

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.

3094

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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1 LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 26, 1971

2 9:38 o'clock a.m.

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

6 You may continue with your argument, Mr. Kanarek.

7 MR. KANAREK: I am sure we are all glad to see Mr.
8 Fitzgerald is well again; that caused our delay yesterday.

9 Now, we have once again during this period of
10 time when Paul was ill, we went through the transcripts
11 and boiled down even further some of the comments that we
12 intended to make.

13 As we all know, in connection with this
14 letter -- in connection with this letter from Dr. Brown
15 there was --

16 It is interesting to note that when Mr. Bugliosi
17 -- when Mr. Bugliosi was questioning Dr. Tweed that he,
18 notwithstanding the fact that this letter is to be used
19 only in questioning the state of mind of Dr. Tweed, Mr.
20 Bugliosi chose --

21 This letter has got several pages, about five
22 pages -- a little over four pages --

23 He chose to refer to the language that Miss
24 Krenwinkel supposedly had this fear of Charles Manson.

25 The reason Mr. Bugliosi did that was so that
26 we would lose sight of the fact that this letter is to be

1 used only for the state of mind of Dr. Tweed. It is not
2 supposed to be used for any such purpose.

3 MR. BUGLIOSI: I don't believe this is rebuttal, your
4 Honor.

5 MR. KANAREK: We went into Dr. Brown's letter, your
6 Honor.

7 THE COURT: Go ahead.

8 MR. KANAREK: Why did the prosecution choose that
9 particular portion of this letter?

10 Again, because what the prosecution is doing in
11 this case, is substituting emotion, substituting hatred,
12 viciousness --

13 Why are we sequestered right now? Because of
14 the tactics of the prosecution, because of the prosecution's
15 doing things --

16 MR. BUGLIOSI: This is not rebuttal.

17 THE COURT: Sustained. The jury will disregard Mr.
18 Kanarek's statements.

19 MR. KANAREK: Would we be sequestered in this case,
20 in any event --

21 THE COURT: This is not rebuttal, Mr. Kanarek.

22 Get on with your argument, sir.

23 MR. KANAREK: Now, the prosecution has --

24 I was trying to take notes while the prosecution
25 was addressing you, and the fact is that, for instance, the
26 statements that were made concerning Mr. Manson and concerning

1 Mr. Manson's relationship with these girls --

2 I think the best -- the best argument that we
3 can possibly make on behalf of Mr. Manson is an argument
4 wherein we remove ourself from a murder case.

5 Let's say that just -- let's say that we had
6 heard that somebody had told somebody to go down and steal
7 from the May Company.

8 Say that we had heard that someone had told
9 someone to go out and hold up the Bank of America, and then
10 that person went out and did what was requested, supposedly.

11 Our immediate reaction -- our immediate reaction
12 is the same as what Dr. Hochman told us in technical terms:

13 "We stand on our own two feet."
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1 And if someone supposedly -- which never
2 happened in this case, because Mr. Manson was very tied
3 up with Stephanie Schram -- assuming for the sake of
4 argument that Mr. Manson told somebody to go do something.
5 Our gut reaction -- forgetting anything about law;
6 forgetting anything about a courtroom -- just in our own
7 walk of life, in whatever business we are in, if somebody
8 tells us to do something, and that person goes out and
9 does it, where there is some kind of a decision-making
10 process involved, that person is responsible for his or
11 her act, the one that is going out there and doing whatever
12 is occurring.

13 Say that someone works in an insurance office
14 and there are two agents in the insurance office, and one
15 agent tells the other: Go forge those checks. Forge
16 those checks and cash them.

17 Now, if that person goes out and forges those
18 checks and cashes them, the person that is being spoken
19 to, our gut reaction is that he went through the decision-
20 making processes that we have heard about in this courtroom
21 and he is responsible for that.

22 But again, looking at the fact that we are
23 in the penalty phase of this trial, keeping that fact in
24 mind, we have here a situation where the details of what
25 occurred here, these murders concerning which these girls
26 have testified, Mr. Manson had no knowledge, had no details.

1 I mean, it is so incredible, it is beyond
2 belief that we are now actually here in this courtroom,
3 except for the political activities of a political office,
4 namely, the District Attorney's office.

5 Are we going to allow politicians to dictate
6 life or death when we know what motivates politicians?

7 Like this morning, Mr. Yorty is calling for the
8 recall of the two United States Senators because they had
9 the temerity to vote against the SST.

10 Mr. Yorty wants to run for President of the
11 United States, so he is doing it to gather votes, because
12 he knows there are aerospace people here in California, and
13 he doesn't care whether there is any merit or not, but it
14 is going to create some kind of dissension and his name is
15 going to be somewhere where he may win the New Hampshire
16 Primary, and then, he hopes, become President of the United
17 States.

18 By the same token, by the same token, the
19 District Attorney's office here -- the District Attorney's
20 office here -- no matter how much they know that this,
21 as far as Mr. Manson, cries out for a life sentence because
22 of the lack of Mr. Manson's participation even from their
23 standpoint, but they don't do it, they won't do it because
24 of their own activities in connection with the politically
25 motivated publicity.

26 These are some of the considerations that we

1 should have in mind when we look at this case, when we look
2afls. 2 at the testimony of Mr. Younger.

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1 I don't think we have ever heard so many
2 "probablies" in one man's testimony as we heard in Mr.
3 Younger's testimony. He didn't know anything about it.
4 He had no memory of anything concerning the matter pertain-
5 ing to Susan Atkins.

6 These are all matters that are of significance
7 in deciding this case where we are talking about penalty.

8 Now, in this courtroom there have been occasions
9 wherein the Court has made certain rulings, and the Court
10 and I obviously don't agree on these rulings.

11 THE COURT: This is not rebuttal, Mr. Kanarek.

12 The jury will disregard that remark.

13 Let's get on with the argument.

14 MR. KANAREK: Well, in any event, ladies and gentlemen,
15 we know that as far as what has gone on in this courtroom,
16 that whatever it is is the result of an adversary proceed-
17 ing. It is a proceeding in which one side is against the
18 other side.

19 So, in deciding this penalty aspect of the
20 case as to Mr. Manson, we owe it to ourselves, and we
21 owe it not only to Mr. Manson, we owe it to all of our
22 future peace of mind, when all the emotion of this trial
23 has died away and we are somewhere in solitude by our-
24 selves, we owe it to ourselves to judge this case, as far
25 as this penalty phase goes -- what I am talking about right
26 now -- so that we can forever live with that decision.

1 Now, we know that the Legislature has made this
2 distinction between life and death. Why did the Legislature
3 make this distinction?

4 In exercising our discretion as trial jurors,
5 it probably is important and significant for us to think:
6 Why did the Legislature make this decision?

3 fls.

1 Because if there is a decision between life
2 and death to be made, and the legislature has decreed that
3 these two alternatives are possible, there must be -- there
4 must be certain cases wherein a life sentence is the type
5 of sentence that should be meted out.

6 Now, like we have said, when Mr. Manson did
7 not participate even from the prosecution's point personally
8 or at all, really, this is something to consider.

9 But something else to consider -- something
10 else to consider is a very, very significant statement by
11 Mr. Bugliosi, and this goes beyond advocacy we think.

12 It goes beyond -- beyond what a lawyer's
13 position in this case should be.

14 Mr. Bugliosi, at Page 27,830 of the
15 transcript, says, "If they didn't have it within them,
16 they would not have committed these murders,"
17 referring to the three female defendants.

18 "Linda Kasabian and Juan Flynn never killed
19 for Charles Manson."

20 Well, let's forget about Juan Flynn. Obviously
21 he is a witness in this case.

22 But Linda Kasabian, the Court as a matter of
23 law told us that Linda Kasabian is an accomplice.

24 When you are in the jury room, when you are
25 in the jury room read over the definition of accomplice
26 that the Court is giving in connection with the penalty

1 phase of this trial.

2 And that instruction speaks of what an accom-
3 plice is. An accomplice is someone who did the same thing.

4 MR. BUGLIOSI: That is a misstatement of the law.

5 THE COURT: The objection is sustained. The jury will
6 disregard that remark.

7 MR. KANAREK: The accomplice instruction clearly
8 sets forth the criminal intent that Linda Kasabian had.

9 I mean -- I don't think you will find any
10 objection on the part of the prosecution to that statement.

11 Linda Kasabian was a murderer. She killed
12 seven people.

13 Linda Kasabian was not in bed with Stephanie
14 Schramm.

15 Linda Kasabian was not at the Spahn Ranch.

16 Linda Kasabian was out there murdering on these
17 two nights.

18 Linda Kasabian drove the automobile.

19 And Linda Kasabian -- and Linda Kasabian
20 stood out there taking their -- let's take their viewpoint
21 concerning Linda Kasabian, what she did at the Tate resi-
22 dence.

23 At the Tate residence, we know from these
24 proceedings, we know from the testimony here that Linda
25 Kasabian was prosecuted for these same murders because
26 somebody in the District Attorney's Office, a political

1 office, decides that Linda Kasbian, lucky for her, lucky
2 for her, she did not change lawyers; lucky for her she is
3 a completely free woman.

4 And when we speak of the discretion of the
5 jury, doesn't this cry out for a life sentence for
6 Mr. Manson?

7 Speaking of LSD killers, we give death to these
8 people. How do we know what that will spark in Linda
9 Kasabian? Some kind of a false feeling of authority or
10 some kind of a false feeling of power?

11 How do we know? How do we know what that
12 might not do with whatever LSD intake she has had?

13 How can we -- how can we -- we have out there
14 in New Hampshire, we have a murderess walking around, day
15 in and day out.

16 How do we know? There are many unsolved
17 burglary murders in Los Angeles County; how do we know that
18 Linda Kasabian in one of her, or more of her creepy-
19 crawly missions did not kill someone? How do we know that?

20 MR. BUGLIOSI: This is not rebuttal.

21 MR. KANAREK: She carried her knife with her --

22 MR. BUGLIOSI: Is this rebuttal?

23 THE COURT: Aren't you getting beyond rebuttal,
24 Mr. Kanarek?

25 MR. KANAREK: Mr. Bugliosi went into Linda
26 Kasabian. I have it right here in this transcript, your

1 Honor, transcript number 207.

2 THE COURT: I am talking about this particular
3 statement.

4 MR. KANAREK: Well, your Honor, this is certainly
5 implicit when he is saying Linda Kasabian is not a murderer.

6 THE COURT: All right, then, let's get on with it --
7 all right.

8 MR. KANAREK: The prosecution says if they did not
9 have it within them, they would not have committed these
10 murders.

11 Why did Linda Kasabian go along the second
12 night?

13 Why did she go along the second night? Because
14 she wanted to get pigs.

15 Her attitude towards those people was
16 exactly the same as everyone else's during this entire
17 period of time.

18 Linda Kasabian came to this courtroom and she
19 told us -- you remember the part that we read the last
20 time, that we had the privilege of speaking to you --
21 wherein we asked her if she was happy, and she said yes,
22 she was happy.

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1 Sure she was happy! Yet she had this great --
2 if this is -- if her state of mind was that she had these
3 overwhelming feelings of guilt, if Linda Kasabian really
4 had this remorse, she would be under psychiatric care right
5 now.

6 Let us, those of us on the jury now, let us
7 say that we had even unwittingly participated in seven
8 murders; we have represented people, a girl who as the
9 result of an automobile accident caused the death of another
10 girl in an accident.

11 And that girl went to the hospital over here
12 at General Hospital, went to Camarillo.

13 It so ate into this particular person's mind
14 that she became a mental problem, and of course she caused
15 the death -- she drove her car erratically.

16 But there was no criminal -- there was no
17 murder. She drove; she should not have driven the way
18 she drove and she caused the death of a fellow human being.

19 And it is galling her to this day, some years
20 after it happened, so that she has mental problems, losing
21 her mind.

22 That is the kind of remorse that people have.
23 This is the kind of remorse, I suppose, that the prosecution
24 is referring to.

25 So these girls have gotten on the stand and
26 said they don't have that remorse.

1 And Linda Kasabian -- Linda Kasabian does not
2 have any remorse either. She is happy. She said she was
3 happy.

4 She is living with her husband; she is living
5 with her children.

6 Is this significant, when we are deciding life
7 versus death?

8 Because, when she says yes there was an
9 opportunity, if these ^{events} permeated her mind, if these
10 events so permeated her thinking -- if she was, as the
11 prosecution indicated, the kind of person that the
12 prosecution indicated that she is, if she were that type of
13 person, when you ask her, "Are you happy?" the response
14 would not be yes.

15 The response would be, "I participated in these
16 events. It is something that I have on my mind at all
17 times. I will never be happy. I will forever have the
18 haunting memories of these two nights and these events
19 with me."

20 Is that important in considering whether or
21 not Linda Kasabian is telling us the truth? Is it impor-
22 tant in our life and death decision as far as Charles
23 Manson is concerned?

24 And when the prosecution says, as the
25 prosecution did say to us a couple of days ago:

26 "Now, Linda Kasabian, ladies and gentlemen,

1 took just as much LSD as these three defendants, and surely
2 she was under Manson's influence and domination, but she,
3 unlike these three female defendants, did not commit murder.

4 Well, we know she committed murder.

5 We know she committed murder. The prosecution
6 -- the prosecution would be prosecuting her for these crimes;
7 she was prosecuted for these crimes.

8 It is just that the prosecution wanted evidence.

9 The very fact that she got immunity for these
10 seven murders, and this conspiracy -- this count of
11 conspiracy, means that she committed these murders.

12 Now, these are obviously matters which go into
13 deciding the equities, deciding the -- say we were sitting
14 -- say we were sitting in your living room discussing it,
15 which we can't, we don't have that informality,

16 All that we ask in making the comments that
17 we make, say we were sitting across the coffee table in
18 your living room discussing this with you, having a cup of
19 coffee.

20 What would be your response? What could any-
21 body's -- where it is a matter of life and death, where
22 we are -- where we are asked to play God in this life and
23 death decision?

24 What can anyone -- what can anyone do --
25 what can anyone say in response to the fact that a murderess
26 is forever free of these seven murders?

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1 Is it something to consider over and above the
2 uncertainty of whether or not Mr. Manson participated in
3 these crimes in any event?

4 Now, the prosecution's own statements show why
5 Mr. Manson, in the exercise of our discretion, should get
6 what is denominated a life sentence.

7 Mr. Manson -- we know that Mr. Manson, in his
8 natural life, will never -- will never -- leave custody.

9 MR. BUGLIOSI: That is a misstatement, your Honor.
10 That is against the Court's instructions and it is
11 completely wrong.

12 THE COURT: The objection is sustained.

13 The jury is admonished to disregard that
14 statement.

15 MR. KANAREK: We are going to be instructed that the
16 Adult Authority is determining -- part of the instructions
17 that we are going to get, one of the instructions mentions
18 that when someone is released, what happens to them is
19 dependent upon the Adult Authority.

20 That is one of the instructions that Judge Older
21 is going to give us.

22 A case that has received this kind of public
23 attention puts the same political pressure on the Adult
24 Authority.

25 MR. BUGLIOSI: That is improper argument according to
26 the Morse instruction.

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1 THE COURT: It is improper, and you are admonished
2 to stop it, Mr. Kanarek.

3 The jury is admonished to disregard that
4 statement.

5 Don't repeat that, Mr. Kanarek.

6 MR. KANAREK: Then may I approach the bench, your
7 Honor?

8 THE COURT: You may not. Get on with your argument.

9 MR. KANAREK: The Court is going to instruct us in
10 connection -- the Court will give us an instruction about
11 the Adult Authority. I think those exact words are used
12 in the instruction.

13 Remember that, I think, there will be some 27
14 different decisions as far as the verdicts go in this case.
15 There are eight counts as to each of the three defendants--
16 that is, Susan Atkins, Patricia Krenwinkel and Charles
17 Manson -- three times eight is 24 -- then as to Leslie Van
18 Houten, there are three; the two La Blancas, the murders
19 of the La Blancas, Mr. and Mrs. La Bianca, and the
20 conspiracy.

21 So, there will be 27 decisions that we will
22 make in connection with life versus death.

23 Since we can only die once, I am sure that we
24 are in agreement that we shouldn't have any death verdicts
25 whatsoever; in other words, seven one way and one another
26 way is obviously a meaningless type of result. So, in

1 deciding these matters, maybe we shouldn't be so mechanical,
2 maybe we should look into our hearts and see what the
3 result is.

4 In effect, let's assume that all of these
5 people were before you, including Linda Kasabian, in
6 deciding this case, even as to a particular count, or
7 one particular murder, let's say -- let's take for instance
8 Abigail Folger -- what did Mr. Manson have to do with
9 Abigail Folger?

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1 If we discipline ourselves and think in terms
2 of each of these people that have died a horrible death --
3 that is for sure -- what relationship does Mr. Manson have
4 that we should say that Mr. Manson should die?

5 If we go through them one by one -- if we go
6 through them one by one -- unless we are just hell-bent to
7 vote death for no reason, for no rational reason, unless
8 we just want to rubber stamp the District Attorney's
9 position concerning Mr. Manson, there is no basis, no
10 reason, why we should come up with anything except life
11 for Mr. Manson.

12 And this is pointed up by the prosecution's
13 argument.

14 You see, I am sure we all know what a non-
15 sequitur is. The prosecution, in trying to get everybody --
16 just everybody should hang -- everybody -- the English
17 language being what it is, when you read it, it makes it
18 -- when I say "it," I mean the argument of the prosecution
19 -- it makes a powerful argument for Mr. Manson getting life.

20 The prosecution's own argument. Page 27,821.

21 "And you can bet your last dollar, ladies
22 and gentlemen, that Charles Manson would have
23 insured that none of his killers would be
24 under the influence of LSD when he sent them
25 out to commit these murders for him. He wanted
26 them to be absolutely as effective as possible,

1 "and effective they were."

2 Now, we can't allow the number of decibels in
3 Mr. Bugliosi's voice and the number of adjectives and
4 number of times he uses the word "monstrosity," we can't
5 allow that to overcome our logic.

6 Linda Kasabian was their witness. Was there
7 any mention about LSD and Mr. Manson, about Mr. Manson
8 insuring -- insuring -- that nobody took LSD that night?

9 That is poppycock, it is sheer rot, it is
10 absolute gobbledy-gook, it is childish. It really is.

11 I mean, when you stop to think about that,
12 that Mr. Manson would have insured that none of his
13 killers would be under the influence of LSD when he sent
14 them out to commit these murders for him.

15 Linda Kasabian was back there. Linda Kasabian
16 could have been asked these things right in front of us
17 here if the prosecution had wanted that to be the case.

18 But we know that that is such baloney that it
19 is beyond belief that we would be insulted with this kind
20 of importuning.

21 Because not only is there no showing --
22 not only is there no showing -- that Mr. Manson, on this
23 night, said, "Don't take any LSD," on those nights, "Don't
24 take any LSD," there is no showing that Mr. Manson ever
25 gave these girls any LSD or had them become these murderers,
26 as the prosecution would have us believe, by way of taking
LSD, or by way of not taking LSD.

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1 And what that is, this kind of language, if
2 we look at it in detail, we are convinced that what this
3 is is just an attempt to take a particular isolated
4 set of facts and not carry them to a logical conclusion.

5 Because if these girls were under the influence
6 of LSD that night -- and then that again goes into the
7 uncertainty aspect between life and death -- my God, why
8 is Mr. Manson even in this courtroom?

