  
25 because I was asleep.

26 "But you saw him in the morning?

"Yes."

16e-1

1 Incidentally, Susan Atkins slipped up on the  
2 witness stand and admitted that on the night of the Tate  
3 murders she called Barbara Hoyt in the back house and  
4 asked Barbara Hoyt to get three sets of dark clothing.

5 Do you remember, she admitted that on the  
6 witness stand.

7 And as you recall, Barbara Hoyt, when she  
8 testified during the guilt phase, testified to the same  
9 thing. She was back in the back house, Sadie called her  
10 and asked her for three sets of dark clothing.

11 So, Susan's testimony confirms the fact that  
12 Barbara Hoyt was telling the truth.

13 Now, since we know that Barbara Hoyt was telling  
14 the truth about what happened at Spahn Ranch on the night  
15 of the Tate murders, we therefore know that when she testi-  
16 fied that she brought the three sets of dark clothing up  
17 to the front of the ranch, whom did she see in front of  
18 the ranch, ladies and gentlemen, on the boardwalk? None  
19 other than Charlie Manson.

20 Charlie said: What are you doing with the  
21 clothing? She said: Sadie just called me. She wanted  
22 three sets of dark clothing. And Manson told her: They  
23 already left.

24 So, Charlie wasn't in Devil's Canyon the night  
25 of the Tate murders. When his band of murderers left the  
26 Spahn Ranch for the Tate residence, he saw them off,

1 and shortly after they left he spoke to Barbara Hoyt and  
2 told Barbara Hoyt that the group had just left.

3 If I wanted to, ladies and gentlemen, I don't  
4 know if you want to take my word for it or not, but I  
5 could point out countless discrepancies and contradictions  
6 and inconsistencies in the testimony of the three female  
7 defendants and the defense witnesses in this case, but I  
8 am not going to dignify their testimony and waste your time  
9 and insult your intelligence.

10 I repeat, this is the penalty trial, not the  
11 guilt trial, and I am not going to reargue the issue of  
12 guilt all over again.

13 The three female defendants' confessions on  
14 that witness stand that, yes, they did participate in these  
15 murders, served no other purpose than to substantiate and  
16 confirm the testimony of Linda Kasabian; and for that  
17 matter, the testimony of all the other prosecution witnesses,  
18 such as Roni Howard and Virginia Graham.

19 And the efforts of Atkins, Krenwinkel and  
20 Van Houten to save Charles Manson, the Mephitophalian  
21 guru, from the gas chamber served no purpose than to  
22 prove all the more his domination over them and the fact  
23 that he was dominating and directing them on the two nights  
24 in question.

25 I want to point this out.

26 You recall, I told you during the guilt trial



1 that even without the testimony of Linda Kasabian, even  
2 without her testimony, it was obvious that Charles Manson  
3 ordered these murders. And that was so because there was  
4 so much other evidence, so much independent evidence,  
5 such as Manson's confession to Juan Flynn, that proved  
6 beyond all doubt that Manson ordered these murders.

7 But here we had the testimony of an eyewitness,  
8 Linda Kasabian, that Charles Manson, and Charles Manson  
9 alone, ordered these murders.

10 And now, ladies and gentlemen, during the  
11 penalty trial, you learn for the first time -- you didn't  
12 know this during the guilt trial because no evidence came  
13 in from that witness stand during the guilt trial on this  
14 point -- but during the penalty trial you folks learned for  
15 the first time that Susan Atkins told Roni Howard and  
16 Virginia Graham that Charles Manson ordered these murders.

16f fls.

16f-1

1 You learned during the penalty trial for the  
2 first time that on the evening of December the 4th, 1969,  
3 Susan Atkins also told me that Charles Manson ordered these  
4 murders.

5 And you learned that she told her own attorney  
6 many times, Richard Caballero, that Charles Manson ordered  
7 these murders.

8 And you also learned during the penalty trial  
9 that Susan Atkins testified at the Grand Jury that Charles  
10 Manson was behind these murders.

11 You also learned for the first time during the  
12 penalty trial that Leslie Van Houten told one of her first  
13 attorneys, Marvin Part, that Manson was behind these  
14 murders.

15 And Patricia Krenwinkel admitted on the witness  
16 stand about her conversation with Dr. Brown in which she  
17 said that Manson was behind these murders.

18 At the penalty trial.

19 MR. KANAREK: Your Honor, I am constrained to point  
20 out, your Honor, in connection with this --

21 MR. BUGLIOSI: This is her testimony. She admitted  
22 this.

23 THE COURT: State your objection.

24 MR. KANAREK: The objection is on equal protection  
25 of the law under the 14th Amendment of the United States  
26 Constitution, in that your Honor has made the point that

1 the Brown letter is to be used only in connection with the  
2 state of mind of Dr. Tweed.