9 "He wanted them to be absolutely as effective
10 as possible, and effective they were."

11 The prosecution wants this specious type of
12 argument to be as effective as possible so that instead of
13 letting this case pass away, letting this case die away,
14 we have death as a result, and perpetuate the political
15 effect of this case further and further and further.

16 Now, the prosecution has stated: "To put it
17 bluntly, ladies and gentlemen, to commit murder you
18 have to be a murderer, you have to have it within
19 you. That is why these three female defendants and
20 Tex Watson committed these murders when Manson told
21 them to."

22 The question is: Did Manson, on those particu-
23 lar nights, did Mr. Manson do anything that we are so
24 certain of, his having just come back from Big Sur and all
25 of that, did he do anything that we are so certain of that
26 we would allow him to die? Is his relationship with this

4b-2

1 case such that we would allow him to die?

2 Who has greater relationship to the actual
3 events, Mr. Manson or Linda Kasabian?

4 Who has greater relationship to these actual
5 events, Mr. Manson or Mr. Grogan, who wasn't even filed
6 upon in connection with these matters?

7 Because at the penalty phase, what we have to
8 consider are matters that depart from legality, so to
9 speak; because when we speak of the absolute discretion of
10 the jury, what we are speaking about, we are speaking about
11 human qualities, we are speaking about compassion, we are
12 speaking about the kind of qualities that we hear about
13 when we go to church.

14 Those are the kinds of qualities that we speak
15 about and should think about when we are deciding life or
16 death.

17 We recognize and we accept that at this stage
18 of the proceeding Mr. Manson has been convicted, and when
19 the prosecution argues to us something or other that we,
20 in bringing up this matter of uncertainty, are insulting
21 the people on the jury; that we are, in effect, calling
22 the jury names, so to speak, because the prosecution says:
23 Well, we are speaking about these matters that show Mr.
24 Manson didn't have anything to do with it; therefore, we
25 are somehow or other impugning the integrity of the jurors.
26 Well, we certainly know that that isn't true.

1 First of all, we could disagree in any event.
2 I am sure that none of us here are of such a mind that we
3 couldn't disagree, discuss our differences, disagreements,
4 and then come to a solution, whatever it may be.

5 But the prosecution well knows that at the
6 penalty phase, possible innocence, uncertainty, doubt that
7 is less than reasonable doubt, possible doubt -- I believe
8 the Court is going to instruct us: Some doubt -- our
9 law provides that these are matters that the jurors can
10 take into account.

11 So, when the prosecution indicates that we are
12 sort of saying something bad about the jury because we
13 bring up these matters of possible innocence, this is
14 just not so. It is just not so.

15 It is a further attempt to pander to our
16 emotions.

17 Now, we know, for instance, that these decisions--
18 in these decisions that we are going to make in these 27
19 situations -- there is no necessity -- there is no
20 necessity -- the law does not require agreement on the part
21 of the jurors. That is, all 12 jurors do not have to agree
22 on a single count.

23 We know that the highest courts of our states,
24 the California Supreme Court, the Court of Appeal, that
25 is why they have odd numbers on those courts, because those
26 judges do not always agree with each other.

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1 And that doesn't mean because we are
2 suggesting that possibly the jury or the members of the
3 jury will not agree with each other. That doesn't mean
4 we are insulting you.

5 Because if there is anything in this country
6 that we stand for, it certainly should be and is honest
7 disagreement, and certainly there can be honest disagreement
8 in some of the things that we are speaking of.

9 But that does not mean; that does not mean
10 that the jury has to come to a unanimous result.

11 There is no necessity, no provision in law that
12 such has to come about. As a matter of fact, from our
13 previous jury deliberations we know that the law provides
14 for the individual opinion of each juror.

15 In its wisdom it provides for this, and that
16 means -- that means that as to none of these counts --
17 because the prosecution happens to be asking for the
18 death penalty in this case, it doesn't mean we have to
19 agree with them.

20 It does not mean that we have to internally
21 agree on a single count.

22 If, in searching our conscience, after we
23 discussed it fully, and fairly, with our fellow jurors,
24 if we decide that a fellow human being should live; if
25 we decide that, then we may maintain that position even
26 though there is no agreement on many of these 27 decisions

1 that will be made.

2 Now, there are some -- there are some matters
3 here that -- that have some significance, we think -- we
4 think they do.

5 We know from this record Mr. Manson has
6 spent some 23 years in custody -- 23 years in custody!

7 He spent seven years in custody for a seventeen
8 dollar check. He was first thrown into a custodial atmos-
9 phere, into a prison, a reform school is a prison, when he
10 was eight years old.

11 If in this period of time -- this period of
12 time in this tour of the penology that we have, perhaps
13 there is something that on some other occasion we can speak
14 about that.

15 But if in this tour there had been any vestige,
16 one little bit of a showing of any race attitude, it
17 would be here in this courtroom.

18 How can you live that many years in a prison
19 atmosphere with people of the black or Negro race and not
20 have the kind of hatred that the prosecution is speaking of
21 show up in a custodial atmosphere where you are not free to
22 come and go?

23 It just is not possible. It just is not
24 possible.

25 The fact that not a single instance of
26 Mr. Manson's actions, activity, or whatever, when he was in

1 custody, concerning black people is brought to us.

2 The fact that the Attorney General of the
3 United States doesn't allow us to have all of those records
4 -- this goes to the uncertainty that we are speaking of.

5 Do we have a little, gnawing feeling that this
6 race war thing is a fiction -- a fiction that is evolved
7 for the purposes of this trial?

8 It is a fiction that makes great headlines.

9 And it is not -- not as earthy as what was
10 done in these matters concerning Bobby Beausoleil.

11 That is too earthy and too run-of-the-mill,
12 too ordinary.

13 So if we have some kind of uncertainty about
14 that motive, because remember our minds cannot possibly --
15 cannot possibly remember these what -- approaching 28,000
16 pages of transcript?

17 And so the fact that all of this diatribe
18 against Mr. Manson came out in this courtroom, none of
19 that -- none of that goes to these several nights as far
20 as Mr. Manson is concerned.

21 Where, if Mr. Manson was going to start this
22 race war, where is the testimony, even from Linda
23 Kasabian about Mr. Manson telling somebody to put these
24 words on the two homes?

25 "Helter Skelter," "Death to Pigs," "Rise,"
26 "Pig" at the Tate home, "Political piggy" at the Hinman

1 home.

2 We have gone into that.

3 The reason obviously why the prosecution did
4 not at the Grand Jury bring in the Hinman case, into these
5 proceedings -- but is there a gnawing uncertainty as to
6 Mr. Manson having anything to do with it?

7 The fact that these people -- these people have
8 taken LSD.

9 The fact that these people may have certain
10 attitudes that are the same as Mr. Manson's, and this is
11 where -- this is where we can function as judges and
12 really do a -- a job, a surgical job in this case rather
13 than using some kind of a -- some kind of a mallet approach,
14 just to knock Mr. Manson into the death penalty.

5a

5a-1

1 But if we apply -- if we apply precise
2 analysis here, we come to the conclusion that there is
3 certainly a great amount of uncertainty.

4 Sure, these girls and Mr. Watson and Linda
5 Kasabian, they may have heard what Mr. Manson said; they
6 may have contributed their own ideas as to what happened.

7 They may have -- and they did have these
8 attitudes before they ever met Mr. Manson, because he is
9 physically there at the Spahn Ranch does not mean that
10 the psychiatrists tell us it is impossible --

11 It doesn't mean that Mr. Manson had anything
12 to do with what was written there at those homes.

13 There is no showing that Mr. Manson even knew
14 that political piggy was written at the Hinman home.

15 Susan Atkins wrote that in spontaneous hatred,
16 whatever her reasons may be, spontaneous hatred for the
17 establishment.

18 And she wrote "Political piggy."

19 She wrote "Political piggy" there, and the
20 dispute was over an automobile!

21 And so she showed her hatred; she showed her
22 lack of love, whatever you want to call it, for Gary Hinman
23 by writing "Political piggy."

24 But certainly, certainly as to this race war,
25 there has to be, there must be, there is this gnawing
26 uncertainty as to whether or not Mr. Manson said anything

5a-2

1 to these people on these two nights.

2 This girl, Cathy Gillies, said that she would
3 have gone along on these two nights.

4 That is horrible!

5 That is the kind of thing that no one -- no
6 one can condone.

7 But Cathy Gillies did not know what they were
8 going to do.

9 Before you can kill somebody for murder, there
10 has to be the showing of the specific intent; there has to
11 be the showing of the knowledge on the part of the person
12 that we want to gas.

13 And there is no showing -- there is no showing
14 in this case -- the wishful thinking -- and why the prose-
15 cution would want this -- what is to be obtained by it?

16 Why does the prosecution want this kind of
17 confrontation in this case? Why doesn't the prosecution
18 want this case to die away and become an unhappy memory
19 only?

20 There is something about death -- there is
21 something -- there is something about the drama of death
22 that makes people continue to have an interest, that will
23 make people continue -- continue to participate to the
24 detriment of all of us, to our children.

25 I'm sure those of us who are on the jury, many
26 of us have children -- many of us have relatives, many of

5a-3

1 us have friends that we hold dear.

2 And the opportunity to come to a just result,
3 if there were no opportunity -- if it was just an open and
4 shut situation -- if it were that type of situation it
5 would be one thing.

6 But we don't have to give up anything in the
7 way of integrity, in the way of logic. We don't have to
8 give up anything to come to a decision that these people
9 should be allowed to live.

10 In fact, in fact there are many many reasons
11 that we have spoken of as to why these people should live,
12 and we should harken back to -- one of the most basic
13 reasons is the tone of the prosecution's argument, the
14 tone, "monstrosity," "blood," "gore."

15 The tone of that argument at this point, the
16 prosecution has convinced the jury that these people are
17 guilty of these eight counts.

18 All right --

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

20 Ladies and gentlemen, remember the admonition.
21 The court will recess for 15 minutes.

22 (Recess.)

6 fls.

23

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6-1

1 (The following proceedings occur in chambers.
2 All counsel present. Defendants absent.)

3 THE COURT: All counsel are present.

4 How much longer do you expect to be, Mr.
5 Kanarek?

6 MR. KANAREK: I don't know. A few more hours, your
7 Honor.

8 THE COURT: Well, I am going to expect you to finish
9 by noon. That is one hour from now. That will make over
10 four hours of rebuttal.

11 MR. KANAREK: Your Honor, I maintain this is a
12 denial of equal protection and due process under the
13 Fourteenth Amendment of the United States Constitution and
14 I cannot -- is that an order?

15 THE COURT: That is what I will expect.

16 MR. KANAREK: Is that an order?

17 THE COURT: Yes, it is.

18 MR. KANAREK: Pardon?

19 THE COURT: It certainly is, Mr. Kanarek. Don't you
20 hear very well?

21 MR. KANAREK: Yes, your Honor.

22 But the point is, ^{if} your Honor is ordering me
23 to -- in other words, if I don't finish, I can't continue
24 to speak after the noon recess; is that right?

25 THE COURT: That is correct.

26 I will expect you to terminate your argument

1 no later than noon today; one hour.

2 MR. KANAREK: Yes. But I am asking --

3 THE COURT: That will be, as I indicated, in excess
4 of four hours of rebuttal.

5 MR. KANAREK: Well, I --

6 THE COURT: Just a moment. Don't interrupt
7 me.

8 A major portion of this has simply been
9 repetition over and over and over again of things that you
10 have said in your opening argument, things that were not
11 proper rebuttal, things that were improper argument, as
12 to which a few objections were made and sustained.

13 This is ample time, Mr. Kanarek. It is abun-
14 dantly ample time.

15 We are just not going to permit you to drag
16 this thing out any further.

17 MR. KANAREK: I am not dragging it out further.

18 The prosecution put on witness after witness
19 in this case, your Honor. I ask for a hearing under the
20 equal protection provision of the Fourteenth Amendment.

21 THE COURT: That brings us to the second point,
22 which is a notice of motion for evidentiary hearing and/or
23 voir dire of jury which you submitted, which I have read,
24 attached to which is a declaration of yours.

25 Apparently you are ^{still} not able to file a
26 document in accordance with the Court's rules. I have no

1 way of knowing, there is no declaration of service, whether
2 anybody received a copy of this or not.

3 In any event, I have considered it.

4 Do you wish to be heard on it?

5 MR. KANAREK: First of all, the prosecution did
6 receive a copy.

7 MR. BUGLIOSI: I didn't get one.

8 MR. KANAREK: Yes, you did.

9 MR. KAY: Yes, we got one.

10 MR. KANAREK: They received copies of all these.

11 THE COURT: It is not in proper form to be filed,
12 but rather than waste any more time, I am going to rule on
13 the motion.

14 It is the same motion that you have made a
15 number of times. The last time was just a few days ago.
16 You have made the same motion.

17 MR. KANAREK: And the prosecution has gotten copies
18 of these.

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4A
6a

6a-1

1 THE COURT: If you don't attach a declaration of
2 service, there is no way I can know that.

3 MR. KANAREK: If I may say this --

4 MR. BUGLIOSI: We got it. I thought he was talking
5 about a new motion this morning. But apparently we got
6 the other one.

7 MR. KANAREK: This is indicative of the Court's
8 prejudice against the defendant Manson and myself personally.

9 THE COURT: That is ridiculous. That will be enough.

10 MR. KANAREK: May I make a record?

11 THE COURT: I don't want you to waste the Court's
12 time with that kind of nonsense.

13 You don't know how to file a document. You
14 don't know how to comply with the Court's rules. You have
15 demonstrated that throughout the proceedings.

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

17 THE COURT: That is the end of it. The motion is
18 denied.

19 MR. BUGLIOSI: May I make one brief request?

20 This will be, perhaps, the last weekend that
21 the jury will be sequestered. Is it possible not to
22 permit the spouses and relatives to visit?

23 THE COURT: Those instructions have already gone out.
24 They will have no visitors once deliberations
25 start.

26 MR. BUGLIOSI: Well, even if they don't start this

6a-2

1 weekend, your Honor --

2 THE COURT: You let me worry about that, Mr. Bugliosi.
3 That has all been taken care of.

4 What is the estimate of remaining counsel as
5 to your argument?

6 MR. KEITH: Oh, as far as I am concerned, I'd like
7 to finish up this afternoon. I mean, everybody finish up
8 and the jury instructed.

9 I will try to keep it down to an hour.

10 THE COURT: What about you, Mr. Shinn?

11 MR. SHINN: Your Honor, I will be less than an hour.

12 THE COURT: Mr. Fitzgerald?

13 MR. FITZGERALD: I will be an hour or less. I think
14 right around an hour. 45 minutes to an hour.

15 I will try to keep it as short as possible.

16 THE COURT: Well, then, I will expect to resume the
17 proceedings -- is there any reason we can't start at 1:30,
18 Mr. Murray?

19 THE BAILIFF: It will be pretty tight on time.

20 THE COURT: I know that.

21 THE BAILIFF: We will do our best to get them back.

22 THE COURT: I don't want you to do your best, I want
23 to start at 1:30.

24 I intend to instruct the jury today even if we
25 have to stay late.

26 MR. KANAREK: This is one of the reasons that I want

1 the voir dire. This sequestration, this present sequestra-
2 tion of this jury is due to the malicious attempt on the
3 part of the District Attorney's office to prejudice the
4 case of Mr. Manson by what Mr. Kay deliberately did.

7 Els.

7-1

1 THE COURT: Mr. Kanarek, now, I don't want to start
2 in on some gratuitous argument of yours.

3 MR. KANAREK: It is not gratuitous.

4 THE COURT: I already ruled on your motion. That
5 is the end of it.

6 MR. KANAREK: I would move that your Honor inform the
7 jury that their sequestration that was ordered prior to
8 them deliberating was based on no fault whatsoever of the
9 defendants or anyone on behalf of the defendants.

10 The prosecution --

11 THE COURT: We are wasting time, Mr. Kanarek, when
12 you should be arguing.

13 MR. FITZGERALD: I have one request to make.
14 I have been trailing a case next door in Department 105.

15 I wonder if we could adjourn about five
16 minutes to 12:00. I made arrangements -- Judge Smith
17 will hear the case. I will enter a plea.

18 THE COURT: I just told Mr. Kanarek he can argue
19 until 12:00. If he finishes before 12:00, yes.

20 MR. FITZGERALD: All right, thank you.

21 (The following proceedings were had in open
22 court in the presence and hearing of all the jurors, all
23 the defendants with the exception of Mr. Manson being
24 present.

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

1 You may continue, Mr. Kanarek.

2 MR. KANAREK: Thank you, your Honor.

3 As we speak, I would like to put on the board
4 here -- these are words, ladies and gentlemen -- these are
5 words from the prosecution's own mouth:

6 "It was their will" --

7 These are the exact words from the prosecution's
8 mouth:

9 "It was their will, not Charles Manson's
10 will."

11 Let's read and see whether in the context of
12 the life and death decision, and as we said just before the
13 break, this is no place -- this is no place, in rendering
14 judgment, to impede our analysis with just mere motion,
15 like blood and the monstrosity type of conversation that
16 we heard from the prosecution.

17 And thinking of what the prosecution says:

18 "Although it was Charles Manson who made
19 the decision to commit these seven Tate-La Bianca
20 murders, and although it was Charles Manson who
21 selected these three female defendants and Tex
22 Watson to do his murderous bidding for him, and
23 although it was Charles Manson who sent these
24 killers out to commit these murders for him,
25 when Susan Atkins, Patricia Krenwinkel, Leslie
26 Van Houten and Tex Watson plunged their knives

"into the bodies of these victims" --

And we have it on the board:

"-- it was their will, not Charles Manson's will that directed their hands to thrust that knife downward into the flesh of these helpless, defenseless victims."

And then the prosecution goes on and quotes from Dr. Hochman, evidently adopting it as the prosecution's viewpoint, wherein we remember the gist of it.

I will try to cover it:

Page 27,844, this is Dr. Hochman:

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

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

Now, right there is uncertainty in the context of what happened here.

We certainly have no -- there is no certainty that Mr. Manson consciously -- consciously, because that is what we are talking about here.

We have no assurance that he consciously in the context of what he was doing ordered these murders.

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

In either instance, her committing this act would have been motivated by unconscious impulses, and I

1 don't think, for instance, that Manson even existed in that
2 way in this activity.

3 "Q What do you mean in 'motivated
4 by unconscious impulses'?

5 "A Somebody can tell you to shoot
6 someone, but your decision to do that comes
7 from inside of you."

8 Now, -- and then on Page 27,848 -- and this
9 is the prosecution, as an advocate here, just like what we
10 are saying, we are advocating the position of Mr. Manson
11 and we don't claim to be perfect in every word that we
12 are saying, and that every word that we are saying is
13 100 per cent untarnished by advocacy.

14 Of course it is. That is why we have an
15 adversary proceeding.

16 And so that is why we appeal to your judicial
17 temperament, not to your emotions, because the judicial
18 approach here certainly -- certainly shows us that there is
19 uncertainty, but in any event, these are the prosecution's
20 words:

21 "In other words, ladies and gentlemen,
22 although Manson selected these people to
23 commit these murders, and then sent them out,
24 the last and final decision to kill, to murder,
25 was theirs and theirs alone."
26

7a-1

1 That is the prosecution making argument before
2 us just a couple of days ago.

3 The prosecution goes on to say:

4 "Manson told Watson and these three
5 female defendants to commit these murders."

6 Well, of course, of course that is itself
7 uncertain. There is nothing that can substantiate that
8 except Linda Kasabian's few words in this trial about when
9 they went into the car, and so forth, and that is tainted
10 with all of the uncertainty that we have spoken of.

11 But the part, since we are talking about life
12 or death, life or death, the part that is significant is
13 where the prosecution says:

14 "But they and only they told themselves
15 to plunge that knife into the bodies of these victims."

16 "Manson could have told Watson and these
17 three female defendants to commit these murders from
18 now until doomsday" -- this is the prosecution
19 speaking -- "and if they did not want to, they never
20 would have done it."

21 They never would have done it!

22 Now, then, just coincidentally, at this point
23 in the prosecution's argument there is something that shows
24 a little bit of the iceberg in connection with Linda
25 Kasabian.

26 The prosecution states, he says:

7a-2

1 "A perfect example that the final
2 decision to kill is a personal one is Linda
3 Kasabian.

4 "On the night of the La Bianca
5 murders Charles Manson told her to kill that
6 actor in his apartment in Venice."

7 And this is the prosecution speaking:

8 "And Linda told Charlie, 'Charlie, I
9 am not you; I cannot kill anybody.'

10 "And she did not kill for Charles
11 Manson. Why not? Because she made the personal
12 decision that she could not commit murder."

13 Well, we are speaking of a life and death
14 decision, death versus life; life versus death.

15 That also lends insight, and shows that Linda
16 Kasabian was less than honest with us when she told us
17 she was so scared of Charles Manson, because Charles Manson
18 is telling her to do the ultimate in this race war thing.

19 Charles Manson is the zealot, this person who
20 dominates.

21 Here we have the ultimate confrontation, and
22 she says, "Charlie, I am not you; I cannot kill."

23 Nothing happened to Linda Kasabian. The fact
24 of the matter is, for whatever it may be worth, that
25 evidence, whether we believe it or not, is indicative of
26 the credibility of Linda Kasabian.

7a-3

1 This utter fear that she had, that she was so
2 scared, because if we plot her fear as a function of time,
3 her greatest fear would have to be at the time, the height
4 when he asked her to kill, and she says "No, I won't kill."
5 That has to be the greatest fear.

6 So, for whatever that amounts to, in terms of
7 credibility, we think it has significance from a credibility
8 standpoint because it shows an insight as to whether we
9 can believe Linda Kasabian.

10 In any event, in a life versus death decision
11 these things have some significance.

12 Now, another thing that goes to this aspect of
13 uncertainty is just a simple -- a simple little exercise
14 in logic.

15 If Susan Atkins says that she lied at the Grand
16 Jury, the heart of her testimony at the Grand Jury, supposedly
17 from the prosecution -- from what the prosecution has told us
18 in this courtroom -- is that Charles Manson had her do all
19 of these things; that Charles Manson did this and told her
20 to do that, and so forth.

21 Well, if she lied at the Grand Jury and she lied
22 upon other matters, why not accept that she lied concerning
23 Mr. Manson?

24 We are in an area of uncertainty. We are dealing
25 with people whose credibility is something that is less than
26 desirable.

7a-4

1 But if she lied, except for the prosecution's
2 zeal and desire for some unknown reason to create all of
3 this confrontation by having Mr. Manson -- asking that he
4 die -- she might well have lied concerning Charles Manson
5 at the Grand Jury along with other things.

7b fls.

7b-1

1 We don't claim to be -- to be mind readers.
2 I don't think the prosecution -- they also are not mind
3 readers.

4 And certainly -- and certainly if they have
5 accepted the fact that she lied at the Grand Jury, then
6 that encompasses, that lying encompasses concerning what
7 she said concerning Mr. Manson, and it is significant at
8 the penalty phase because we are speaking of life versus
9 death.

10 And in that connection can we take a chance?
11 Can we take a chance?

12 Now, the prosecution -- we think we should
13 dwell upon it a little bit because of the attempt to
14 inflame us -- by comparing Mr. Manson with Hitler, Stalin, --
15 I don't know if he mentioned Ghengis Khan or not -- Satan --
16 Satan himself, that Mr. Manson is this most horrible of all
17 persons that ever walked the face of the earth.

18 There is only this difference -- there is
19 only this difference: The amount of proof -- the proof.

20 As to those other people, as to these other
21 people the proof is overwhelming. The proof is overwhelming
22 and yet -- and yet neither Mr. Hitler nor Mr. Stalin died
23 as the result of any kind of an order of the court.

24 Mr. Hitler's death is still -- there are some
25 people who still say that Mr. Hitler is somewhere in
26 South America.

1 There are some people who are not convinced
2 that he committed suicide in that courtyard in Berlin and
3 some people believe that is true.

4 He may still be alive!

5 Furthermore, Mr. Stalin died a natural death.
6 Why? Because of the government. Because of the fact that
7 he controlled the government. He controlled the reins of
8 government -- politics!

9 Regardless of Mr. Stalin's crimes he died of
10 an illness. He was not executed by any government.

11 And here we have a vast difference. We have
12 Charles Manson, a person who has lived in a dungeon all of
13 his life.

14 From being sequestered on this jury there is
15 some indication to us about what it is to be in prison for
16 23 years of his life, he has been in prison in a dungeon.

17 Does this have anything to do in a life or
18 death determination?

19 Our hearts cry out to this boy, what has
20 happened to him?

21 In terms of the life and death decision,
22 is this one of the equities that we should -- that we
23 should consider? There is a vast difference -- in fact,
24 when you look at these tyrants, and look at what the
25 proof was concerning them --
26

8-1

1 There is no question but what the proof was
2 overwhelming. So, let's not lose sight of it.

3 Let's not lose sight of the fact that in this
4 case there are reams and reams and reams of uncertainty as
5 to Mr. Manson's guilt in this case.

6 But we are not talking about that. We are
7 talking about life versus death.

8 Now, what we ask in connection with the
9 deliberations in the jury room -- and in this we do beg --
10 we beg that there be a judicial determination concerning
11 Mr. Manson. We ask that each of the jurors be an attorney
12 for Mr. Manson in these deliberations.

13 We ask that each one of us on the jury take the
14 side of Mr. Manson during these deliberations and discuss
15 some of the things that we have spoken about.

16 If what we are saying has no water, discuss it.
17 See whether there is a lack of logic, if there is lack of
18 logic in anything that we are saying.

19 And remember that the reason that we have this
20 powerful decision, the reason that the jury is vested with
21 this powerful decision, is because of the fact that as
22 jurors we are flesh and blood, and we realize, perhaps,
23 that but for the grace of something or other, God or
24 whatever it might be, happenstance, having a mother who
25 abandoned him, being taken up into a reform school
26 atmosphere at the age of 8 years, do any of these factors

8-2

1 show that Mr. Manson should be given life?

2 Because the decision that we are making is a
3 moral decision at this point. It has to be a moral
4 decision. It has the power of law behind it, but it is
5 obviously, when we speak of absolute discretion, it means
6 that we call upon things that are above and beyond the
7 mere words on the papers as far as law is concerned.

8 In exercising this decision, we can exercise
9 the same kind of discretion that Judge Older did this
10 morning when he granted someone probation in this court.

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

12 THE COURT: It is improper.

13 The jury will disregard that statement.

14 MR. KANAREK: Well, if we may put it this way. We
15 are judges, we are judges, we are judges.

16 In a publicized case, in a publicized case of
17 this type, it is most important that we convey to the
18 world, that we convey to the world, that our way of life
19 is not what some people say it is. We must convey to the
20 world that a defenseless person -- that a defenseless person--
21 can be given consideration in the United States of America
22 in 1971, in Los Angeles, California.

23 Because this is part and parcel of this case,
24 because of what the prosecution has done by way of
25 publicity in this case.

8a fls.

8a-1

1 And so, in deciding the case, we ask that
2 each of us become an attorney for Mr. Manson, and that we
3 look at some of these uncertainties, because uncertainties
4 sometimes become very, very certain; a person doesn't know,
5 for instance, whether he or she has some illness, but at
6 some later time, he or she finds out, as the result of
7 laboratory tests, clinical tests, or what-have-you, that
8 he or she is not ill, that he or she -- in this case,
9 Mr. Manson -- is not guilty.

10 If there is this kind of uncertainty, which we
11 think there is, when we recognized the kind of custody
12 that Mr. Manson will be in -- remember, there are eight
13 separate first-degree murder convictions -- over and above
14 all the publicity in connection with this case, as far as
15 Mr. Manson is concerned.

16 Now, I am sure all of us have heard of Oliver
17 Wendell Holmes, who was on the United States Supreme Court.
18 In his day, he was known as the Great Dissenter.

19 Many of the things where he was supposedly
20 wrong came to pass after he died, and sometimes while he
21 still was alive.

22 So, there is nothing, nothing, as we have
23 said, there is nothing in the law whatsoever that requires
24 unanimity on any counts here on the part of the jury.

25 A dissent that is based upon your heart and
26 based upon your mind and based upon what you think to be

1 right is just as legitimate as any other result.

2 So, we ask that none of us allow ourselves to
3 change our opinion just for the sake of changing it, just
4 for the sake of unanimity.

5 Because the law does not ask that.

6 In fact, the law states just the opposite.
7 And then that instruction concerning the individual opinion
8 of each jurors.

9 Now, we spoke briefly about the French
10 Revolution. A revolution. We see what is happening in
11 this country today, the bombings and all of that, that is
12 going on at the universities, and so forth.

13 The place to get a just result and the place
14 to take the pressures off is in the courtroom. We should
15 administer justice in the courtroom. If we administer
16 justice in the courtroom, there won't be any justice
17 administered in the streets.

18 There is no need for that justice, the lynch
19 law of the streets, to take over.

20 The same way as Mr. Calas in the 18th century,
21 the same way as whatever he contributed, what his case
22 contributed, where he was completely innocent but convicted
23 of murder and executed. Whatever he contributed.

24 We know that the French Revolution, as all
25 revolutions do, took place in the street. And we don't
26 want that. There is no necessity for it. There is no
reason for it.

8b-1

1 Now, in connection, for instance, in connection
2 with Mr. Caruso and Mr. Caballero and Mr. Younger and the
3 arrangement they made, in that connection, we are not
4 holding ourselves out as any -- I am not saying that I am
5 some paragon of great virtue -- of course I am not -- the
6 point is that, certainly, if I had influence like Mr.
7 Caruso did and Mr. Caballero did, if I had that kind of
8 influence with Mr. Younger, I am not saying that I wouldn't
9 be influenced the same way.

10 Who is to know? Who is to know? I am just
11 flesh and blood like anyone else, hopefully.

12 But these kinds of temptations -- why is it
13 important -- because we are deciding life versus death.
14 That is why it is important.

15 And I don't think that any of the defense
16 attorneys would say that any of us are any better or any
17 worse than Mr. Caruso and Mr. Caballero.

18 We may not have that kind of influence, we may
19 not be able to walk in and see the District Attorney of Los
20 Angeles County in a matter such as this, and vote for him
21 and conduct his campaign and see that he gets publicity,
22 and in turn get money, and all of these things. Maybe
23 we would do the same things if the opportunity arose.

24 But the important thing is that in this situa-
25 tion concerning Mr. Manson, the life versus death, and all
26 of the uncertainty and the equities of who gets life and who

8b-2

1 gets death being decided by a political office, does it
2 have any play, any purpose in these proceedings, in our
3 decision?

4 Because the decision in this case is, at this
5 point, a life versus death decision, and we think that
6 these matters do have some significance and some importance.

7 Because by our deliberations in this case,
8 and by the result in this case, we can indicate for everyone
9 to hear that we do not approve of politics, of political
10 dictating a result.

11 And we all know, it is just common knowledge --
12 by way of illustration, the man who was Attorney General of
13 the State of Washington, the same job Mr. Younger has, has
14 recently been indicted with Mr. Alioto in San Francisco for
15 conspiring along certain lines where a couple of million
16 bucks were involved in connection with a legal matter, and
17 some of his assistants in the Attorney General's office
18 of the State of Washington are also indicted.

19 I am not saying that those people are guilty
20 because they are indicted, but what I am saying is that they
21 are just flesh and blood people.

22 And here we have flesh and blood people making
23 the decisions of deity in connection with Susan Atkins,
24 and the power play, and who lives and who dies in the
25 context of a political campaign.

8c fls.

8c-1

1 These are factors which are significant in
2 deciding a case, because if these people have this kind of
3 zealousness for politics, for money, for a result, then we
4 should tread cautiously before we wipe out Mr. Manson in
5 the context of those proceedings.

6 We should tread very, very cautiously when we
7 have some of these things going on that have gone on in
8 this case.

9 Now, there have been examples in our national
10 life where a single person has been right and others have
11 been wrong, people in authority.

12 Take Billie Mitchell. We all know the story
13 of Billie Mitchell and what he struggled for and how he
14 was even court martialed, even court martialed because he had
15 a sense of destiny about him that air power will have
16 certain usefulness. And people that were in authority,
17 people that were in with the decision-making power, those
18 people thumbed their noses at him, those people gave him a
19 hard time, to the point he was court-martialed.

20 That is not the only example. We see it in
21 industry, we see it in government, we see it in any kind of
22 organization.

23 And it may well be -- it may well be -- and
24 what we say is, even though we had this particular attitude
25 about the death penalty when we entered this case -- if
26 during what has occurred in this case we have qualms about

1 it, doubts about it, on top of everything else, the
2 uncertainty, and so forth, then the result, as far as
3 Mr. Manson is concerned and the girls -- the other lawyers
4 will speak concerning them specifically -- the result should
5 be life, and then we have done our duty in this courtroom.
6 We can leave this sequestration and leave the courtroom
7 with a breath of fresh air about us.

8 Because there is no need, there is no
9 necessity -- we can forget all the evidence, anything that
10 we have heard in this courtroom -- and there is no necessity
11 for this exercise of the death penalty. There is just
12 no reason why we should carry this burden with us the rest
13 of our lives, because of the matters that we are speaking
14 about, the matters that the prosecution has spoken of.

15 The very fact that they called -- that they
16 scream for the raising of our emotions ought to be a red
17 flag that tells us that we ought to be just a little bit
18 careful.

19 Maybe when this case is over, maybe someone,
20 some foundation, some person with money, a charitable
21 bequest or whatnot, or maybe just people themselves, maybe
22 some of us who have had a participation in this case, will
23 create some kind of a corporation or non-profit
24 corporation, or something, to look into the subject
25 matter of these events and find out what does motivate
26 people when they take LSD and they take these dangerous
drugs.

8d-1

1 And as we have just said, we got these people
2 here to conduct this. And all of us can be part and parcel
3 of something constructive and creative and preventive as
4 far as future conduct is concerned.

5 Now, this being the Easter season, there is an
6 analogy here -- there is an analogy here -- between Mr.
7 Manson -- this may sound at first blush to be ridiculous,
8 and we are not suggesting that Mr. Manson is the deity
9 or Christ-like or anything like that -- but how do we know?

10 Are we so complacent, are we so all knowing,
11 that we know the workings of God so much in depth that we
12 know where Christ is?

13 We are not saying that Mr. Manson is Christ.
14 But we are saying is that Mr. Manson is being treated the
15 way Christ was treated.

16 If we look at the story, if we look at the
17 story of what happened when Christ was brought before
18 Pontius Pilate, there are some striking resemblances in
19 this case.

20 We all remember where Christ was brought before
21 Pontius Pilate, and Pilate said that he didn't see -- he
22 saw no evil in this man, notwithstanding the fact that the
23 people all around wanted a certain result as far as Christ
24 was concerned because of his ideas, the things that he was
25 saying. The things that he was saying were antagonistic,
26 they were antagonistic to the people who were in power.

8d-2

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And we are very familiar with the story, and I think the Bible can best tell that story better than I can.

9 fls.

9-1

1 And I'm sure that all of us know the story of
2 St. Matthew, Chapter 27:

3 "When the morning was come, all the chief
4 priest and elders of the people took counsel against
5 Jesus to put him to death.

6 "And when they had bound him, they led him
7 away and delivered him to Pontius Pilate the
8 governor.

9 "Then Judas, which had betrayed him, when he
10 saw that he was condemned, repented himself, and
11 brought again the 30 pieces of silver to the chief
12 priests and elders.

13 "Saying, I have sinned in that I have betrayed
14 the innocent blood. And they said, what is that to
15 us? See thou to that.

16 "And he cast down the pieces of silver in
17 the temple, and departed, and went and hanged
18 himself.

19 "And the chief priests took the silver
20 pieces, and said, it is not lawful for to put them
21 into the treasury, because it is the price of blood.

22 "And they took counsel, and bought with them
23 the potter's field, to bury strangers in.

24 "Wherefore that field was called the field of
25 blood unto this day.

26 "Then was fulfilled that which was spoken by

1 "Jeremy the prophet, saying, and they took the
2 30 pieces of silver, the price of him that was
3 valued, whom they of the children of Israel
4 did value.

5 "And gave them for the potter's field, as
6 the Lord appointed me.

7 "And Jesus stood before the governor:
8 And the governor asked him, saying, art thou
9 the King of the Jews? And Jesus said unto him,
10 Thou sayest.

11 "And when he was accused of the chief priest
12 and elders, he answered nothing.

13 "Then said Pilate unto him, hearest thou not
14 how many things they witness against thee.

15 "And he answered him to never a word; insomuch
16 that the governor marveled greatly.

17 "Now at that feast the governor was wont
18 to release unto the people a prisoner, whom they
19 would.

20 "And they had then a notable prisoner, called
21 Barabbas.

22 "Therefore when they were gathered together,
23 Pilate said unto them, whom will ye that I release
24 unto you? Barabbas, or Jesus which is called Christ?

25 "For he knew that for envy they had delivered
26 him.

1 "When he was set down on the judgment seat,
2 his wife sent unto him, saying, have thou nothing
3 to do with that just man: For I have suffered
4 many things this day in a dream because of him.

5 "But the chief priests and elders persuaded
6 the multitude that they should ask Barabbas, and
7 destroy Jesus.

8 "The governor answered and said unto them,
9 whether of the twain will ye that I release unto
10 you? They said Barabbas.

11 "Pilate saith unto them, what shall I do then
12 with Jesus which is called Christ? They all said
13 unto him, let him be crucified.

14 "And the governor said, why, what evil hath
15 he done? But they cried out the more, saying,
16 let him be crucified."

9a Els.

9a-1

1 "When Pilate saw that he could
2 prevail nothing, but that rather a tumult was
3 made, he took water and washed his hands before
4 the multitude, saying, I am innocent of the
5 blood of this just person: See ye to it.

6 "Then answered all the people and said,
7 his blood be on us, and on our children.

8 "Then released he Barabbas unto them:
9 and when he had scourged Jesus, he delivered
10 him to be crucified.

11 "Then the soldiers of the governor took
12 Jesus into the common hall, and gathered unto
13 him the whole band of soldiers.

14 "And they stripped him, and put on him
15 a scarlet robe.

16 "And when they had platted a crown of
17 thorns, they put it upon his head, and a reed
18 in his right hand: and they bowed the knee
19 before him, and mocked him saying, Hail,
20 King of the Jews!

21 "And they spit upon him, and took the
22 reed, and smote him on the head.

23 "And after that they had mocked him,
24 they took the robe off from him, and put his
25 own raiment on him, and led him away to
26 crucify him.

1 "And as they came out, they found a
2 man of Cyrene, Simon by name: Him they
3 compelled to bear the cross.