3 THE COURT: That is perfectly true.

4 He is not talking about the Brown letter. He  
5 is talking about the testimony of Miss Krenwinkel.

6 MR. KANAREK: I understand. But your Honor has fore-  
7 closed us from using the letter.

8 THE COURT: The objection is overruled.

9 MR. KANAREK: May I approach the bench then?

10 THE COURT: No, you may not.

11 MR. BUGLIOSI: Since this is the penalty trial and  
12 not the guilt trial, I am going to leave, ladies and  
13 gentlemen, the hopelessly futile and ridiculous effort  
14 of the three female defendants and the defense witnesses  
15 to make it look like Manson wasn't involved in these  
16 murders, and I am going to address myself now to the issue  
17 at hand, namely, whether these four defendants deserved  
18 life imprisonment or the death penalty.

19 Messrs. Kanarek, Shinn, Fitzgerald and Keith  
20 all argued that you should give their respective clients  
21 imprisonment.

22 You know, ladies and gentlemen, for incredibly  
23 horrendous murders like this, the death penalty should be  
24 absolutely automatic. For what these defendants did, life  
25 imprisonment is a joke.

26 Maxwell Keith, during his argument to you,

1 during the guilt trial, said that people were calling these  
2 murders the crime of the century.

3 You remember that. And then he started to  
4 reflect back. He paused for five or ten seconds. Then he  
5 said, "My God, it isn't."

6 He wanted to think of some other murders, but  
7 he didn't come up with some other murders.

8 He said: What about the first and second  
9 World Wars?

16g fls.

1. These weren't typical murders, ladies and  
2. gentlemen. This was a one-sided war where unspeakable  
3. atrocities were committed.

4. The Attorney General of this State, Evelle  
5. Younger, who undoubtedly, in his long years of law enforce-  
6. ment, has literally heard of thousands of murders, testified  
7. on that witness stand that "These murders were one of the  
8. bloodiest, most brutal crimes ever perpetrated."

9. That means not just here in Los Angeles,  
10. but at any time, anywhere.

11. If all of these defendants don't receive the  
12. death penalty, as I said in my opening argument, the typical  
13. first degree murderer deserves ten days in the County Jail.

14. I would assume that all of you feel the same  
15. way about these murders as I do. However, in the event  
16. that one or more of you, for some particular reason, have  
17. some doubt whether all of these defendants deserve the  
18. death penalty, I will address myself to the arguments made  
19. by the defense attorneys.

20. Mr. Shinn argued that the District Attorney's  
21. office should not be seeking the death penalty against  
22. Susan Atkins because of the agreement her attorney, Richard  
23. Caballero, had with our office.

24. In the first place, ladies and gentlemen, as  
25. you know, you have to follow the law as given to you by  
26. Judge Older. You have to follow his law, whatever he gives

1 you.

2 Judge Older will specifically instruct you that  
3 whether or not Susan Atkins performed her part of the agree-  
4 ment is not an issue that must be determined by you.

5 In fact, the very parties to that agreement  
6 agreed -- and this was testimony now that I am talking  
7 about -- the very parties to that agreement agreed that  
8 they, and they alone, would determine whether or not Susan  
9 Atkins has lived up to the agreement.

10 Dick Caballero testified that it was his under-  
11 standing that he, Caruso and the District Attorney's office  
12 would make that determination.

13 Evelle Younger testified that the District  
14 Attorney's office alone would make that determination.

15 Here is the instruction that Judge Older is  
16 going to give you:

17 "Evidence has been received that an  
18 agreement was reached between Susan Atkins and her  
19 attorney Richard Caballero on the one hand, and the  
20 District Attorney of Los Angeles County on the  
21 other hand regarding under what conditions the  
22 District Attorney would or would not seek the  
23 death penalty against Susan Atkins and of the  
24 circumstances surrounding the agreement."

25 Now, here is the crucial paragraph. This is  
26 an instruction that Judge Older will give you:

1 "Whether or not the agreement was  
2 performed is not a question which must be determined  
3 by the jury. The jury is not bound by any agreement  
4 between a defendant and his counsel and the District  
5 Attorney since the decision as to penalty is solely  
6 for the determination of the jury."

7 Then Judge Older will go on to say:

8 "You may, however, consider the evidence  
9 pertaining to the agreement and all of the surround-  
10 ing circumstances in arriving at your verdict."

11 In other words, the issue of whether or not  
12 Susan Atkins performed that agreement is not something that  
13 must be determined by you. You are not bound by it.