4 "And when they were come unto a place
5 called Golgotha, that is to say, a place of
6 a skull.

7 "They gave him vinegar to drink mingled
8 with gall; and when he had tasted thereof, he
9 would not drink.

10 "And they crucified him, and parted
11 his garments, casting lots: that it might be
12 fulfilled which was spoken by the prophet,
13 they parted my garments among them, and upon
14 my vesture did they cast lots.

15 "And sitting down they watched him there.

16 "And set up over his head his accusation
17 written, this is Jesus the king of the Jews.

18 "Then were there two thieves crucified
19 with him, one on the right hand, and another
20 on the left.

21 "And they that passed by reviled him,
22 wagging their heads.

23 "And saying, thou that destroyest the
24 temple, and buildest it in three days, save
25 thyself. If thou be the son of God, come down
26 from the cross.

"Likewise, also the chief priests mocking

1 "him, with the scribes and elders, said,

2 "He saved others; himself he cannot save. If
3 he be the King of Israel, let him now come
4 down from the cross, and we will believe him.

5 "He trusted in God; let him deliver him
6 now, if he will have him: for he said, I am
7 the Son of God.

8 "The thieves also, which were crucified
9 with him, cast the same in his teeth.

10 "Now from the sixth hour there was
11 darkness over all the land unto the ninth
12 hour.

13 "And upon the ninth hour Jesus cried
14 with a loud voice saying e-li e-li, lama
15 sabachthani? That is to say, My God, My God,
16 why hast thou forsaken me?

17 "Some of them that stood there, when
18 they heard that, said, this man calleth for
19 Elias.

20 "And straightway one of them ran, and
21 took a sponge and filled it with vinegar, and
22 put it on a reed, and gave him to drink.

23 "The rest said, let be, let us see
24 whether Elias will come to save him.

25 "Jesus, when he had cried again with a
26 loud voice, yielded up the ghost.

1 "And behold, the veil of the temple
2 was rent in twain from the top to the bottom;
3 and the earth did quake, and the rocks rent.

4 "And the graves were opened; and many
5 bodies of the saints which slept arose,

6 "And came out of the grave are his
7 resurrection, and went into the holy city,
8 and appeared unto many.

9 "Now when the centurion, and they that
10 were with him, watching Jesus, saw the earth-
11 quake and those things that were done, they
12 feared greatly, saying, truly this was the
13 Son of God.

9b-1

1 "And many women were there beholding afar
2 off, which followed Jesus from Galilee, ministering
3 unto him.

4 "Among which was Mary Magdalene, and Mary
5 the mother of James and Joseph, and the mother
6 of Zebedee's children.

7 "When the even was come, there came a rich
8 man of Arimathaea, named Joseph, who also himself
9 was Jesus' disciple.

10 "He went to Pilate, and begged the body of
11 Jesus. Then Pilate commanded the body to be
12 delivered.

13 "And when Joseph had taken the body, he wrapped
14 it in a clean linen cloth.

15 "And laid it in his own new tomb, which he
16 had hewn out in the rock: And he rolled a great
17 stone to the door of the sepulchre, and departed.

18 "And there was Mary Magdalene and the other
19 Mary, sitting over against the sepulchre.

20 "Now, the next day, that followed the day
21 of the preparation, the chief priests and Pharisees
22 came together unto Pilate.

23 "Saying, sir, we remember that that deceiver
24 said, while he was yet alive, after three days I
25 will rise again.

26 "Command therefore that the sepulchre be made

9b-2

1 "sure until the third day, lest his disciples
2 come by night and steal him away, and say unto
3 the people, he is risen from the dead: So the
4 last error shall be worse than the first.

5 "Pilate said unto them, ye have a watch:
6 Go your way, make it as sure as ye can.

7 "So they went, and made the sepulchre sure,
8 sealing the stone, and setting a watch.

9 "In the end of the Sabbath, as it began
10 to dawn toward the first day of the week, came
11 Mary Magdalene and the other Mary to see the
12 sepulchre.

13 "And, behold, there was a great earthquake:
14 For the angel of the Lord descended from heaven,
15 and came and rolled back the stone from the door,
16 and sat upon it.

17 "His countenance was like lightning, and his
18 raiment white as snow.

19 "And for fear of him the keepers did shake,
20 and became as dead men.

21 "And the angel answered and said unto the
22 women, fear not ye: for I know that ye seek
23 Jesus, which was crucified.

24 "He is not here: For he is risen, as he
25 said. Come see the place where the Lord lay.

26 "And go quickly, and tell his disciples that

1 "he is risen from the dead; and behold, he goeth
2 before you into Galilee; there shall ye see him:
3 Lo, I have told you.

4 "And they departed quickly from the sepulchre
5 with fear and great joy; and did run to bring his
6 disciples word.

7 "And as they went to tell his disciples, behold,
8 Jesus met them, saying, all hail. And they came and
9 held him by the feet, and worshipped him.

10 "Then said Jesus unto them. Be not afraid:
11 Go tell my brethren that they go into Galilee, and
12 there shall they see me.

13 "Now, when they were going, behold, some of
14 the watch came into the city and shewed unto the
15 chief of priests all the things that were done.

16 "And when they were assembled with the elders,
17 and had taken counsel, they gave large money unto
18 the soldiers.

19 "Saying, say ye, his disciples came by night,
20 and stole him away while we slept.

21 "And if this come to the governor's ears,
22 we will persuade him, and secure you.

23 "So they took the money, and did as they were
24 taught: And this saying is commonly reported among
25 the Jews until this day.

26 "Then the 11 disciples went away into Galilee,

1 "into a mountain where Jesus had appointed them.

2 "And when they saw him, they worshipped him,
3 but some doubted.

4 "And Jesus came and spake unto them, saying,
5 all power is given unto me in heaven and in earth."

6 THE COURT: Will counsel approach the bench, please.

7 (The following proceedings were had at the
8 bench out of the hearing of the jury.)

9 THE COURT: It is 12:00 o'clock, Mr. Kanarek. Do
10 you want to stop now or take a couple of minutes and
11 conclude it?

12 MR. KANAREK: I am under the Court's orders.

13 THE COURT: It is perfectly apparent to me we are
14 going through the same situation as we have many times.

15 You want the Court to force you to stop so you
16 will have some record on appeal.

17 If I said four days instead of four hours I
18 would have had the same result. I will give you two minutes
19 to conclude it. That is going to be it.

20 MR. KANAREK: In view of what your Honor has done, I
21 have no further argument.

22 THE COURT: Very well.

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

25 THE COURT: Ladies and gentlemen, remember the
26 admonition.

1 We are going to recess at this time until 1:30
2 this afternoon rather than 1:45.

3 The court is now in recess.

4 (Noon recess.)
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LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 26, 1971

1:35 P.M.

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(The following proceedings occur in open court. All counsel and jurors present. All defendants but Mr. Manson present:)

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

Do you care to argue, Mr. Shinn?

MR. SHINN: Yes. Thank you, your Honor.

Your Honor, Deputy District Attorneys, and defense counsel, ladies and gentlemen of the jury.

Mr. Bugliosi, in his closing argument, stated that the agreement that was entered into on December the 4th between Miss Atkins and the District Attorney, Mr. Bugliosi wants you to believe that this contract was a complicated contract with a lot of conditions, provisions, ifs, ands, and buts in the contract.

Actually, this contract was a very simple contract. So simple, Mr. Bugliosi even stated this, that the contract was oral.

Now, there are many purposes of a contract, but there is always one main purpose of a contract, a main purpose.

And this contract that was entered into by Mr. Caballero and the District Attorney's Office, the main

24,000
1 purpose of this contract was to secure an indictment
2 against Manson and the defendants.

3 Now, every contract has a main purpose. You
4 go and buy a television set and make a contract to purchase
5 a television set. The main purpose is to buy the television
6 set. It is incidental that you pay for the television
7 set.

8 Now, the part of this agreement Mr. Bugliosi
9 was talking about, the part that Atkins had to play in
10 this matter, was to testify at the Grand Jury to secure an
11 indictment against Manson and the defendants, and the
12 District Attorney was not to seek the death penalty.

11-1

1 Now, Mr. Bugliosi in his argument has made
2 many references to the word "truthful."

3 He indicated that Miss Atkins did not tell the
4 100 per cent truth, therefore that the deal was off.

5 And Mr. Younger, I believe, testified that she
6 did not tell the whole truth and nothing but the truth.

7 Now, Mr. Stovitz testified that she did not tell
8 the complete truth.

9 Now, this is an attempt by the District
10 Attorney's Office to wiggle out of the agreement.

11 Now, Mr. Bugliosi stated in his final argument
12 that the parties agreed --

13 The parties agreed to determine whether or not
14 Miss Atkins told the 100 per cent truth or all the truth at
15 the Grand Jury.

16 Now, don't you think that if Miss Atkins was
17 lying at the Grand Jury that the Grand Jury would not have
18 indicted Manson? And the defendants?

19 Now, the people in the Grand Jury, they are
20 picked by Superior Court judges, and do you think the judges
21 would pick stupid grand jurors?

22 Now, the Grand Jury heard the testimony of Miss
23 Atkins; they knew that she was telling the truth, other-
24 wise, they would never have indicted Manson and the other
25 defendants.

26 Now, when I asked a question of Mr. Younger,

1 Mr. Bugliosi and Mr. Stovitz, when they testified I
2 asked them:

3 "Who was going to determine whether or
4 not Miss Atkins was telling the truth?"

5 And every one of them knew the answer; they
6 knew that if Miss Atkins did not testify truthfully at the
7 Grand Jury that they would never bring back an indictment
8 against Manson and the defendants.

9 But yet on the stand Mr. Bugliosi, Mr. Stovitz
10 and Mr. Younger were playing with words.

11 They were saying that she was not telling the
12 truth and that "we were going to determine whether or not
13 Miss Atkins was telling the truth."

14 Now, the only thing that you can conclude
15 or that you can infer, or from which you can draw a fair
16 inference is the fact that the District Attorney is now
17 looking for an excuse not to live up to the agreement.

18 What they are looking for is an escape hatch,
19 a loophole, a justification to satisfy their conscience.

20 Now, Mr. Bugliosi, or all persons, knows that
21 Miss Atkins performed her part at the Grand Jury.

22 In fact, Mr. Bugliosi was the one that ques-
23 tioned Miss Atkins in Mr. Ceballero's office the night
24 before the Grand Jury.

25 Mr. Bugliosi knows that Miss Atkins told the
26 substantial truth to the Grand Jury.

1 I believe that Mr. Bugliosi now has a guilty
2 conscience and he knows it, and it would be on his conscience
3 until he goes to his grave. That will always be -- there
4 will always be a voice --

5 Do I hear an objection?

6 There will always be a voice in Mr. Bugliosi's
7 ear, the voice of Miss Atkins, crying out for justice.
8 Her voice will keep saying, "Why, why, why?"

9 Now, do you honestly think that Mr. Bugliosi
10 believes that Miss Atkins lied at the Grand Jury? If so,
11 he would have dismissed the indictment; he would have obtained
12 a new indictment without Miss Atkins' testimony. He knows
13 that an indictment based on false testimony is no good.

14 Now, the situation was, that if at the Grand
15 Jury when Miss Atkins testified -- if the Grand Jury did not
16 believe Miss Atkins, then if they would not come back with
17 indictments against Manson and the other defendants.
18 If that had happened then I would say that Miss Atkins
19 deserves nothing.

20 Or if Miss Atkins testified before the Grand
21 Jury and a week later Mr. Bugliosi finds out she was lying
22 and he goes before a Superior Court judge and says, "Your
23 Honor, I am going to make a motion to dismiss against
24 Manson and all the defendants because I found out that
25 Miss Atkins lied before the Grand Jury."

26 Now, this is not the case, an indictment was

1 made against Manson and the rest of the defendants.

2 The District Attorney's Office wants to find
3 a way not to abide by their agreement. They are trying to
4 wiggle out. They are finding excuses, excuses to not per-
5 form their obligation on the contract.

6 Now, Mr. Bugliosi testified that he did talk
7 to Miss Atkins at Caballero's office and he knew -- he knew
8 now when he talked to Miss Atkins that the answer that he
9 was going to receive from Miss Atkins, the answer that he
10 was going to receive, he knew that when he went to the
11 Grand Jury.

12 Now, he said that one of the reasons why the
13 District Attorney is not going to honor the agreement was
14 because Miss Atkins lied about Sharon Tate.

15 Yet on December 4th, the day before it went
16 to the Grand Jury he knew what the answer was going to be.

17 He knew that Miss Atkins was going to say
18 that Tex Watson stabbed Sharon Tate. Yet he took it to
19 the Grand Jury and asked her the same question.

20 He asked Miss Atkins who killed Sharon Tate.
21 He knew what the answer was going to be. He had it written
22 down.

23 The answer was going to be Tex Watson.

24 Yet when she answered it at the Grand Jury,
25 Tex Watson killed Sharon Tate, at that point Mr. Bugliosi
26 had a duty, obligation, to stand up and say that Miss

1 Atkins is now lying --

2 MR. BUGLIOSI: Your Honor, that is improper. I would
3 not have that power or right. He knows that I cannot get
4 up before the Grand Jury.

5 MR. SHINN: He conducted the Grand Jury hearing.
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1 MR. SHINN: Your Honor, he conducted the Grand Jury
2 hearing.

3 MR. BUGLIOSI: I didn't conduct it.

4 MR. SHINN: He questioned Susan Atkins.

5 THE COURT: This is going beyond the evidence in this
6 case.

7 I am going to sustain the objection.

8 MR. SHINN: I can't talk about the Grand Jury?

9 THE COURT: That isn't what I said.

10 I am sustaining the objection.

11 MR. SHINN: We can draw the inference that Mr.
12 Bugliosi --

13 THE COURT: Just a moment.

14 The jury is to disregard that comment as to Mr.
15 Bugliosi.

16 Go ahead.

17 MR. SHINN: We can draw the inference, when Mr.
18 Bugliosi was questioning Susan Atkins at the Grand Jury,
19 when he asked Miss Atkins who killed Sharon Tate, and he
20 knew the answer was going to be Tex Watson, we can draw the
21 inference that at that point he had an opportunity to
22 inform the Grand Jury that Miss Atkins was a liar.

23 MR. BUGLIOSI: Your Honor, this is improper.

24 THE COURT: The objection is sustained.

25 The jury will disregard that remark.

26 MR. SHINN: Now, Mr. Bugliosi, in conning, in tricking

12-2

1 Miss Atkins into testifying at the Grand Jury, testified
2 that he did talk to Miss Atkins at Caballero's office and
3 told Miss Atkins that if she did testify at the Grand Jury
4 and cooperated with him, that he would see that she did
5 not receive the death penalty.

6 And Miss Atkins, at this time, had no one on
7 her side. Her own attorney was selling her down the river.
8 She was held in the County Jail in this cell all by herself.
9 She had no friends, no relatives to visit her.

10 This was the time when Mr. Bugliosi talked to
11 her.

12 Mr. Bugliosi, at this time, told Miss Atkins
13 that if she testified at the Grand Jury that he would help
14 her.

15 Now, Miss Atkins, at this point, had no one to
16 help her. No one.

17 And I can just imagine Mr. Bugliosi sweet-talk-
18 ing to Miss Atkins: Susan this, Susan that; I will help
19 you, Susan, don't worry.

20 So what does he do? After the Grand Jury
21 hearing, he calls her a bitch, he calls her inhuman, he
22 calls her a liar, he calls her a monster.

23 All I can say is there are different types of
24 monsters; there are man monsters, there are woman monsters,
25 and there are DA monsters.

26 You can draw your own conclusion.

12-3

1 Miss Atkins trusted another human being. She
2 had no friends, no attorney, at this point.

3 She trusted another human being called Vincent
4 Bugliosi.

5 He tricked her. He conned her.

6 Mr. Bugliosi ought to change his name to
7 Richard, call himself Richard Bugliosi, and then the
8 people could call him Tricky Dick.

12a fls.

12a-1

1 Miss Atkins was drowning without friends. And
2 you heard Miss Atkins testify that she thought that Mr.
3 Bugliosi would help her. Here is Miss Atkins drowning now,
4 and she saw Mr. Bugliosi with an oar.

5 She said: Oh, here comes help now. Miss
6 Atkins reached out for that oar. And what do you think
7 Mr. Bugliosi did? He hit her over the head with the oar.

8 How inhuman can you get?

9 He talks about being inhuman. He talks about
10 monsters. He talks about liars.

11 Mr. Bugliosi stated that since Miss Atkins
12 did not tell the 100 percent truth, the deal was off.

13 Now, I asked Mr. Kay, the Deputy District
14 Attorney, out in the hallway during the recess, I said:
15 Who tells the 100 percent truth here in this courtroom?
16 Anyone that does should put their hand up.

17 Mr. Kay said he was going to put his hand up.

18 Now, the other day, Mr. Bugliosi was holding a
19 Bible, the Holy Bible, in his hand. Imagine Mr. Bugliosi
20 holding a Holy Bible. He wasn't even bashful about it.
21 For a minute there I thought the Bible was going to jump
22 out of his hand. It was the first time I had been at a
23 trial where there were so many Bibles. It was a Bible
24 meeting. I thought I was in a church.

25 Now, Mr. Bugliosi, in his argument, asked me
26 two questions. He turned around and he asked me two

12a-2

1 questions about why the deal should be consummated? In
2 other words, why the DA should give Miss Atkins life instead
3 of death. He asked me a couple of questions.

4 It is an old trick. These questions have
5 nothing to do with the main issue. He just wants to
6 confuse the jury, put up a smokestack, a smoke screen,
7 an ink bag, pollute the waters, so you can't see the
8 issues clearly. And he knows this.

9 He knows that the questions that he asked me
10 had nothing to do with the deal.

11 The declaration was signed a long time after
12 the District Attorney reneged on the deal.

13 Then he talks about Miss Atkins' testimony on
14 the witness stand. He said that she confessed that she lied
15 to the Grand Jury.

16 But this was after. This was after the District
17 Attorney reneged on their deal.

18 I don't blame Miss Atkins for trying to save
19 herself. The DA reneged. Why can't she renege? Anyone
20 would have done the same thing.

21 Now, the Judge will instruct you that you are
22 not bound by this agreement. But the Judge goes further,
23 and he will instruct you that you can consider it, because
24 under the law you have the absolute discretion as to life
25 or death.

26 Now, Mr. Bugliosi calls Miss Atkins a liar.

1 He says she lied on the stand when she testified. But he
2 believes her when she said that she stabbed Sharon Tate.
3 But he doesn't want you to believe that part about Charles
12b fls. 4 Manson not being involved.
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12b-1

1 He is a strawberry picker. You know what a
2 strawberry picker is? You go into a grocery store and you
3 buy strawberries. You have done it; I have done it. No
4 one is around. We get all the big strawberries and put
5 them in the basket and walk out with them. You don't want
6 the small ones, you want the big ones.

7 That is Mr. Bugliosi: a strawberry picker.
8 He picks the part of the testimony he wants.

9 She testified she killed Sharon Tate. He says
10 believe her. The part that she testified she stabbed
11 Gary Hinman, he says believe that part. When it comes to
12 the other part, that Charles Manson wasn't involved, he
13 says don't believe that.

14 He just picks the strawberries that he wants
15 for his basket.

16 You have got to believe all the testimony of a
17 witness, not just the part that you want to hear.

18 Now, all the District Attorneys, the deputies
19 and the District Attorney himself, are trying to find some
20 excuse, some justification, for not living up to their
21 contract. They got what they wanted. They got the
22 indictment against Manson and all the defendants. Now,
23 they want to keep the benefits but they don't want to pay
24 for them.

25 I think that you all realize the main purpose
26 of this agreement that was made on December 4th, the main

1 purpose, now, was to secure an indictment against Manson
2 and the other defendants.

3 Once they secured the indictment against
4 Manson and the other defendants, the contract then has been
5 made now and there is no backing out. The District Attorney
6 should not seek the death penalty against Miss Atkins.
7 That was the deal.

8 Why should the District Attorney now receive
9 a benefit without paying for it? It is unfair.

10 Now, the District Attorney is obligated under
11 two theories. There is a legal obligation and there is a
12 moral obligation.

13 The District Attorney can't keep the benefit.
14 It would be legally and morally unfair. They received the
15 benefit, they admitted that. They were very grateful to
16 Miss Atkins for solving the crime of the century. And
17 later, Miss Atkins testified at the Grand Jury. As a
18 result, there were indictments against Manson and the rest
19 of the defendants.

20 Why should now the District Attorney say
21 we are not going to honor the deal, Miss Atkins lied at the
22 Grand Jury?

23 It is just an excuse. They are trying to
24 wiggle out of their agreement. They have got more wiggles
25 than a hula dancer.

26 As I said before, you can take this all into

1 consideration. You don't have to. You don't have to,
2 even though you find that Miss Atkins did perform her part
3 of the contract and that you feel that she deserves to live,
4 you are not bound by it.

5 But you could take this into consideration
6 and have some feelings towards Miss Atkins.

7 Thank you.

8 THE COURT: Mr. Keith.

9 MR. KEITH: May it please the Court, counsel, ladies
10 and gentlemen of the jury.

11 Mr. Bugliosi made to you a very articulate
12 and a very powerful argument. I can't deny that. An
13 argument that sounded in blood and vengeance. Avenge
14 the victims, send the perpetrators to their deaths, show
15 the world in this so-called historic case murderers receive
16 no mercy in California, they receive the same fate as
17 their victims in this State.

18 Allegedly -- allegedly, mind you -- in the
19 name of the State of California, Mr. Bugliosi demands death.
20 He demands revenge, he demands more blood.

21 He wants you ladies and gentlemen to be en-
22 raged at the defendants, he wants you to despise them,
23 he wants you to tell them that they do not deserve to live,
24 that they must forfeit their lives. All by virtue of an
25 1870 section of the Penal Code of this State.

26 This is 1971, ladies and gentlemen, 99 years

1 later. This is not 1872.

2 What do we do here, ladies and gentlemen?
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1 What rational thinking, intelligent person would
2 ever believe that in this enlightened democracy the State
3 would be a party to the deliberate taking of human lives,
4 not to mention three young, sick girls.

5 Is not this State, ladies and gentlemen, more
6 humane, more understanding, more reasonable, more merciful
7 than these girls and their insane master, Mr. Manson.

8 To hear Mr. Bugliosi, apparently the State is
9 not, according to him, the State wants more suffering. He
10 wants you to be so inflamed that you will decree the deaths
11 of these people, all in the name of justice, civilization
12 and all perfectly legal.

13 Ladies and gentlemen, you have the courage to
14 stand up to the State of California and say "Life,"

15 Of course you do. Besides, it is not the State
16 of California demanding death, it is Mr. Bugliosi.

17 MR. BUGLIOSI: That is improper argument, your Honor.

18 THE COURT: Sustained.

19 MR. BUGLIOSI: I represent the District Attorney's
20 office which does represent the People of the State of
21 California. They are the plaintiff in this action on that
22 indictment.

23 THE COURT: The objection is sustained. The jury is
24 admonished to disregard Mr. Keith's last remark.

25 MR. KEITH: There is no fiat from the Governor, no
26 legislation decreeing death for these four defendants.

13-2

1 Mr. Bugliosi says that if they don't receive the
2 death penalty no one ever should; that Section 190 of the
3 Penal Code should be repealed.

4 He is right. That section should be repealed.

5 If it had any usefulness in 1872, it doesn't
6 now. Other than when anybody imposes the death penalty,
7 we lay bare our adherence to shameful dogma of the past,
8 like burning Joan of Arc at the stake, or guillotining
9 Marie Antoinette.

10 There is enough violence in this world, ladies
11 and gentlemen; must we add to it?

12 And don't you think dying in the gas chamber
13 is not a violent death?

14 The Legislature of this State has decreed that
15 the insane and persons under 17 are not eligible for the
16 death penalty. Other than these two categories you are the
17 legislators in this case.

18 You are in reality the State of California,
19 you and each of you, ladies and gentlemen, not collectively,
20 you and each of you alone are the State of California,
21 because the penalty in this case is within your individual
22 and absolute discretion.

23 There are no statutes to guide you. This is
24 your decision and you are not the conscience of the community.

25 It is your individual hearts and souls and
26 minds and consciences which must make this awesome decision.

13-3

1 Please don't decree the death penalty in this
2 case because you may think this is what the community wants.
3 If you do this, I suggest you may well be abdicating your
4 solemn responsibility, and taking an easy way out, which
5 is not befitting you people.

6 You will be shifting your individual duty to
7 what you think may comport with the whim of the uninformed
8 populace.

9 Mr. Bugliosi told you that you were the
10 conscience of the community, but I submit to you you are not.

11 I ask you, ladies and gentlemen, to be strong
12 within yourselves, be resolute, be yourselves. Stand alone,
13 stand alone because each of you -- each of you alone and
14 for yourselves alone must decide this case.

15 Now, strangely enough or perhaps not so
16 strangely I accept wholeheartedly certain areas of Mr.
17 Bugliosi's argument.

18 I accept his exposition to you that Mr. Manson
19 dominated these girls and ordered the homicides.

20 I accept that the "free Bobby Beausoleil"
21 motive is nonsense.

22 I accept his telling you that in his opinion
23 don't hold Hinman against Leslie.

24 I accept his argument that Leslie's testimony
25 and the testimony of the other girls in this case shows
26 Mr. Manson's domination and influence still persists and

1 is all pervasive.

2 Why do I accept these things? Because of the
3 evidence in this case, all of the evidence, the physical
4 evidence, the testimony of the female defendants, the
5 testimony of the witnesses for the prosecution even, the
6 testimony of the Family girls, the testimony of the
7 psychiatrists, which was all important.

8 Taking all these things together, ladies and
9 gentlemen, it appears -- it appears that the only way these
10 offenses could have been committed was at Mr. Manson's
11 direction.

12 Otherwise these girls would not have committed --
13 would not have done what they did.

14 Regardless of whether they were under the
15 influence of LSD, regardless of their emotional and mental
16 problems, someone had to control their thoughts and push
17 them into it, some driving personality, and nobody else is.

13a fls.

13a-1

1 I do not say, though, ladies and gentlemen,
2 Mr. Manson should forfeit his life. I do not say that at
3 all.

4 I say he should be entitled to life just as
5 much as these girls are entitled to life, and why? Well,
6 I have some personal convictions that have no place and are
7 not germane to my argument, and also, ladies and gentlemen,
8 from all the evidence in this case, I deduce that Mr. Manson
9 is insane and legally insane.

10 It doesn't take a doctor to get up there and
11 reach that conclusion.

12 You don't need a doctor. You don't need a
13 psychiatrist to reach that conclusion.

14 People who are insane, and I have said this
15 before, are not eligible for the death penalty in this State.

16 He is insane, ladies and gentlemen, because
17 from this evidence, the evidence shows that his mind is
18 disordered; his mind is sick.

19 And by reason of his mental illness he was
20 under some delusion that killing some member of the
21 establishment was good, was right, was beautiful, was the
22 thing to do; that it was not wrong.

23 That it was proper, that it wasn't morally
24 wrong.

25 This, ladies and gentlemen, is the definition,
26 and I am not saying it is the exact definition, I am

1 paraphrasing it, of legal insanity in this State.

2 And if he ^{instilled} / the thought in Leslie, she
3 is also insane or was at the time.

4 As a matter of fact, ladies and gentlemen,
5 I am beginning to wonder from the evidence of this case --
6 I have doubts based on the evidence in this case, just
7 what Leslie's participation was in the homicides at the
8 La Bianca house.

9 Did she really stab somebody while they were
10 alive? Did she really inflict any fatal wound on
11 Mrs. La Bianca?

12 I am not saying -- you found it to be so and
13 I am not saying when you found it to be so that you were
14 dead wrong, I'm not saying that.

15 But I wonder, and I seriously wonder, the
16 extent of her participation.

17 I am not saying she did not participate. I
18 am saying, what is the extent of it? Did she really
19 physically kill anybody?

20 Based on her testimony and the physical
21 evidence in this case and what Dianne Lake said, I have
22 grave doubts.

23 Now, I believe, and again I am in the same
24 bed as Mr. Bugliosi, that Mr. Manson was someone who
25 reinforced and gave expression to the unformulated and
26 inarticulate beliefs that Leslie held about society before

1 she arrived at the Spahn Ranch.

2 But he went a step further. He went a fateful
3 step. He went a tragic step further.

4 He conditioned them; he conditioned them to do
5 his bidding, to participate in homicides.

6 Ladies and gentlemen, he is a persuasive man,
7 although I will show you later on it did not take much
8 persuasion with these girls.

9 But he must be persuasive. He persuaded Linda
10 Kasabian to participate and remember, Linda, at least I
11 infer this from the evidence, came from a tougher mold.

12 She had been around more. She had seen more
13 of life.

14 And again she was only at the Spahn Ranch for
15 six weeks.

16 But he persuaded her to participate.

17 If these other three girls -- what were they?
18 Acid freaks, alienated with society, naive, disillusioned,
19 insecure, searching for feelings of love and belonging,
20 which Mr. Manson and his subculture provided.

21 It was not hard for him with these girls, it
22 did not take a great deal.

23 I am going to quote to you certain passages
24 from some of the doctors, in hopes that you will see that
25 it was no great task.

26 I would like to quote you a lot more from what

1 they said, but in the interests of time I will cut it down.

2 This is Dr. Fort, Page 25,427.

3 This is by Mr. Kanarek -- I will start the page
4 before:

5 "Q And in that connection, directing
6 your attention then to the scene, the La Bianca
7 home, can you tell us what the relative importance
8 is of the various factors, because the word
9 'significant' is just a qualitative word, but
10 can you give us some feel as to the degree of
11 significance of these factors?"

12 Kanarek is apparently talking about the factors
13 that were causative in these homicides.

14 "A Which other factors are you
15 referring to?

16 "Q I am referring to all the factors
17 in the assumed facts. Those are all the factors
18 to be considered."

19 You remember I gave a hypothetical question.

20 "Can you give us some feel for what is
21 important and what may be trivia?

22 "A The important things to me,
23 coming to my decision, were:

24 "1. That she had ingested a substantial
25 amount, presumably, of lysergic acid; that she
26 was in with a certain group who had created a

1 "milieu, certain attitude, certain kind of
2 climate. This climate existed prior to that
3 evening.

4 "There was, as it were, personalities
5 contributing to the climate, and it then
6 continued and built up to a certain set of
7 events or led into a certain set of events
8 that transpired which, when a person is under
9 the influence of lysergic acid, their judgment,
10 their thinking processes, their interpretations,
11 their perceptions, their moods, let's say
12 their homeostatic mechanisms of controlling
13 their behavior are interrupted, so that they
14 are then, under those kind of influences, they
15 are more suggestible, more impressionable and
16 less able to perform as a normal human being
17 would."

18 You see, it was not hard.

19 On Page 25,480, Dr. Fort, one of the most
20 internationally recognized men in the field, in the area of
21 drug abuse and psychiatry:

22 "So I began with this general knowledge
23 of how the drug works, and what the key
24 variables are."

25 I then combined that with the material
26 contained in the hypothetical question about the age of

1 Leslie at the time she began use of LSD and mescaline, her
2 family situation, and the instability reflected there in
3 terms of the broken home which, with most children, leads
4 to a certain degree of unhappiness, a lesser sense of
5 identity, a search for something where a drug then coming
6 into the picture is more likely to have greater meaning
7 than it otherwise would have.

8 "And then the pattern of life that is
9 described in the hypothetical question you
10 put, together with the general affect of LSD
11 and the kind of setting, as I mentioned, is a
12 particularly important component in determining
13 what is going to happen.

14 "Particularly when you isolate somebody
15 from the main stream of society, the ordinary
16 kinds of influences, the institutions of
17 society that convey moral and social values.

18 "When you isolate them and combine them
19 with the chronic use of a drug that makes one
20 extremely malleable, extremely flexible, in a
21 sense burns through the layers of conscience
22 and opens up the personality to a total kind
23 of transformation.

24 "When you do that, and when you have
25 somebody who is insecure, groping for some
26 meaning in life, I think you have all of the

1 "potential of those things combined, if I make
2 myself clear, for an extremely adverse effect,
3 stemming from not only the chronic use of LSD,
4 but the combination of the LSD, the personality,
5 the setting and the possible misuse of all this
6 by the person used as your guide or leader in
7 these kinds of experiences."

13b

13b-1

1 "Q I take it, therefore, Doctor, that you
2 find special significance with respect to Leslie's
3 use of the drug, and the manner in which she lived
4 with Bobby Beausoleil at the Spahn Ranch, the
5 complete freedom, lack of responsibility and commune
6 type setting?

7 "I think that all of these things have
8 to be considered together; that a drug by itself
9 does not perform a magical transformation on a
10 person, but the drug alone with the social setting
11 and creation of a new kind of peer group, influence
12 of a new subculture, the isolation that I talked
13 about and the instability or the immaturity of the
14 personality, I think all of this together is
15 particularly significant in Leslie's case.

16 "Is it also significant that other persons
17 with whom Leslie associated in this subculture also
18 were drug users and drug oriented.

19 "A Certainly that would be significant
20 because that would be part of what I was talking
21 about as the new kind of peer group culture, the
22 new value structure that is created, and particularly
23 when with the chronic use of LSD and other similar
24 drugs you open up a consciousness, perceptions and
25 emotions of the person to tremendous transformations.

26 "Q In your research and study of the effects

13b-2

1 "of LSD, do you find that generally that there is
2 a loss of normally respected social values among
3 heavy users of the drugs, and goals?

4 "A Well, an important part of answering
5 your question is the separation you imply between
6 the intermittent or occasional use of average or
7 moderate doses, and the chronic use of heavy
8 doses.

9 "And you certainly could not say that
10 the usual user of LSD has all these things happen
11 to him.

12 "Or generally they have either a neutral
13 kind of experience, or at least do not have the more
14 serious kind of side effects that everyone or most
15 people are concerned about.

16 "The chronic heavy user is almost by
17 definition, the definitions I gave earlier, likely
18 to have bad trips, unfortunate transformations in
19 their value structure and, depending on the influences
20 around them, that could be for evil or for good.

21 "It would depend very much on the peer
22 group relationship and subculture that you are
23 living in and being conditioned to conform to.

24 "It can be misused.

25 "In other words, as a kind of brainwash
26 or ideological or self-control practice, such as has

13b-3

1 "been practiced in totalitarian societies.

2 "Or" --

3 As he goes on to say, it could be used theoretically
4 for benefit.

5 Unfortunately, it was not in this case:

6 "Q" -- by Mr. Fitzgerald, I believe on page
7 25,502:

8 "Q Now, you have previously testified, I
9 believe, Doctor" --

10 This is still Dr. Fort -- "I believe, Doctor,
11 that the ill effects of the drug are increased when
12 used by adolescents or persons whose personalities
13 are not yet completely formed; is that correct?

14 "A That is likely to be true, yes.

15 "Q Would the untoward or ill effects of the
16 drug likely be increased when used by a person who
17 is severely emotionally disorganized in terms of
18 his or her personality?

19 "A I would say that would be the single
20 most important variable.

21 "The underlying personality, character,
22 mood, attitudes and expectations of the user are
23 the main variable in that kind of drug experience,
24 particularly with a drug like LSD, and if you are
25 unstable, immature, depressed, or whatever, you
26 are far more likely to have a very serious adverse
consequence.

13b-4

1 "Q Very well integrated strong personality
2 types would likely experience little difficulty with
3 the drug; is that correct?

4 "A All other things being equal, that would
5 be correct, particularly if all the factors I mentioned
6 were controlled, the dosage, purity, et cetera."

7 Page 25,561, line 7 -- I think this is a
8 question by Mr. Kanarek, I'm not sure:

9 "Q Now, in response to a question by Mr.
10 Bugliosi, Doctor, you told us that you had an opinion
11 that there were other contributing factors" --

12 Maybe it's by me --

13 "You told us you had an opinion that there
14 were other contributing factors.

15 "Would one of those factors be -- and it
16 is brought out in the assumed facts -- the communal
17 setting in which Leslie found herself with Bobby
18 Beausoleil, and also at the Spahn Ranch and in the
19 desert.

20 "A It definitely was, and I believe that
21 was a very prominent part of what happened in
22 creating a neutral structure, in a sense brainwashing,
23 or creating a new idea and thought pattern, isolated
24 from the rest of society where a value system that
25 we usually would think of as anti-social and destruc-
26 tive came to be accepted.

14 fls.

14-1

1 Dr. Fort.

2 Here is Mr. Kanarek. Page 25,566.

3 "Doctor, are you telling us that a
4 school for crime could exist -- let's say that
5 I was a doctor like -- to give the expression --
6 Dr. Fort. That I get a bunch of people together
7 and give them LSD, and I program them to go out
8 and commit murder.

9 "Let's say that I get people that
10 you are speaking of, people who have been
11 rejected by their homes, thrown out of their
12 families, they are already on LSD for a couple --
13 for two or three years.

14 "And let us say with your knowledge of
15 LSD, you have a school for crime, and then you take
16 them here and you program them to go out and commit
17 murder here, there, everywhere. Maybe that is what
18 the Zodiac is doing. But what I am saying, Doctor,
19 is: Are you telling us that this can be done,
20 that you can capture the human mind by such a
21 school for crime?

22 "A I am indeed telling you that.

23 "Although the way you put it is somewhat
24 an absurd oversimplification of what I have said.

25 "Q All right.

26 "Then you are saying that recognizing

1 "hypnosis, for instance, and other techniques that
2 have been used to get people to do these things.
3 You are certainly aware of those; right?

4 "I certainly am.

5 "And techniques of propaganda and mass
6 advertising, and many other things.

7 "Q Now, do you know of any cases where
8 someone has -- I mean, other than in the movies,
9 in a Frankenstein-type of picture -- do you know
10 where someone has sat down and programmed people
11 to go out, let's say, and commit armed robberies,
12 burglaries, assaults? Do you know of any such
13 instances?

14 "THE WITNESS: Yes.

15 "In one sense, that is what we do when
16 we program soldiers to kill in a war.

17 "We teach otherwise conforming, normal
18 people to kill somebody else for certain kinds of
19 reasons."

20 This is Dr. Fort speaking, the famed expert in
21 this field.

22 Going on:

23 "In other societies -- I mentioned this
24 morning the People's Republic of China -- thought
25 reform, ideological thought control, is a basic
26 part of the way of life. And the minds of men are

1 "indeed molded in totalitarian societies or by
2 totalitarian individuals to work in a certain
3 way, which can be to kill or to inform on others
4 or to do a variety of other things.

5 "Q Does the U. A. Army distribute LSD
6 to its personnel before they go off to battle,
7 Doctor?