14 Secondly, ladies and gentlemen, Susan Atkins  
15 did not live up to the agreement.

16 Richard Caballero testified that before the  
17 agreement, and before the Grand Jury, he testified that I  
18 told him that Susan Atkins had to tell the complete truth.  
19 Not just the truth, but the complete truth.

20 This is Caballero's testimony now.

16h fls.



16h-1

1 Mr. Younger testified that at the time of the  
2 agreement he told Mr. Caruso and Mr. Caballero that Susan  
3 Atkins had to tell the truth, the whole truth and nothing  
4 but the truth.

5 Mr. Younger is familiar with those words because  
6 he was formerly a Los Angeles County Superior Court Judge.

7 Mr. Caballero also testified that after the  
8 Grand Jury, shortly after, I told him that although she  
9 testified substantially to the truth at the Grand Jury, she  
10 did not tell the complete truth.

11 And she didn't.

12 Now, here is why she did not tell the truth.

13 She told Roni Howard and Virginia Graham that  
14 she stabbed and/or killed Sharon Tate. In fact, she even  
15 testified and admitted from that witness stand that she  
16 stabbed Sharon Tate to death.

17 At the Grand Jury, ladies and gentlemen, she  
18 denied stabbing Sharon Tate to death.

19 Now, there is no way for us to know, of course,  
20 whether she did, in fact, do it. We weren't there. But  
21 certainly, inasmuch as she told Roni Howard and Virginia  
22 Graham, in the privacy of the jail cell -- it turned out  
23 not to be too private for Sadie; but at least her state of  
24 mind was private -- if she admitted that to them, the  
25 chances are, the extreme likelihood is, that she did stab  
26 Sharon Tate to death.

1 And, of course, she admitted it on the witness  
2 stand.

3 In the Grand Jury, she denied it.

4 When I interviewed her the night before her  
5 Grand Jury testimony on December the 4th, 1969, she told me  
6 that she stabbed Voltyck Frykowski four or five times.

7 At the Grand Jury, she denied stabbing Voltyck  
8 Frykowski.

9 Now, her most serious departure -- and this is  
10 the third point -- I named two points already -- her most  
11 serious departure from the truth was this, and I think this  
12 is the main reason, coupled with the other two reasons, but  
13 I think this is the main reason why she certainly cannot  
14 be considered to have told the complete truth at the Grand  
15 Jury. At the Grand Jury she testified that after Charles  
16 Manson gave Linda Kasabian the wallet and told Linda to  
17 hide the wallet in the gas station, she testified that Manson,  
18 she, Linda and Steve Grogan went directly back to Spahn  
19 Ranch.

20 And it wasn't a question, ladies and gentlemen,  
21 of the issue not arising, because I asked her, and that  
22 came out in the evidence, I said: "What did you do next?"

23 And she said: "I dozed off or something, and we  
24 went back to Spahn Ranch."

25 So, she was given an opportunity to answer that  
26 question. She completely omitted any reference to the

1 Venice incident in which Charles Manson ordered her, Linda  
2 Kasabian and Steve Grogan to murder that other man.

3 How in the world can Susan Atkins be deemed to  
4 have told the complete truth when she completely left out  
5 an entire incident in which Manson, on the night of the La  
6 Bianca murders, ordered another murder.

7 Of course, I didn't find out about this until  
8 several months later when I interviewed Linda Kasabian. I  
9 didn't have any way of knowing, when I spoke to Sadie, about  
10 this Venice incident. I found out about that several months  
11 later when I spoke to Linda.

12 Now, we know the Venice incident occurred because  
13 Sadie confessed to it, admitted it on the witness stand. But,  
14 of course, she substituted Linda Kasabian for Charles Manson.

15 Now, although Susan Atkins did testify substan-  
16 tially to the truth, she did not tell the complete truth.

17 Mr. Shinn argues that Mr. Stovitz' memorandum  
18 just says that Susan Atkins had to testify truthfully at  
19 the Grand Jury and does not use the words "completely  
20 truthfully."

21 Well, No. 1, that memorandum is not the agree-  
22 ment. The agreement is an oral agreement. That memorandum  
23 is simply a recapitulation on Mr. Stovitz' part of his  
24 recollection of what the agreement was.

25 And as I have indicated, Caballero admitted on  
26 the witness stand that I told him that Susan had to tell

1 the complete truth. He admitted that.

161 fls.

2 And Younger told Caballero and Caruso "The  
3 truth, the whole truth and nothing but the truth."

4 But even if I hadn't told Caballero this, and  
5 even if Mr. Younger had not told Caballero and Caruso this,  
6 still it wouldn't have made any difference, because the word  
7 "truthful" means the complete truth. The word "truthful"  
8 does not mean substantially true. It means the whole truth.