8 "A LSD, as I think I have brought out
9 repeatedly, is one technique that can be used,
10 added to the social and cultural influences,

11 "It makes the personality, or can
12 make it highly malleable, highly influenceable
13 by other people, and it would simply combine
14 with the other things, make it all the easier to
15 program them, make them into robots, or to brainwash
16 them."

14a file.

17 It wasn't hard, ladies and gentlemen.
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1 At the risk of perhaps making you nod, I
2 feel it is important to also read to you some of the
3 testimony of Dr. Hochman in this case, because he actually
4 examined Leslie and the other two girls.

5 I believe he is a very bright, though young,
6 person and highly qualified.

7 This is Page 26,194.

8 "Q Well, Doctor, do you feel that
9 she considered Bobby Beausoleil to be --
10 that she considered him not only romantically,
11 but she considered him as a brother in the
12 sense that she was living with him along
13 with the other people at the Spahn Ranch?"

14 This is on Line 13, a question by Mr. Kanarek.
15 And the "she" that Mr. Kanarek has reference to is Leslie.

16 "A Yes. But I think that the kind
17 of charisma, the kind of power that he was
18 assigned by her, because of her psychology,
19 was not as great as that of Mr. Manson.

20 "Mr. Manson's influence seemed to be,
21 seemed to meet more of her psychological needs,
22 I would speculate.

23 "Q When you say Mr. Manson's
24 influence, what are you basing this on?

25 "In other words, upon what do you base
26 that feeling of influence?

"A Well, I have to be candid with

1 "you that my feelings --

2 "Q That is what we want, Doctor.

3 We want you to be candid,

4 "A I want to say that my feelings
5 about that are changing as I have come to know
6 more about the situation,

7 "Last night I interviewed the other
8 two girls -- "having reference to Sadie and
9 Katie -- "and some things happened there that
10 gave me some additional insight, I think, on
11 Leslie,

12 "Like the repetition by the other two
13 girls of certain key phrases. Certain words
14 were used exactly the same way by all of them,
15 quoting Charles Manson.

16 "It seems that he still, at least in
17 terms of the verbalizations, has a very
18 important influence upon them. His ideas
19 seem to be there, whether they are aware of
20 it or not.

21 "Even to the extent of the same
22 terminology, repeated hours apart from one
23 another, without knowing that the others are
24 talking about the same phrases, about the same
25 things."

26 Mr. Kanarek, at Page 26, 196, Line 20.

1 "Tell us, Doctor, tell us the state-
2 ments that were common that these other girls
3 mentioned to you.

4 "A. In describing Charles and -- he
5 was like an empty or open hole. They repeated
6 this frequently, all of them.

7 "In describing him as being on the bottom
8 looking up.

9 "Describing him as being total awareness.

10 "Describing frequent and incessant
11 proclamations that everything is now, there is
12 no time, there is no future and there is no past.

13 "There is no reality. The social
14 consciousness is going psychotic.

15 "And a variety of other things."
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14b-1

Page 26,198, line 22, by Mr. Kanarek.

"Q And so, is it a fact that you personally as a psychiatrist have observed this type of phenomenon in many many subjects?

"A What I am uncomfortable about now is the idea that there is a conscious intentionality involved in this.

"I have not talked to Mr. Manson; I have no idea what his intentionality was, consciously.

"I do know all of these girls have a history of a persistent search for something, some activity or someone to fill their psychological needs.

"I think that this search ended up on the Spahn Ranch, on the motivation of their unconscious contents, their psychological contents.

"Mr. Manson seems to fit their needs much better than anyone else.

"Now, what part of that was intentional on his part I have no idea; I can only speculate.

"The part that was lying dormant or latent inside of him, I think I can speak to and I think it is obviously there as it was always there.

"So I don't want to be the indicter of anyone.

1 "I am merely describing a psychological
2 content of what I think happened there."

3 Remember that Mr. Manson never spoke -- that
4 Dr. Hochman never spoke to Mr. Manson, and none of these
5 girls ever told Dr. Hochman that Mr. Manson had any
6 influence over their lives. To the contrary, they denied it.

7 Page 26,201. I am sorry to read. I know it
8 isn't very exciting, but I think it is tremendously
9 important. Please bear with me.

10 "So, looking at it in perspective, the
11 fact that these people, that these people all lived
12 in the same area -- this is page 26,201 -- I think
13 I said that -- "the fact that these people, that
14 these people all lived in the same area, is merely
15 indicative of the fact that the girls, for instance,
16 have certain common personality characteristics.

17 "Would you say that is true?

18 "A I would say that is correct.

19 "Q And having those personality character-
20 istics, they cleave to each other; they cleave to
21 the other people at the ranch; they cleave to Mr.
22 Manson.

23 "In other words, there is a mutual --
24 there is a certain mutuality among all of these
25 people?

26 "A Oh, I think that helps us understand the

1 "whole dynamic of that group, that is true.

2 "Q Well, would you explain what you interpret
3 by the dynamic of that group, if you have an explana-
4 tion?

5 "A Well, first of all, it is clear from the
6 history that Mr. Manson encountered probably thousands
7 of individuals over the course of the last three or
8 four years. But only limited numbers of all those
9 whom he encountered decide to leave where they were
10 and follow him.

11 "And all the girls described instances,
12 situations in which they made a decision which was a
13 radical departure from their previous activity.

14 "So that says something about the
15 selection going on.

16 "Out of all those he encountered,
17 some selected to go with him, and I think the
18 reason for the selections lie within the indi-
19 viduals themselves.

14c fls.

14c

1 "Now, I can only speculate about the
2 dynamics of the whole situation because I
3 haven't yet talked to Charles Manson.

4 "I think after I talk with him I will
5 have maybe the important key to this puzzle."

6 I am not reading right now.

7 The thought occurred to me that this is an
8 important consideration in your coming to a fair verdict
9 in this case. It is a puzzle.

10 I think that it is absolutely -- to use a
11 word that has been overworked here -- monstrous that these
12 people -- that anybody should even consider putting them
13 to death when, as Mr. Kanarek points out, they are walking
14 laboratories. They should be studied.

15 It is a puzzle. It is a terrible puzzle.
16 And we should know, the world should know.

17 Going on:

18 "But in talking to the girls, it seems
19 to me that all of them found in the relationship
20 with him, and with one another, a kind of external
21 gratification of a variety of internal psychological
22 needs, specifically they found a sense of total
23 acceptance in a way that they could never accept
24 themselves internally,

25 "They also found a sense of total
26 freedom from guilt, specifically, which they

1 "could never experience by themselves alone
2 even with the adjunct of the use and intensive
3 use of all varieties of psychedelic drugs.

4 "They found for themselves a sense of
5 communication with others that they had never
6 by history found anywhere else.

7 "Specifically, for instance," -- he talked
8 about Susan Atkins finding a mother in Patricia Krenwinkel
9 which she had never found before in her life.

10 Going on:

11 "They found a sense of honesty among
12 themselves which they thought did not exist
13 for them anywhere else in the world.

14 "They found a sense of order in a world
15 which previously had seemed totally dis-
16 ordered and meaningless.

17 "They found a sense of meaning in
18 meaningless, and random activity, and pure
19 activity for enjoyment's sake that all agreed
20 with, and philosophically sustained."

21 Then going on at Page 26,204. This is just
22 an answer, Dr. Hochman answering a question by Mr. Kanarek.

23 "Yes, I think that the English poet's
24 expression that we are part of all which we
25 meet is true.

26 "But in all the histories, by all the

1 "girls, Mr. Manson is a core and central
2 figure, more so than Katie to Sadie or
3 Leslie -- Lulu to Sadie, or anyone else.

4 "The others are important figures,
5 but Mr. Manson occupies a central role."

??

14-d

14d-1

1 No, it was not difficult. As a matter of fact,
2 I suggest to you it was absurdly simple for someone as
3 persuasive and dominating as Mr. Manson to control the
4 minds of these girls, to brainwash them.

5 He didn't have to, really. Their minds were
6 empty when they got to him.

7 How easy it was for him to convince them to do
8 what they did.

9 It is just another magical mystery tour, a
10 pretense, a pretended act. It wasn't any more real than
11 playing pirate, or a Southern belle, or a princess.

12 These three girls, ladies and gentlemen, were
13 human sacrifices.

14 Believe me, they have lost their lives too,
15 believe me, as did Rosemary La Blanca.

16 Was it Leslie's own decision to kill? Do you
17 really believe that?

18 Whose mind was it when she made that decision?
19 Her own?

20 No, there was another's brain in this child --
21 and we know it.

22 These girls were Zombies, robots, automations,
23 just as Mr. Bugliosi said over and over in his earlier
24 arguments on the guilt phase.

25 And I agree with that. I agreed with it then
26 and I agree with it now. They are Zombies.

1 By the way, you didn't hear that argument,
2 did you, in Mr. Bugliosi's last address to you?

3 He says now: Well, all that was just a figure
4 of speech.

5 Why? Because he has got to convince you that
6 these three girls are fully responsible for their acts.
7 So, he puts to bed his robot argument. And I take up the
8 cudgel for Mr. Bugliosi, I guess, because I am offering it
9 to you now.

10 No, he doesn't use the Zombie argument. He
11 talks over and over again about how there is murder in the
12 blood, the system, the heart and soul of these three girls.

13 No more Zombies. No more robots. Why?

14 MR. BUGLIOSI: That is a misstatement. I did use
15 the word "robots" during the penalty phase, your Honor, and
16 it is right in the record.

17 MR. KEITH: Well, it wasn't emphasized.

18 MR. BUGLIOSI: All right.

19 THE COURT: The jury heard the argument.

20 Let's proceed.

21 MR. KEITH: No, it wasn't emphasized, ladies and
22 gentlemen. He used it. He used it to tell you that it
23 was just a figure of speech, if I recall. He didn't
24 emphasize it.

25 He let it drop because he knows that people
26 who are robots are not in full control of their conduct.

1 Indeed, they have no control, and consequently, they cannot
2 be fully responsible, if at all responsible, for their
3 acts.

4 He wants his cake and he wants to eat it too,
5 ladies and gentlemen.

14e fls.

14e-1

1 Now, Mr. Bugliosi did a very creditable job,
2 I thought, very creditable, in isolating every factor,
3 every issue that might, to you, in your discretion, negate
4 the grave responsibility or for the full responsibility,
5 if you want to put it that way, for these words.

6 And as to every issue, every factor, he says
7 either, "Oh, they shouldn't be given credit for that;
8 or there is no dispute covering that; or it's meaningless,
9 it is immaterial."

10 Murder by command.

11 That is not uncommon. Should they be given
12 credit for that? There is no statute that says you are
13 exempt from the death penalty because you are ordered to
14 commit murder.

15 I don't want to misquote him. He may not
16 have said it in that instance, but he said it in other
17 instances.

18 For instance, with respect to the overkill,
19 the repetitive stabbings, the perseveratory type conduct.

20 In my opening address, I indicated to you that
21 along with the senselessness of the homicides, that this
22 was indicative of the deranged mind of the perpetrators.
23 Who else would do these frenzied deeds unless they were
24 crazy?

25 And Mr. Bugliosi argues, and he takes issue,
26 he says: Well, should they be given credit for their

1 savagery?

2 I am not saying they should be released or
3 something. They shouldn't be released. We are not asking
4 that. And I am not saying that they should be given a
5 badge for it. But I am saying that it is one -- not one --
6 it is evidence and persuasive evidence suggesting the
7 crazed mental state of these girls and Watson.

8 I am not putting that comment in a vacuum,
9 because there is psychiatric evidence, abundant psychiatric
10 evidence of all the interrelated forces and things that
11 were causative, and from the psychiatric evidence we can
12 deduce that the girls aren't sane, they aren't normal,
13 they are not even close to normal.

14 Mr. Bugliosi isolates the mental illness
15 issue and tells you that we are all a little off, and
16 that everybody who kills is probably mentally ill.

17 And then he said: Bearing that in mind,
18 no one would ever deserve or ever receive the death
19 penalty if mental illness were an excuse. Isolating this
20 important factor and arguing that mental illness, the
21 mental illness of these girls, or their schizoid personali-
22 ties, or hysterical personalities are irrelevant.

23 And he tells you that LSD doesn't mean any-
24 thing in this case. There is no statute, he says,
25 exempting people who are under the influence of LSD or
26 chronic users of LSD from the death penalty.

14F-1

1 There isn't any statute. And the reason why
2 is that it is your discretion.

3 As I said before, you are the Legislature in
4 this case. You decide. You make the law. Because there
5 are no guidelines.

6 And Mr. Bugliosi goes on: Murder by command.
7 That is nothing. That is not uncommon. That doesn't
8 exempt the defendants from getting the death penalty.
9 There is no statute exempting them. Should they get
10 credit because they were ordered? Again isolating an
11 important issue in this case.

12 But I ask you, ladies and gentlemen, to look
13 at all the facts and circumstances as a whole. Look at
14 the entire picture. Don't isolate any one circumstance,
15 any one factor. Because when we examine all the circum-
16 stances as a whole, the conclusion is inescapable, ladies
17 and gentlemen, that Leslie -- and the other girls too --
18 were brainwashed.

19 It wasn't their thought. They are not responsi-
20 ble, fully responsible. Their responsibility is terribly
21 diminished by what happened.

22 As a matter of fact, since you do have
23 absolute discretion, you are entitled, each of you alone,
24 to just take one factor -- let's say LSD -- if you feel
25 this is a mitigating circumstance in and of itself,
26 enough of one, life. That is all you have to do.

1 But I am suggesting, to really be conscientious
2 -- and you should, and you will be -- take everything into
3 consideration; and you must arrive at the conclusion that
4 Leslie was operating as a small child, she wasn't fully
5 responsible, she was brainwashed. It wasn't her own
6 decision in the true sense. It was somebody else's.
7 Somebody else inside her brain.

8 Now, Mr. Bugliosi, over and over, used the
9 terms: bloody, brutal, savage, merciless, executioners,
10 atrocious, barbaric.

11 He is trying to inflame your passions. I am
12 trying to talk sense.

13 Mr. Bugliosi is trying to condition you with
14 his oratory to bring back the death penalty, just as
15 Leslie was conditioned to take that ride, that automobile
16 ride, ^{to} the La Blancas.

14g fls.

14g-1

1 Mr. Bugliosi says there is no evidence that
2 the defendants did not have the capacity to premeditate.

3 Indeed, Dr. Hochman did say that Leslie's
4 thought processes were intact. But he distinguished
5 between thought processes and thought content.

6 It is what was the content of her mind, what
7 was in her mind, whose mind did she use that is important
8 to your deliberations in this case.

9 To change the subject for a second.

10 Mr. Bugliosi said that Linda Kasabian testified
11 that none of the defendants were under the influence of
12 LSD on either night.

13 Now, I recall vividly asking Linda whether
14 or not she knew Leslie was on an acid trip, and she said
15 she did not know.

16 I wanted to bring that out because it has an
17 important bearing, I believe, on the state of mind of
18 Leslie.

19 Linda did not say Leslie hadn't taken any
20 acid.

21 We are told that Leslie has inherent homicidal
22 tendencies and there is a killer instinct in her or else
23 she would have said no. We are told that murder ran in
24 her blood, et cetera.

25 I suggest that this is a fallacious argument,
26 because we all have killer instincts in us. We must have.

1 If we didn't, there would never be a war because nobody
2 would go. We have all got it in us.

3 I don't distinguish Leslie from any of the rest
4 of us. I don't distinguish her from me or from anyone
5 else who has ever been in combat.

6 She was conditioned. Just like the Marine,
7 the fighter pilot, the bombardier.

8 You have been asked to consider adversely that
9 there was rage and anger in Leslie.

10 Ladies and gentlemen, there is rage and anger
11 in most young people today against our society's institu-
12 tions, against society itself. So many young people think
13 our society is hypocritical.

14 And in Leslie's case, LSD, as you know,
15 accentuated her disillusionment with organized society.

16 She had no one to get her back on the track.

17 Mr. Manson and the subculture in which he
18 existed encouraged this disillusionment. Organized
19 society, at the Spahn Ranch, was a sham, a farce, unjust,
20 unfair, everything for the power structure and establish-
21 ment, nothing for minorities and the poor.

22 This philosophy is not restricted to Leslie
23 or the Spahn Ranch.

15 fls.

15-1

1 Don't hold that against her.

2 Where she made her mistake, where she made her
3 terrible miscalculation, and it was probably beyond her
4 control to do anything about it, was instead of trying to
5 help right the wrong, which she saw in society, instead of
6 being constructed, she turned her back and dropped out.

7 This is one of Leslie's tragedies.

8 She became what she became, I repeat, cannon
9 fodder.

10 As Mr. Bugliosi said, a sacrificial lamb.

11 THE COURT: Mr. Keith, I think we better take a
12 recess at this time. I don't like to interrupt your
13 argument.

14 MR. KEITH: I am almost through, but I would like
15 a recess too.

16 THE COURT: All right, remember the admonition,
17 ladies and gentlemen.

18 The court will recess for 15 minutes.

19 (Recess.)

15a fls.

15a-1

1 THE COURT: You may proceed, Mr. Keith.

2 MR. KEITH: Thank you, your Honor.

3 It has been said, ladies and gentlemen, in
4 advocating the death penalty in this case for these young
5 girls, that the last final decision to kill was theirs
6 all alone.

7 Mr. Bugliosi forgot -- what Mr. Bugliosi
8 forgot to tell you, and this is true, believe me, from
9 the evidence in this case, that without Charlie Manson,
10 without LSD and its devastating effects, these offenses
11 never would have happened.

12 Yes, these girls wielded knives, but their
13 arms were the extensions of someone else, the man who
14 ordered the homicides.

15 Their will was his will. He was their father
16 figure and, according to Mr. Bugliosi, their God.

17 These young ladies would and could not say no
18 to their God, even though they may have had the naked,
19 the bare naked power to do so.

20 But Linda Kasabian had the power and did say
21 no, according to Mr. Bugliosi.

22 She was not under Mr. Manson's domination the
23 second night, but did she? Did she say no?

24 The only thing she did not do is actually wield
25 a knife, according to the evidence.

26 Look how persuasive he must be. Look at the

1 undue influence he must have wielded.

2 Linda was only at the ranch for six weeks. As
3 I told you, she is from a tougher mold than these other
4 girls, and it appears from the evidence that she probably
5 had not ingested as much LSD over the years as these other
6 three girls.

7 But Mr. Bugliosi whitewashes her. He white-
8 washes her.

9 He knows -- he knows he must do this because he
10 knows how monstrous, how unjust it would be for these three
11 girls to go to the gas chamber while one of their number is
12 free, not even in custody, free.

13 I suggest to you that Linda is at least as
14 culpable as these three female defendants, if not more
15 so, because she was not there long enough to be brain-
16 washed, to have her thoughts molded to the extent that the
17 other girls were.

18 And remember this, Linda Kasabian is and was
19 an accomplice as a matter of law.

20 You were so instructed; and an accomplice, I
21 believe you will be instructed now is a person who is
22 liable to prosecution for the same offenses as these
23 defendants.

24 She was in it up to her neck, ladies and
25 gentlemen, and she is free. This is a factor for you to
26 consider in your deliberations.

1 Murder does not run in Leslie's blood, ladies
2 and gentlemen. She is not a born killer. You know this.

3 She may have been alienated from the organiza-
4 tional structure of today's society; she may have questioned
5 many of its aspects; she may have dropped out.