9 Certainly Mr. Shinn cannot be asking you to  
10 believe that the District Attorney's office, in essence,  
11 told Sadie:

12 Sadie, we don't care if you lie here and there  
13 at the Grand Jury as long as you tell the truth for the  
14 most part.

15 I hope he is not suggesting that that was our  
16 state of mind.

17 She had to tell the complete truth. She did  
18 not. She breached the agreement. Therefore, we have the  
19 right to seek the death penalty against her.

20 Incidentally, if Mr. Shinn responds to some of  
21 the points I have just spoken about concerning the agreement,  
22 I would like to have him answer these two questions.

23 All right, Mr. Shinn?

24 MR. SHINN: Sure.

25 MR. BUGLIOSI: You don't take shorthand, do you?

26 MR. FITZGERALD: I object to the inter se comment.

1 They are improper, and counsel knows it, your Honor.

2 MR. BUGLIOSI: How can Mr. Shinn -- and I'd like to  
3 have him answer these two questions -- how can Mr. Shinn  
4 ask the District Attorney to live up to an agreement with  
5 his client, Susan Atkins, when Susan Atkins herself testi-  
6 fied on the witness stand that she broke the agreement?  
7 When she testified on that witness stand that she lied at  
8 the Grand Jury? When she testified that she broke that  
9 agreement?

10 I would like to have Mr. Shinn answer how he  
11 can ask the District Attorney to live up to an agreement  
12 that his own client testified she broke.

13 The second question.

14 There was a stipulation at the very end of the  
15 trial that on May the 11th, 1970, Mr. Shinn prepared a  
16 declaration by Susan Atkins which Susan Atkins signed and  
17 which Mr. Shinn filed with this court.

18 This declaration reads in part -- it is signed  
19 by her -- here is her signature, "Susan Atkins." This is  
20 part of the declaration:

21 "That after the Grand Jury hearing, I" --  
22 referring to herself -- "informed my attorney that  
23 everything I said at the Grand Jury hearing was  
24 incorrect and that I wanted to retract my statements,  
25 but my attorney, Richard Caballero, did not take the  
26 necessary steps to do this.

1 "That subsequent to the Grand Jury  
2 hearing, a Times reporter, whose name I was  
3 informed and believe to be Jerry Cohen, and a  
4 stenotype operator, was present with my attorney  
5 at Sybil Brand Institute for Women, and at that  
6 time I told them that my statements at the Grand  
7 Jury hearing were not true, and insisted that they  
8 be retracted, but my attorney failed to do so."

9 Now, I ask Mr. Shinn, if he feels that his  
10 client testified truthfully at the Grand Jury, why did he  
11 himself prepare a document -- he is the one that prepared  
12 the document and filed it with this court -- in which his  
13 own client testified that she lied at the Grand Jury?

14 He is the one that prepared that document. He  
15 stipulated to it.

16 One more point.

17 When Susan Atkins testified for the prosecution  
18 at the Grand Jury, as Mr. Caballero said -- and this is  
19 important -- she never lost anything.

17 fls.

17-1

1           What did she lose? She did not prejudice  
2 herself in any fashion whatsoever.

3           And this is so because our office agreed with  
4 Mr. Caballero and Mr. Caruso that at the guilt trial we  
5 would not use Susan Atkins' testimony and confession at  
6 the Grand Jury against her.

7           And we didn't -- and we didn't during the guilt  
8 trial; we didn't.

9           You ladies and gentlemen of the jury convicted  
10 Susan Atkins of seven counts of murder and one count of  
11 conspiracy to commit murder based on evidence which did not  
12 include Susan Atkins' testimony at the Grand Jury, and her  
13 confession.

14           Her testimony at the Grand Jury was never even  
15 mentioned. It was never even mentioned during the guilt  
16 trial.

17           So her testifying for the prosecution at the  
18 Grand Jury did not harm her in any fashion.

19           Before I go on to other matters, I want to  
20 make it clear that the argument that Mr. Shinn made, and I  
21 must admit the arguments that I have been making about this  
22 agreement, are for the most part completely irrelevant  
23 because Judge Older will instruct you, and I repeat, whether  
24 or not the agreement was performed is not a question which  
25 must be determined by the jury.

26           The jury is not bound by any agreement between



1 a defendant and his counsel and the District Attorney  
2 since the decision as to penalty is solely for the deter-  
3 mination of the jury.

4 Mr. Fitzgerald argued if you come back with  
5 a verdict of death, he analogized this to the Code of  
6 Hammurabi, an eye for an eye and a tooth for a tooth.