6 She is not a born killer. There is nothing in
7 her history and background that suggests this, and if she
8 became one, and I have my doubts, I suggest to you, I
9 submit to you with all sincerity it was far beyond her
10 power to control, far beyond.

11 Let's talk about rehabilitation.

12 You were told this is not a rehabilitation trial,
13 that this is a penalty trial.

14 You were told, again isolating a factor that
15 you must and should consider, you were told that there is
16 no statute that says people who can be rehabilitated are
17 entitled to life.

18 Of course there is no statute.

19 You are the law in this case. You promulgate
20 the statute. It is your individual and absolute discretion.
21 You are the Legislature.

22 If you find the probability or even the
23 possibility of rehabilitation exists in Leslie, and it does,
24 that this is a factor militating against the death penalty.

25 If you believe that it is senseless, uncivilized,
26 unenlightened to put to death someone who can be cured, then

1 in your absolute discretion you can return a verdict of
2 life, and you should. Leslie can be cured.

3 How cruel of all of us it would be to put to
4 death Leslie who can and must be rehabilitated.

5 Mr. Bugliosi argues vociferously "Let the
6 punishment fit the crime."

7 He tells us in fact that there are bad murderers
8 and there are good murderers. He said there is all the
9 difference in the world between a triangle killing and this
10 case.

11 If I kill my wife's boyfriend, with premedita-
12 tion, or my wife kills my girlfriend or me or both, these
13 are good murders, nothing wrong with that. I get life.

14 I may have premeditated and planned to the nth
15 degree, but I get life.

16 Because I killed a bad man trying to break up
17 my home.

18 I am entitled because of what I did to your
19 sympathy and consideration and understanding.

20 But, says the prosecution, these girls are not
21 entitled to your consideration, sympathy or understanding
22 because these crimes made no sense, because nobody knew
23 anybody, because the motive was insane, because of the
24 savagery and all the blood.

25 I say to you that these very factors show how
26 sick, how infantile, how insane everyone was who participated.

1 These are the people that should get your
2 sympathy and consideration, not me.

3 I am not saying any of them should get a gold
4 star like Linda, I'm not saying they should be released.

5 Life imprisonment isn't any joke, ladies and
6 gentlemen, as Mr. Bugliosi intimated.

7 How would any of us feel, how would we feel if
8 our liberty was to be taken away from us for the balance of
9 our days?

10 Is losing our liberty, our most precious
11 possession forever a joke, a slap on the wrist?

12 He says life imprisonment isn't that bad.
13 Would any of us want to try it?

15b fls.

15b-1

1 Would we want to be behind bars for the rest of
2 our lives? Not be able ever to do again what we want to
3 do or would like to do, not being able to go where we please?

4 That is no slap on the wrist. That is really
5 retribution.

6 Mr. Bugliosi's asking for the gas chamber
7 because, among other things, he tells us death in the gas
8 chamber is not one one-hundredth as horrible as the way
9 these victims were killed, again, gore and blood.

10 How does he know? How do any of us know
11 whether it is or not?

12 I can say this, the death of the victims in
13 this case -- I am not making light of it, believe me --
14 but they came unexpectedly, unsuspectedly, and quickly,
15 however bloodily.

16 For those facing the gas chamber, they wait
17 months, even years in a cell for the day to come.

18 Think about that, day after day; how cruel,
19 ladies and gentlemen, when we think about it, can one
20 human being be to another?

21 They showed no mercy, show them no mercy, is
22 Mr. Bugliosi's theme.

23 Is this philosophy Christian? Is it civilized?
24 Is it enlightened? Is it even reasonable?

25 Is it not a philosophy that has its roots in
26 fury, in hatred, in passion, in vengeance, above all,

1 vengeance?

2 Ladies and gentlemen, should we not be above
3 such emotions?

4 You are judges, not zealots.

5 You are legislators, not demagogues.

6 Give Leslie the life she deserves. Give her
7 the chance for redemption, to which she is entitled.

8 Remember, Linda Kasabian cut the umbilical
9 cord, in Mr. Bugliosi's words, that tied her to Manson and
10 his family.

11 Give Leslie the chance to do the same.

12 Give her life.

13 I thank you.

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15c fls.

15c-1

1 THE COURT: Mr. Fitzgerald.

2 MR. FITZGERALD: Your Honor, ladies and gentlemen of
3 the jury.

4 First of all, let me apologize to you for the
5 inconvenience I caused you yesterday, as a result of my
6 illness.

7 I am tired and I am weary and I am going to be
8 short.

9 Now, it is my opportunity now to answer the
10 remarks made to you by Mr. Bugliosi, and I think he repre-
11 sented death well. I think death never had a more vigorous
12 bloodthirsty advocate.

13 Professing that he dislikes asking for the
14 death penalty, he yelled and screamed in his demands for
15 death, at times holding before you the two most gruesome
16 photographs of corpses he could find.

17 And at other times he attempted to influence
18 your emotions by holding a picture in front of you of
19 a bassinette to be used by an unborn child.

20 This sword rattling harbinger of death undoubtedly
21 caused you a sleepless Wednesday and Thursday night.

22 During his argument he used the word "murder"
23 or, as he pronounces it, murder, 254 times.

24 The word "blood" and "bloody" 36 times.

25 "Kill and killers" 49 times.

26 Vicious, coldblooded and savage, 53 times.

1 Death and the death penalty, 67 times, not
2 to mention such adjectives as horrendous unspeakable
3 atrocities, evil, wicked slaughters.

4 I am shocked and I am embarrassed that somebody
5 in my profession would demonstrate such relish for the death
6 of other human beings.

7 I am also shocked and embarrassed that somebody
8 in my profession would descend to misleading half truths,
9 distortions and non sequiturs in the guise of legitimate
10 legal argument.

15d fls.

15d-1

1 Further, I am shocked and embarrassed that
2 somebody in my profession would have the infinite audacity
3 and temerity to profane the scriptures.

4 According to Bugliosi who is both a
5 psychiatrist and a minister, the Bible is a book of death,
6 rather than a book of life.

7 No doubt in his mind Christ and the 12
8 apostles were grim reapers of death. No careful scholar of
9 integrity would cite the Old Testament as meaningful
10 authority for the imposition of death.

11 The Old Testament, as any priest, minister, or
12 rabbi will inform even the most casual inquirer, should not
13 be used as an example for present-day moral conduct.

14 The Old Testament provides for the killing of
15 many unacceptable people, socially unacceptable people,
16 I should say.

15e

1 The Old Testament provides for the killing of
2 many socially unacceptable people.

3 In the Book of Exodus we find the following
4 capital offenses: to strike one's father or mother,
5 Chapter 21, Verse 15; or to steal and kidnap, Chapter 21,
6 Verse 16.

7 If a man's ox kills another man the owner as
8 well as the ox is to be killed. Chapter 21, Verse 19.

9 Witches are most definitely to be executed.
10 Chapter 22, Verse 18.

11 Sacrifice to any God other than Jehovah is a
12 capital crime. Chapter 22, Verse 20.

13 And the man that committed adultery with
14 another man's wife, the adulterer and the adulteress shall
15 surely be put to death. Chapter 20, Verse 10.

16 The daughter of any priest, if she profane
17 herself by playing the whore, she shall be burned with
18 fire. Chapter 21, Verse 9.

19 Leviticus then extends the death penalty to
20 cover a category of offenders so vast that the condemned
21 would greatly outnumber their executioners.

22 "And he that blaspheme the name of the
23 Lord he shall surely be put to death, and
24 all the congregation shall certainly stone
25 him."

26 Deuteronomy decrees: False prophets
are to be executed. Chapter 13, Verse 5.

1 Members of one's own family are to be executed
2 if they try to advocate other gods than Jehovah. Chapter 13,
3 Verse 6.

4 Idol worshippers are to be stoned to death,
5 Chapter 17, Verse 5.

6 Deuteronomy disposes of a complex modern
7 problem with one sweeping edict: Juvenile delinquency is
8 to merit death by stoning at the hands of the men of the
9 city. Chapter 21, Verses 18 to 21.

10 God's position is certainly not one of death.
11 God himself did not see fit to kill Cain when Cain killed
12 Abel.

13 Jesus Christ stepped forward to save Mary
14 Magdalene from being stoned to death. He did so by saying,
15 "Let he who is without sin cast the first stone." Words as
16 profound today as when they were uttered 1900 years ago.

17 If you have any question about the
18 religious position with regard to killing, ask yourself
19 the question: "If Jesus Christ were a fellow juror, how
20 would he vote?"

21 Christ, it seems to me, devoted his life to
22 saving souls. Every sinner is redeemable in the eyes of
23 God.

24 The prosecutor's appeal to the Romans for
25 authority is just as specious. Don't equate yourself with
26 Pontius Pilate. Don't wash your hands of these defendants.

1 A part of the Christian doctrine is sympathy,
2 compassion, forgiveness and mercy. Don't react out of
3 condemnation, vengeance and retaliation.

15f

33315f-1

1 The prosecutor appealed to the Romans for
2 authority, and that argument is just as specious.

3 Don't equate yourselves with Pontius Pilate;
4 don't wash your hands of these defendants.

5 Apply the Christian doctrines of sympathy,
6 compassion, forgiveness and mercy.

7 Don't react out of condemnation, vengeance and
8 retaliation.

9 The prosecutor talked to you about the
10 immunity of Linda Kasabian, and I thought we were through
11 with her a long time ago.

12 But it is important that I answer his remarks
13 about immunity, because they strike me as outright distor-
14 tions of fact.

15 The law in the State of California provides
16 that only the District Attorney may make a request to a
17 court for immunity. No defendant's attorney may make a
18 similar request.

19 But, most important, and the most important
20 fact I want to urge upon you with regard to her immunity,
21 is this:

22 In Mr. Bugliosi's experience and my experience
23 and the experience of every attorney in this courtroom, and
24 every attorney in this building, there has never been a
25 situation where the courts refused to grant immunity when
26 requested to do so by the District Attorney.

15f-2

1 MR. BUGLIOSI: That is not true, your Honor, and I
2 object, and it is improper argument.

3 THE COURT: The objection is sustained. The jury is
4 admonished to disregard that statement.

5 MR. FITZGERALD: In the extremely unlikely event
6 that the Court does not grant anybody immunity; in that
7 extremely unlikely event, the prosecution can grant people
8 de facto immunity, and they do it very easily, and they do
9 it very simply.

10 They simply don't prosecute you.

11 MR. BUGLIOSI: Your Honor, that is also a misstate-
12 ment.

13 MR. FITZGERALD: That is not a misstatement.

14 MR. BUGLIOSI: Once an indictment has been filed the
15 District Attorney does not have the power to dismiss that
16 indictment.

17 THE COURT: These are matters beyond the record in
18 this case. The objection is sustained.

19 Sit down, Mr. Kanarek.

20 The objection is sustained. The jury is ad-
21 monished to disregard that statement.

22 Confine yourself to the record in this case,
23 Mr. Fitzgerald.

24 MR. FITZGERALD: Now, he could have been honest and
25 stated simply and pointedly the motives of the prosecution
26 in granting her immunity.

1 He could have simply told you that it takes
2 a thief to catch a thief.

3 He could have told you that they were willing
4 to let one murderer go free in order to convict four others.

5 Linda Kasabian is legally as guilty as anyone
6 in this case, and if she were sitting here you would just as
7 surely have convicted her.

8 The prosecutor also had the audacity and
9 temerity and the very gall to suggest to you that these
10 girls cannot be redeemed; that these three girls cannot be
11 helped, and that these three girls cannot be rehabilitated.

12 And he suggests to you that their attorneys
13 knew that, and that the psychiatrists who testified at
14 this case knew that.

15 Consequently the attorneys did not there ask
16 the psychiatrists the question, could their respective
17 clients be rehabilitated, because, according to Bugliosi,
18 they would have said no.

19 How many psychiatrists do you think there are
20 in the City of Los Angeles? How many psychiatrists do you
21 think there are in the County of Los Angeles or in the
22 State of California or the United States, for that matter.

23 There certainly must be 10,000 psychiatrists,
24 and I would like to ask him this -- or you this:

25 How many psychiatrists were called by the
26 prosecution in this case?

1 Did so much as one of 10,000 psychiatrists take
2 the witness stand on behalf of the prosecution and testify
3 that these girls could not be rehabilitated?

4 MR. BUGLIOSI: This is improper. He is implying that
5 we can have a psychiatrist examine these defendants, and we
6 don't have that power.

7 THE COURT: The objection is sustained. They jury
8 will disregard that.

9 MR. FITZGERALD: There was evidence in this case,
10 considerable evidence about the influence of LSD on these
11 defendants, and the influence of LSD on persons generally.

12 There was also a considerable amount of testi-
13 mony and evidence concerning the effects of the chronic use
14 of LSD and the ultimate catastrophe that can frequently
15 result.

16 Dr. Tweed testified about LSD; Dr. Ditman
17 testified about LSD; Dr. Fort testified about LSD.

18 Dr. Fort was referred to by Bugliosi as an
19 expert, a renowned expert in the field. Certainly both
20 doctors Ditman and Tweed were experts with regard to LSD.

15g fls.

15g-1

1 Not one psychiatrist, however, not one
2 psychiatrist in the entire world came here on behalf of the
3 prosecution to contradict one single thing Drs. Tweed,
4 Ditman, Fort and Hochman said.

5 The testimony of those psychiatrists is un-
6 contradicted, and I suggest to you that their testimony is
7 uncontradicted because the prosecution could not in any way
8 contradict their testimony.

9 Their hands were not tied. They have
10 subpoenas.

11 We were told by the District Attorney, the
12 former District Attorney himself, that his office had
13 450 lawyers. It is a matter of common knowledge they have
14 vast resources.

15 Their hands were not tied. They have sub-
16 poenas; they certainly did not exercise any restraint in
17 calling witnesses at the guilt phase of this trial --
18 80-some witnesses testified.

19 The prosecution takes pride in the fact that
20 he asked Dr. Hochman whether the literature revealed any
21 LSD murders, and that Hochman replied that to his knowledge
22 there were none.

23 What Bugliesi did not answer for you was why
24 he did not ask that very question of Drs. Ditman and Fort,
25 the authorities on the use and abuse of LSD.

26 Also, he did not tell you the reason why he

1 did not ask Dr. Tweed that question, but the answer there
2 is obvious. Dr. Tweed would not even need to go to the
3 literature to find an LSD murder. He testified that he was
4 an expert witness in a case where the defendant killed his
5 grandmother while under the influence of LSD.

6 Eugliosi would have you believe that LSD is
7 as harmless as aspirin. He forgets about the thousands of
8 casualties from the abuse of LSD in mental institutions
9 around the country.

10 He should make those statements about LSD to
11 the admitting staff of the psychiatric clinic at Bellevue,
12 UCLA, L.A.G.H., and Cook County General Hospital.

13 As I mentioned to you before, if you have any
14 doubt in your mind about the dangers of lysergic acid,
15 just ask yourself whether you would use it or whether
16 you would allow your children to use it.

17 He talked in his argument about all of the
18 defendants, Charles Manson, Leslie Van Houten, Patricia
19 Krenwinkel, and he talked about Susan Atkins.

20 Let me say a few words on behalf of the
21 defendant Susan Atkins.

22 There was not a mother who testified about
23 any model childhood of Susan's.

24 There was not a father who came forward to
25 speak in his daughter's behalf.

26 There was not a grandmother or a grandfather

1 or an aunt or an uncle or a sister or a brother or any
2 relative or any friend or anyone who would speak on behalf
3 of that child.

4 All these children, Patricia, Leslie, Susan
5 were the product of broken homes. ~~They were all the products~~
6 of some fractured misdirected parental love.

7 But the most deprived, the girl from the most
8 broken home, the greatest lack of love, the girl who
9 suffered the greatest deprivation, the girl who grew up
10 alone, unassisted, the girl who had no one to look for for
11 the support, for guidance, the girl who had no parent to
12 model her behavior after, the girl who had no one to
13 respect, was Susan Atkins.

14 Her parents bickered, squabbled and fought.

15 Her father found it easier to love a whiskey
16 bottle than his daughter.

17 Her mother died of cancer when she was 14
18 years old, and at 14 she tried to be the mother of her
19 younger brother.

20 The only pattern of behavior she knew first-
21 hand was abandonment and rejection.

22 It was in her adolescence that she started
23 her tortuous journey for love and affection.

24 She was a girl desperately in need of and
25 desperately in search of love and attention.

26 She was an attractive girl who tried to find

1 the love and attention she craved by allowing men to use
2 her body.

3 She was later to be used for far more horrible
4 things.

5 It seems she always sought love in the wrong
6 places and from the wrong people. She was always seeking
7 love, and she always found loneliness. To replace the
8 father that did not care she would have other men, and she
9 did not make good choices.

15h

15h-1

1 None truly loved her, so they naturally thought
2 she was worthless.

3 She was worthless to everybody except the
4 District Attorney, Richard Caballero, Paul Caruso, Larry
5 Schiller, Roni Howard and Virginia Graham. But all that came
6 later.

7 Before that her sense of worthlessness, her
8 rejection, her loneliness took her to alcohol, drugs,
9 suicide attempts and finally fantasy.

10 Was Susan suggestible? I wonder. She was not
11 suggestible in the ordinary sense of the word.

12 Susan did not need to be suggestible. She would
13 do anything, literally anything, for attention. I am not
14 saying she did it for love, not even for love; she gave up
15 the search for love long before that; for a kiss, for an
16 embrace, a smile, a feeling of warmth and belonging, a
17 feeling of worth, she would do anything.

18 She craved attention. Sexy Sadie Glutz is a
19 flamboyant empty child who would tell/^{anybody}anything she could
20 think of.

21 Susan Atkins has told more people more stories
22 than a wandering minstrel. If you would just so much as
23 listen, no more, she would tell you anything you wanted to
24 know.

25 And when she ran out of the facts, she would
26 make them up.

15h-2

1 A girl so warped for attention, she would brag
2 about killing in order to get the adulation of convicts.

3 You saw her. You saw her on the witness stand;
4 you have seen her in court; you have seen her melodrama
5 and you have seen her pathos, the outlandish, the flamboyant,
6 the extraordinary, the gruesome.

7 She even desperately wanted your attention.

8 She called herself Sadie Glutz. She would name
9 her child ZeZoZeZe Zafrack -- anything for attention.

10 And she finally found it, like Patricia and
11 Leslie, and Lynette Fromme, and Cathy Gillies, and Catherine
12 Share, and Ruth Moorehouse and Mary Brunner and Nancy Pitman
13 and Sandy Good and the many others, she found her attention.

14 She found what appeared to be love, affection and
15 a sense of belonging.

16 She also found people just like herself. She
17 found people who had the same desperate need for acceptance.

18 Certainly they were peculiar and bizarre, but
19 that really did not matter. She escaped her loneliness.

20 They all would have done the same thing. They
21 all would have done anything to hang onto that warm sense
22 of family.

23 It is obvious to you as jurors, and I hope
24 I am not overstepping my bounds, but I think it is obvious
25 to you jurors that these girls loved one another, and that
26 there is a fantastic bond of love and affection that exists

1 between most of these Family members.

2 I have never seen anything like it. You saw it
3 in this courtroom.

4 They love one another. They actually relate to
5 one another like brothers and sisters ought to relate to one
6 another.

7 It is incredible. They are some of the loveli-
8 est, prettiest, apparently decent kids you have ever seen,
9 and you know it, and you know I am not fooling you. You
10 looked in their faces; you looked in their eyes; you have
11 seen their smiles; you have seen their effervescence; you
12 have seen their love.