7 This is not an eye for an eye and a tooth for  
8 a tooth; it is not.

9 If it were, for instance, since Patricia Kren-  
10 winkel participated in the murder of seven human beings,  
11 it would be an eye for an eye and a tooth for a tooth,  
12 she would have to be executed and resurrected, and so forth,  
13 seven times.

14 So her life is one-seventh -- her life is  
15 one-seventh of what she did.

16 Actually all Mr. Fitzgerald is saying, and  
17 Mr. Keith and all the defense attorneys, is that they are  
18 opposed to the death penalty.

19 Well, that is perfectly all right on their  
20 part. You folks are not opposed to the death penalty.

21 How do I know this? Well, during voir dire  
22 many many months ago, too many months ago, you said you  
23 were not opposed to the death penalty.

24 Mr. Fitzgerald's eye for eye argument can be  
25 used in every death penalty case. If you return verdicts  
26 of death, ladies and gentlemen, it is not going to be because

1 of any vengeful eye for eye type of retribution.

2 It is going to be because a verdict of death  
3 is the proper verdict under all of the circumstances.

4 Mr. Keith argued:

5 "If the death penalty could bring Rosemary  
6 La Bianca back to life, then the death penalty  
7 might be valid."

8 Mr. Fitzgerald said that killing these defendants  
9 would not bring the seven victims back to life.

10 If we go into that line of reasoning, ladies and  
11 gentlemen, no one would ever be punished for any crime,  
12 any crime, since punishing a person does not remove the fact  
13 that the crime was committed.

14 In other words, don't punish a man for raping  
15 a virgin because the punishment is not going to remove the  
16 fact she was raped.

17 The punishment is not going to restore her  
18 virginity, as it were.

19 Don't punish a man for arson because the punish-  
20 ment is not going to put that building back up. The build-  
21 ing is still burned down, and so on and so on.

22 You could argue that with every crime,

23 Defense counsel have another opportunity to  
24 argue to you, ladies and gentlemen, and they may argue to  
25 you that you should return verdicts of life imprisonment  
26 against the three female defendants because they are women.

1 Well, no section in the Penal Code, ladies and  
2 gentlemen, exempts women from the death penalty.

3 In view of the atrocious murders that these  
4 three female defendants committed the death penalty is  
5 a proper verdict.

6 If females can commit barbaric murders like  
7 this, ladies and gentlemen, and not receive the death  
8 penalty, then there should be a new law enacted exempting  
9 women from the death penalty.

10 Well, there is no such law, ladies and gentle-  
11 men, and the likelihood is there never will be such a law.

12 But if there ever is, it's going to have to be  
13 enacted by our representatives in the California Legisla-  
14 ture.

15 Mr. Fitzgerald may argue to you, I don't know  
16 whether he will or not --

17 MR. FITZGERALD: Then it is beyond the scope of  
18 argument and I will object on those grounds.

19 MR. BUGLIOSI: I will go on to another matter, your  
20 Honor.

21 Mr. Keith argued that Leslie Van Houten was  
22 only 19 years of age, ladies and gentlemen, at the time of  
23 these murders, and he said she was very immature.

24 Mr. Fitzgerald during his argument  
25 continually referred to these three female defendants as  
26 children. That was the term he used, children.

1 Well, in the State of California, ladies and  
2 gentlemen, Section 190 Subdivision 1 of the California  
3 Penal Code states that if a killer is 18 or above at the  
4 time of the killing, the killer, he or she, can be  
5 sentenced to death.

6 If the killer is 17 or below the killer cannot  
7 be sentenced to death.

8 The California Legislature -- if the California  
9 Legislature wants to raise the minimum age, as it were, it  
10 is up to them to do it, and not anyone else.

11 Leslie Van Houten is 21 years of age.

12 Susan Atkins is 22 years of age.

13 Patricia Krenwinkel is 23.

14 They are adults by any standard, and completely  
15 responsible for their acts.

17a fls.

17a-1

1 If we are going to talk about age, ladies and  
2 gentlemen, Steven Parent was only 18 at the time he was  
3 brutally cut down.

4 One further point, during voir dire, during  
5 voir dire Mr. Stovitz and I both asked each and everyone  
6 of you whether you would be willing to return verdicts of  
7 death against these three female defendants despite the  
8 fact that they were women and despite the fact that they  
9 were young adults; and each and everyone of you said that  
10 you would be willing to return verdicts of death against  
11 these three female defendants if you felt it was a proper  
12 case.

13 Now, Mr. Stovitz and I, ladies and gentlemen,  
14 were not playing games when we asked that question. We  
15 were very very serious.

16 And I am confident that when you answered our  
17 questions you were not playing games; you were very serious.

18 And I say if these three female defendants  
19 don't deserve the death penalty, no female ever would.

20 Moreover, the argument about bringing the seven  
21 victims back to life; that this will not be accomplished  
22 by a death penalty verdict.

23 That argument could be made in every death  
24 penalty case. If one were to buy that argument, the death  
25 penalty would never be imposed.

26 Mr. Kanarek said if you returned verdicts of

1 death against these defendants you would be committing  
2 murder.

3 Another time he said the prosecution is asking  
4 you to deliberately kill these defendants.

5 Now, this is an old, hackneyed defense argu-  
6 ment made in death penalty cases designed to browbeat you  
7 out of returning a verdict of death.

8 Of course, to categorize a jury, ladies and  
9 gentlemen, as killers or anything remotely akin thereto,  
10 not only is ridiculous but it's very very unfair, very  
11 unfair.

12 If you come back with a verdict of death,  
13 ladies and gentlemen, these defendant by their incredible  
14 savage conduct can only blame themselves, not you.

15 Your verdict will be based on what they did,  
16 not on what they did not do.

17 Mr. Kanarek also said words to the effect that  
18 I want the death penalty. He did not use me by name, but  
19 he is talking about the prosecution, and that is myself and  
20 my partners here, want the death penalty so I can get a  
21 gold star from my office for getting Manson.

22 Mr. Fitzgerald said that I represent death and  
23 he represents life.

24 In other words, I am the heavy!

25 All of a sudden I am the heavy!

26 Seven people are murdered but the prosecutor is

1 the heavy! He suborns perjury and he represents death!

2 Now, how about that? By saying that you folks  
3 will be murderers if you come back with a verdict of death,  
4 by saying that we are trying to get some type of a gold star  
5 or a medal -- I forget what he said -- from our superiors,  
6 in effect Mr. Kanarek is trying to personalize this case  
7 by making it a confrontation, as it were, between the  
8 prosecution and you folks on one hand and the defendants  
9 on the other hand.

10 Before you folks were selected as jurors on  
11 this case you neverknew of that or probably even heard  
12 of these defendants.

13 You did not ask to be jurors on this case, you  
14 were selected.

15 The same is true of myself.

16 I did not ask to be a prosecutor on this case;  
17 I was assigned.

18 If I had not been assigned to handle this case,  
19 some other Deputy District Attorney would be assigned and  
20 he would be standing in front of you right now the way I  
21 am.

22 There are enough in our office, 450. If you  
23 folks had not been selected on this case, 12 other jurors  
24 would be seated where you are right now.

25 If anyone thinks I am deriving pleasure out  
26 of standing up here in front of you and asking for the death



1 penalty, they are wrong.

2 There is no pleasure in stuff like this, and  
3 if anyone thinks you folks are enjoying what you do, I  
4 think I can speak for you and tell them they also have  
5 another thought coming.

6 So, please, please don't be swayed in the  
7 least by Mr. Kanarek's totally improper argument, that if  
8 you return verdicts of death you will be killers.

9 As the jury in this case you are simply a very  
10 important instrument in the over-all machinery of the  
11 administration of justice.

12 No sensible, rational person can have anything  
13 but the very highest esteem and regard for you 12 people  
14 for having assumed the great responsibility that you have.

15 Keep this in mind, ladies and gentlemen, there  
16 are two primary authorities in life, religious and legal.

17 In the religious realm, even the Bible authorizes  
18 the death penalty for one who has slain another.

19 And in the legal ground the California Legislature  
20 authorized the death penalty as an alternative form of  
21 punishment in a capital case.

22 If Mr. Kanarek says you folks will be murderers  
23 if you do something you have a right to do, not only under  
24 the Bible but under California statutory law -- now, true,  
25 true, there is language in the Bible --

26 There is language in the Bible, the Fifth

1 Commandment of the Ten Commandments that God delivered to  
2 Moses at Mount Sinai, the Fifth Commandment said  
3 "Thou shalt not kill."

4 But a very cursory review of theology in the  
5 Holy Scriptures shows that by the language "Thou shalt  
6 not kill," our Biblical scholars have interpreted that  
7 language to mean "Thou shalt not commit murder."

17b fls.

17b-1

For instance, the council of Trent proclaimed:

"The magistrates who condemn people to death are not only not guilty of murder, but eminently obey the Fifth Commandment which prohibits murder."

In other words, if you are concerned about this, the Fifth Commandment prohibits killing a fellow human being in the first instance, i.e., it prohibits murder.

It certainly does not prohibit the death penalty for those who have already violated the Fifth Commandment.

To the contrary, the Bible specifically and expressly sanctions the death penalty for those who already have broken the Fifth Commandment.

The Fifth Commandment in the Bible, and I read this to you because I am sure many of you have very deeply rooted religious backgrounds, no matter how much you know about religion and there could be passages in the Bible that you are certainly unaware of.

The Fifth Commandment in the Bible is the Book of Exodus, Chapter 20, Verse 13 says "Thou shalt not kill."

The very next page, same Book of Exodus, the very next page, Chapter 21, Verse 12:

"Whoever strikes a man a mortal blow must be put to death."

1 Verse 14;

2 "When a man kills another, after  
3 maliciously scheming to do so, you must take  
4 him even from an altar and put him to death."

5 And in the book of Genesis and in the Book of  
6 Leviticus, Chapter 9, Verse 6 of Genesis, Chapter 4,  
7 Verse 17 of Leviticus they also sanction the death penalty.

8 Even the New Testament, although not dwelling  
9 on the death penalty as much as the Old Testament, speaks  
10 of the propriety of the death penalty.

11 One further point and I will pass on.

12 The New English Bible, dated 1970, Book of  
13 Exodus, Chapter 20, Verse 13:

14 "Thou shalt not commit murder."

15 The word "kill" is no longer in this new Bible.

16 So don't let defense attorneys frighten you  
17 out of returning verdicts of death out of the rationale  
18 that you will be violating the Holy Scriptures.

19 With respect to the testimony of a psychiatrist  
20 in this case, ladies and gentlemen, I make a few preliminary  
21 observations.

22 No. 1, psychiatrists of course are witnesses  
23 like anyone else and therefore you have the right to accept  
24 or disregard all or a portion of their testimony.

25 No. 2, keep in mind that the opinions of  
26 psychiatrists are medical opinions not legal opinions,

1 that you 12 ladies and gentlemen of the jury are the ultimate  
2 triers of the fact, not the psychiatrists.

3 Now, I have not meant to imply by anything that  
4 I have just said that I am demeaning or deprecating the  
5 conclusions testified to by the four psychiatrists during  
6 the penalty trial, because by and large I agree; by and  
7 large I agree with the conclusions testified to by the  
8 four psychiatrists in this case, with respect to these  
9 three female defendants.

10 Mr. Keith said this, and we are talking now  
11 about the fact that these three female defendants are  
12 crazy in the eyes of -- of course -- a lot of people.

13 Mr. Keith said that "Perhaps the very savagery,  
14 the very quantity of bloodletting should be a mitigating  
15 factor."

16 These girls had to be mad and insane to do  
17 this.

18 Mr. Fitzgerald said that these defendants had  
19 to be crazy and out of their minds to do this, or words  
20 to that effect.

21 Now, Mr. Fitzgerald and Mr. Keith seem to be  
22 implying, they seem to be implying without directly stating  
23 it, that if these murders had not been as savage and  
24 bizarre as they were, perhaps the death penalty would be  
25 proper.

26 But since their clients did commit extremely

1 savage, bizarre murders, they should only receive life  
2 imprisonment on the rationale that they must have been out  
3 of their minds to do what they did.

4 In other words, their clients deserve some  
5 type of credit, as it were, some type of credit for  
6 committing these incredibly savage brutal murders.

7 They are not saying that, but this is the  
8 final result of what they are saying.

9 In other words, prospective murderers should  
10 be told "Don't stab your victim just once or twice, the  
11 more you stab your victim the more vicious you are, the  
12 more heinous the murder, the better chance you have of  
13 getting life imprisonment."

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17c fls.

17c-1

1 This seems to be what they are saying.

2 Are they or are they not saying that?

3 Now, without going into detail on the four  
4 defense psychiatrists' evaluation of the mental state of  
5 these three female defendants, basically, fundamentally  
6 the evaluation as to all three female defendants was  
7 virtually the same.

8 They all have personality disorders, and they are  
9 all mentally ill.

10 That is basically what the testimony of the  
11 psychiatrists was in this case.

12 Well, of course they have a personality disorder.  
13 Their personality is so warped that they like to kill  
14 human beings.

15 As far as mentally ill is concerned, so what?  
16 It's rather common knowledge that everyone is mentally ill  
17 to some degree or other.

18 Some people add, by way of footnote, "particularly  
19 psychiatrists."

20 I am not going to add that because the psychia-  
21 trists in this case seem to be very sensible, rational  
22 men.

23 But it is common knowledge, everyone has some  
24 type of mental illness, some type of neurosis, so even  
25 assuming, ladies and gentlemen, that the psychiatrists'  
26 evaluation of the three female defendants in this case is



1 correct, let us assume that. Those conclusions and  
2 evaluations in no way justify life imprisonment as opposed  
3 to the death penalty.

4 I am assuming that what they say is correct.

5 Personality disorders and mental illnesses mean  
6 nothing. In fact, I think Mr. Fitzgerald quoted Victor  
7 Hugo saying that murder is some type of disease, the  
8 implication being that everyone who commits murder, and  
9 I heard this and I believe it is commonly believed, that  
10 everyone who commits murder is mentally ill and suffering  
11 from some type of personality disorder.

12 I am not talking about killing, now, I'm not  
13 talking about self-defense or war.

14 I am talking about murder.

15 But this in no way justifies life imprisonment,  
16 ladies and gentlemen.

17 If it did, since all murderers are commonly  
18 believed to be mentally ill and suffering from some type  
19 of personality disorder, by definition the death penalty  
20 would never be imposed.

21 I will tell you what does mean something,  
22 ladies and gentlemen, I will tell you what does mean  
23 something. Insanity or diminished capacity.

24 (To the Court) Would this be a convenient  
25 time?

26 THE COURT: Very well.

1 MR. KANAREK: Your Honor, may we approach the bench  
2 very briefly?

3 THE COURT: Very well.

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

6 MR. KANAREK: I just want the record to reveal that  
7 in view of the actions of the District Attorney's Office,  
8 I gather more specifically Mr. Bugliosi and Mr. Kay, I  
9 do agree -- I am forced to agree on balance that --  
10 that your Honor should sequester the jury --

11 THE COURT: I am going to!

12 MR. KANAREK: But I just want the record to reveal --

13 THE COURT: There is nothing to join in. I am going  
14 to do it.

15 MR. KANAREK: I want the record to reveal I am doing  
16 this only because your Honor has not allowed the hearings  
17 that we requested, the evidentiary hearing and your Honor  
18 has not granted a mistrial.

19 I don't want this record -- it is like the  
20 horns of a dilemma kind of thing, your Honor, Hobson's  
21 choice.

22 MR. FITZGERALD: What is the jury going to be told  
23 about why they are being sequestered?

24 THE COURT: They are not going to be told anything.

25 Anyway, they will be sequestered either today  
26 or tomorrow.

Are you suggesting they be told something?

MR. FITZGERALD: No, I did not know what you were going to tell them. I am sure they are going to be inquisitive about it inasmuch as they are not deliberating.

THE COURT: I assume that since they brought their things, and we guessed wrong about the conclusion of the trial today, that rather than go home and bring them back tomorrow it would be just as easy to start tonight.

MR. KANAREK: With respect to that, I cannot agree with the Court, I think the jurors will most definitely make some inferences.

THE COURT: All right. We disagree.

MR. BUGLIOSI: I think I will finish tomorrow around 11:00, 10:30.

THE COURT: All right. Anything else?

MR. BUGLIOSI: I cannot think of anything.

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

THE COURT: Ladies and gentlemen, I had hoped that the trial would be concluded today, that is, the arguments and the instructions.

Unfortunately as you can see we are not concluding today but nevertheless I am going to order that the jury be sequestered.

I know you brought your things. This will give you an opportunity to get into a hotel and get settled

1 down.

2 In any event, in all probability it will not  
3 be more than one extra night.

4 Remember the admonition. Do not converse with  
5 anyone nor form or express an opinion regarding penalty  
6 until that issue is finally submitted to you.

7 The Court will adjourn until 9:00 o'clock tomorrow  
8 morning.

9 The clerk will swear the bailiffs.

10 THE CLERK: Will all bailiffs please come forward,  
11 raise your right arms to be sworn.

12 You and each of you do solemnly swear that you  
13 will take charge of the jury and keep them together until  
14 otherwise ordered by the court.

15 That you will not speak to them yourself nor  
16 allow anyone else to speak to them on any matters connected  
17 with the cause except upon order of the Court.

18 And when they have agreed upon a verdict you  
19 will return them into the courtroom, so help you God?

20 THE BAILIFFS: I do.

21 THE CLERK: Further, you and each of you, do solemnly  
22 swear that you will take charge of the alternate jurors  
23 and keep them apart from the jury while they are  
24 deliberating on the cause until otherwise ordered by the  
25 Court, so help you God?

26 THE BAILIFFS: I do.

1 THE COURT: 9:00 o'clock tomorrow morning.

2  
3 (Whereupon, an adjournment was taken to  
4 reconvene at 9:00 a.m., Wednesday, March 24, 1971.)  
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