151 fls.

15-1

1 But I am not standing here denying that seven
2 people were killed. I am not trying to tell you that.

3 But I would like to tell you the other side,
4 if you are going to snuff out the life of a human being,
5 look at the whole picture, look at the whole profile.

6 Getting back to Susan, can you say she did not
7 try? Can you say she did not search? Can we say she did
8 not cry out for help; that she did not want to be caught,
9 as Dr. Hochman suggested?

10 She wanted to be helped, but the help did not
11 come. But maybe you can help her now. It is now or never.

12 And we can help Patricia as well; what we
13 learned from the evidence was formally Patricia was a
14 plain and homely girl who grew up in a society where
15 beauty of body is prized above beauty of soul and mind.

16 She was a child who was rejected because of
17 hair and ugliness, a child who must have faced the cruel
18 comments of other children.

19 How often she must have had the fear of
20 becoming a reject and a wallflower. Even the most loving
21 parents, even the most devoted parents cannot make you the
22 prosecutor's girl next door. The prosecutor's Doris Day.

23 Then she met a man, or a series of men, who
24 told her she was beautiful; that she was loving and that
25 she was needed.

26 Take that into consideration in evaluating her.

1 Bugliosi was so interested in regaling you with
2 the horrors of the crimes and the bloodletting of the
3 victims, he was so involved in blood lust, he was so
4 involved in appealing to the emotions of revenge, vengeance,
5 hatred and retaliation, that he never gave you one good
6 reason why these girls should die.

7 He never told you how it would help the
8 defendants to kill them.

9 He never told you how it would help this
10 society to kill them.

11 He never told you how it would help you if you
12 killed these children.

13 He did not tell you how it would help the
14 relatives of the victims to kill these defendants.

15 He did not tell you how the sorrow of the
16 relatives of the victims would be lessened by another
17 killing.

18 Why kill them? Is there any good reason for
19 killing them? Is there any good reason?

20 If at some time in the future you happen to
21 hear a news flash on the radio or on television, see the
22 headline in the newspaper that tells you that Patricia
23 Krenwinkel, Susan Atkins, Leslie Van Houten and Charles
24 Manson died today in the gas chamber, how are you going to
25 feel?

26 How would you respond to your children and

1 your grandchildren when they ask you why?

2 Why? What is the reason? Why? What good
3 reason has been advanced for their death?

4 The prosecutor set out to convince you that
5 these defendants were animals.

6 As a matter of fact he said they were less
7 than animals; that these defendants were mutants; that
8 these defendants were abstractions.

9 He said they had no heart; he said they were
10 human monsters.

11 He tried desperately to convince you of that.
12 He tried desperately to make them inhuman and make them
13 abstract. He tried desperately to do that because he
14 knew it would be easier for you to kill them if you did
15 not think they were human.

16 He knew that you would have a fantastically
17 difficult time answering the question why you should kill a
18 fellow human being for any other reason other than in
19 self-defense.

20 MR. BUGLIOSI: The jury should not have to listen
21 to this constant repetition that they are going to kill
22 these people. This is an improper argument. We are asking
23 for the death penalty, and constantly telling these
24 people they are going to kill these people is improper
25 argument.

26 THE COURT: Let's proceed.

1 MR. FITZGERALD: He tried to intimidate you, said
2 the eyes of the world were upon you.

3 He tried to suggest to you that the world
4 would expect a certain result.

5 I beg to differ with him in that regard.

6 He tried to tell you, as Max Keith pointed out,
7 that life imprisonment is not all that bad; lifers get
8 three meals a day; they have orchestras and television
9 sets. Big deal!

10 These girls are never going to have a husband,
11 never give birth, never have a family.

12 They will spend night and day, Sundays and
13 Christmases, and Easter, and Thanksgiving, locked up.

14 They will live every day of their lives with
15 shame and with guilt.

16 I am going to close. I have very short material
17 left
18 /and, as Mr. Kanarek frequently says, I would like to give
19 wings to my imagination and tell you a story, the moral of
20 which will be very obvious.

21 It is the best argument I can advance to his
22 argument, and it will just take me about five minutes.

23 Execution in California is by the
24 administration of lethal gas. It takes place always at
25 10:00 a.m.. In attendance -- the scene takes place
26 approximately 379 miles northeast of Los Angeles on the
Bay of San Francisco, at San Quentin Penitentiary.

In attendance there will be the warden,
one or more associate wardens, the chief medical examiner,
an additional doctor, a lieutenant, the executioner, two
guards, a chaplain and 22 witnesses.

16-1

1 The lieutenant in charge will be paid \$150 for
2 his services, the two guards \$75 each. The State of
3 California also pays the Chaplain \$50.

4 The building containing the gas chamber is
5 located within the penitentiary at San Quentin, California.
6 The building is about 50 yards from the front count gate and
7 has on the outside a massive steel door. Beside the door,
8 a sign warns: Positively no smoking inside. This door
9 opens into the green painted witness room, where the official
10 witnesses will soon gather to view the execution of the
11 defendants.

12 Four sides of the octagonal gas chamber are
13 part of this room. Each side has a large window of
14 heavy glass to provide a clear view of the two
15 metal chairs inside. Two chairs are necessary since
16 sometimes two condemned persons can be executed
17 together, which is always considered to be more
18 efficient and economical.

19 Beyond this central room, there is another
20 room called the preparation room.

21 MR. BUGLIOSI: There is no evidence of this, your
22 Honor.

23 THE COURT: Counsel approach the bench.

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

16-2

1 THE COURT: It seems to me, Mr. Fitzgerald, that your
2 argument goes beyond the legitimate bounds of argument.

3 You are now attempting to be factual about
4 matters that are outside the record.

5 MR. FITZGERALD: Perhaps I can answer it this way.
6 I feel it is a perfectly proper argument. It has been used
7 by counsel in a number of cases.

8 THE COURT: I am not aware of any such case.

9 MR. FITZGERALD: Well, I am.

10 MR. KEITH: I used it once.

11 MR. FITZGERALD: It has been used. Charles Maple
12 used it.

13 I think that People vs. Travis, in the scope of
14 argument makes it admissible on several grounds. One is
15 the circumstances surrounding the execution.

16 No one is going to differ with this. It is a
17 matter of common knowledge in California. I can read it
18 in a newspaper.

19 I pointed out to the jury that I am not reading
20 factual material, I am telling them a story to illustrate
21 the point.

22 THE COURT: That is not what you are saying to them.
23 That is not what you are saying to them at all. You are
24 giving a recital of facts, a chronology of steps through
25 which an execution proceeds, and there is no record here
26 at all of this.

16-3

1 MR. FITZGERALD: Correct.

2 MR. BUGLIOSI: It can't be common knowledge. I don't
3 know about it myself.

4 MR. FITZGERALD: This is extremely important.

5 Is there some way that I can tell -- that I can
6 talk to the jury and tell them -- is there some way that you
7 could admonish them that this is not for the truth of the
8 matter related, it is just an illustration, or something?

9 Could I have time to get authority? It is
10 extremely important.

11 THE COURT: You can argue about how terrible the
12 death penalty is, but you are not doing that.

13 MR. FITZGERALD: I don't want to argue how terrible
14 the death penalty is. I simply want to argue how somebody
15 dies.

16 I would greatly ask the Court's indulgence. It
17 is going to take three minutes.

18 It is not improper.

16a fls.

16a-1

1 MR. KEITH: Mr. Bugliosi argued that death in the
2 gas chamber is one one-hundredth as bad as how the victims
3 died.

4 MR. BUGLIOSI: You can argue that.

5 But he is stating facts. These are things that
6 happened, the time of day, who was present.

7 MR. KEITH: Then he can say "Imagine this scene."

8 MR. FITZGERALD: It is like I am writing a screen
9 play.

10 It is ten after 4:00. We customarily break
11 at 4:30. Could you put it over and let me bring you
12 written points and authorities?

13 THE COURT: Absolutely not.

14 I am not going to put it over.

15 MR. FITZGERALD: If I have to put on evidence, I can
16 put on evidence. I intended to use this all along. I had
17 no indication that I couldn't use it.

18 THE COURT: You can argue in general terms how
19 horrible the death penalty is, but when you purport to
20 argue facts not on the record, I think it is improper.

21 Argue to your heart's content.

22 MR. FITZGERALD: I am at the end of my argument.
23 This puts me in a terrible position.

24 Can I just say X and Y and C.

25 THE COURT: I think you can state generally what
26 happens.

1 You have already covered that. What else is
2 left? What do you want to do?

3 MR. FITZGERALD: I just want to get to the end.
4 I am not going to be gruesome or horrible about it. I am
5 going to stay to a simple scene. I just want to draw a moral
6 at the end of the story.

7 Please, Judge. What will it hurt this case,
8 Judge? They have got seven dead bodies.

9 THE COURT: That doesn't change the law.

10 MR. FITZGERALD: I ask, may I please have the oppor-
11 tunity to bring in law.

12 THE COURT: Do you have them?

13 MR. FITZGERALD: I do have them.

14 I can get Travis and read it into the record
15 about giving wings to your imagination.

16 THE COURT: You are not giving wings to your imagina-
17 tion, you are stating these things as facts, facts that are
18 outside the record.

19 MR. KEITH: He can say "Imagine this scene." It
20 would be a hypothetical gas chamber.

21 You can argue how terrible the death penalty is
22 to your heart's content. That is no different than any
23 other argument.

24 MR. FITZGERALD: It is difficult to argue without
25 giving an illustration.

26 Can we adjourn to chambers? This is extremely

1 important. I can't impress upon the Court how terribly
2 important it is, and if I can just have time, I will do it.

3 THE COURT: I don't agree with you, Mr. Fitzgerald.
4 I think you can accomplish exactly what you want to without
5 arguing to them matters not in the record.

6 I am not limiting your argument in any way as
7 far as your imagination.

8 MR. FITZGERALD: Can I ask them to imagine this
9 scene?

10 THE COURT: All right. Just don't state it as
11 factual evidence.

12 MR. KANAREK: Your Honor, I would like to make this
13 record: That your Honor cut me off this morning. It is
14 a denial of right to effective counsel under the Sixth
15 Amendment and a denial of due process and equal protection,
16 the right to effective counsel under the Sixth Amendment
17 which is incorporated into the Fourteenth Amendment.

18 And I also join in Mr. Fitzgerald's request at
19 the bench concerning the matter of the gas chamber.

20 (Whereupon all counsel return to their respec-
21 tive places at counsel table and the following proceedings
22 occur in open court within the presence and hearing of the
23 jury:)

16b fls.

16b-1

1 MR. FITZGERALD: I want to be careful that I am not
2 representing anything to you, that I am not representing
3 to you as fact. I am not.

4 I want to use this for illustrative purposes
5 only and I want you to imagine that this is happening.

6 I am not telling you that this is what
7 happened, or in the past it is what happened. I want you
8 to imagine this scene, if you will.

9 Imagine four sides of the octagonal gas
10 chamber are part of this room. Each side has a large
11 window of heavy glass to provide a clear view of the two
12 metal chairs inside. Two chairs are necessary since
13 sometimes two condemned persons can be executed together,
14 which is always considered to be more efficient and
15 economical.

16 Imagine beyond this central room, there is
17 another room called the preparation room. It is in the
18 preparation room that you become aware for the first time
19 of the importance of the ritual surrounding death.

20 Imagine the officers here don't have much
21 time to think. The cyanide eggs must be counted and
22 carefully wrapped in cheese cloth, the acid measured and
23 poured into the receptacles that channel it to the buckets
24 placed under the two chairs in the gas chamber. An
25 officer with rubber gloves must gingerly hang the deadly
26 eggs on mechanical arms under the chairs. Imagine from

1 the preparation room and the entrance to the gas chamber
2 itself, a narrow passageway about ten feet long leads into
3 the holding room area. The condemned man or woman cannot
4 see the gas chamber until they are led to it.

5 Just outside the chamber, there is a small,
6 upholstered bench in the vestibule area. This is for the
7 two officers of the death watch. Imagine in one of the
8 two holding cells, sometimes more cavalierly referred to as
9 the ready room, the defendants will await their momentary
10 execution. There is a bright light in the cell that is
11 equipped with a seatless toilet and a writing table that
12 can be folded flat. The cell is too small for a cot, so
13 there is a mattress on the floor.

14 Imagine it is now about 9:50 a.m. and in the
15 preparation room, the condemned can hear the door to the
16 gas chamber being opened and closed to be sure there is a
17 perfect seal. The two death watch guards take the
18 traditional green carpet from the adjoining holding cell.
19 They roll it out and around the corner, so that the
20 condemned man or woman will not have to walk his last steps
21 on cold concrete.

22 Imagine it is now 9:55 a.m., and the warden
23 enters the cell, leans over and shakes their hands and says,
24 "Goodbye Patricia, goodbye Susan, goodbye Leslie."

25 And imagine Patricia and Susan will go first.

26 ~~Imagine it is now time~~ for the next step in

1 the ritual -- the changing of clothes.

2 Two guards unlock the door to the cell and
3 step inside to supervise the changing. A doctor joins
4 them. The condemned quickly change their clothing. They
5 stand patiently while their heartbeats are located and a
6 detector is strapped on their chests.

7 They will put on white blouses so that they
8 will present a neat appearance to the witnesses now
9 gathering in the witness room. They will also put on blue
10 denim skirts. They will wear no undergarments, shoes or
11 stockings.

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16c

16c-1

1 Imagine the signal has just been given by the
2 warden at his station just outside the gas chamber, just a
3 few seconds before 10:00 a.m. As they walk through the
4 chamber, the black rubber tube from the heart detector
5 protrudes a few inches through the front of their blouses.
6 As they turn the corner, they can see the open door to the
7 gas chamber. Two officers follow closely behind them.
8 They step up if they can, over the lip of the door. If
9 they cannot, they will be assisted. Susan will be seated
10 in the chair to the left, and Patricia will be placed in
11 the right. Each will now be able to see the grim faces of
12 the witnesses staring in through the glass windows.
13 22 witnesses have been assembled to see that they go to
14 their death in conformity with the laws of California.

15 Imagine working rapidly, skillfully, the two
16 officers tighten the fabric straps around the girls'
17 waists, across their chests, and over their legs and
18 forearms. The officer attaches a length of rubber tubing
19 to the stub of tube protruding through the front of the
20 blouses. The tubing leads outside the chamber through a
21 carefully sealed opening. It will be their last contact
22 with the world of life. Through it, the wild racing and
23 convulsive dying of their hearts will be heard. One of the
24 guards will tell them, "Take a deep breath as soon as you
25 smell the gas -- it will make it easier." He then will say,
26 "Good luck."

1 The steel doors close and are screwed tight.
2 The warden, the official executioner, and the chief
3 medical officer for San Quentin stand beside the inner
4 windows. These windows, unlike those facing the witness
5 room, are equipped with Venetian blinds. They are tilted
6 to give a sense of privacy, both to the executioners and
7 to the dying girl who does not see anyone staring directly
8 into her face. One of the doctors stands to the left of
9 the door. He is wearing the stethoscope headset. Both he
10 and the other doctor hold clipboards and pencils in readi-
11 ness. Imagine at 10:03 a.m. the warden nods. The ser-
12 geant pulls the lever that drops the cyanide pellets into
13 the acid. The sound of them plopping into the buckets
14 under his chair is the last sound they will ever hear.

15 Now only the warden and the official execu-
16 tioner are looking in through the tilted blinds. And even
17 they look away for seconds at a time, as if to spare them
18 the humiliation of being observed in the privacy of the
19 dying contortions they can no longer control.

20 Imagine the chaplain starts to pray to himself.
21 The girls' eyes are closed. Their heads are bent slightly
22 downward, turned a bit to one side. Their heads move
23 slowly, as if in a gesture of final negation to what life
24 has meant for them. Their mouths are twisted. It is
25 8-1/2 minutes since the cyanide pellets were dropped.
26 Their bodies sag against the straps across their chests.

1 There is a drool of saliva from their mouths. The doctor
2 takes off his headset and notes the time on his clipboard.

3 The two are now officially dead.

4 The witnesses sign the register and file out-
5 side. The warden and the associate wardens climb soberly
6 into a state car for the short drive back to the
7 administration building.

8 An eye has been extracted for an eye; a tooth
9 for a tooth. Yet if we believe that Christ is in every
10 man, this has been a day of crucifixion, as well as of
11 retribution. In the warped and lonely persons of Patricia
12 Krenwinkel, Susan Atkins and Leslie Van Houten, the son of
13 man has been crucified again.

14 THE COURT: The Court will recess for 15 minutes
15 and the jury will then be instructed.

16 Remember the admonition.

17 (Recess.)
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17-1

LOS ANGELES, CALIFORNIA, FRIDAY, MARCH 26, 1971

4:40 o'clock p.m.

- - - -

THE COURT: Ladies and gentlemen of the jury, it becomes my duty as Judge to instruct you in the law that applies to this case, and it is your duty as jurors to follow the law as I shall state it to you.

On the other hand, it is your exclusive province to determine the facts in the case and to consider and weigh the evidence for that purpose.

The authority thus vested in you is not an arbitrary power, but must be exercised with sincere judgment, sound discretion and in accordance with the rules of law stated to you.

Both the People and the defendants have a right to expect that you will conscientiously consider and weigh the evidence, and apply the law of the case, and that you will reach a just verdict regardless of what the consequences of that verdict may be.

Your verdict must express the individual opinion of each juror. You are the exclusive judges of the facts and^{of} the effect and value of the evidence.

You must determine the facts only from the evidence received in court.

You must not consider as evidence any statements of counsel made during the trial. However, if counsel for

17-2

1 the parties have stipulated to any fact, you will regard
2 that fact as being conclusively proved as to the party or
3 parties making the stipulation.

4 As to any question to which an objection was
5 sustained, you must not speculate as to what the answer
6 might have been, or as to the reason for the objection.
7 You must not consider for any purpose any offer of evidence
8 that was rejected, nor any evidence that was stricken out
9 by the Court. Such matter is to be treated as though you
10 never heard it.

11 It is not necessary that the facts be proved
12 by direct evidence. They may be proved also by circumstan-
13 tial evidence, or by a combination of direct evidence and
14 circumstantial evidence.

15 There is no distinction between direct evidence
16 and circumstantial evidence as a means of proof. Neither
17 is entitled to any greater weight than the other.

18 Direct evidence means evidence that directly
19 proves a fact without an inference and which, in itself,
20 if true, conclusively establishes that fact.

21 Circumstantial evidence means evidence that
22 proves the fact from which an inference of the existence
23 of another fact may be drawn.

24 An inference is a deduction of fact that may
25 logically and reasonably be drawn from another fact or
26 group of facts established by the evidence.

17-3

1 You are the sole judges of the credibility of
2 the witnesses who have testified in this case, and in
3 determining the credibility of the witness you may consider
4 his demeanor while testifying, the character of his
5 testimony, his opportunity and ability to observe, to
6 recollect or to communicate any matter about which he
7 testifies, his character for honesty or veracity or their
8 opposite, the existence or non-existence of any bias,
9 interest or motive in the case, or any statement made by
10 him that is inconsistent with his testimony.

11 A witness false in one part of his testimony
12 is to be distrusted in others, that is to say, you may
13 reject the whole testimony of a witness who willfully has
14 testified falsely as to a material point, unless from all
15 the evidence you shall believe the probability of truth
16 favors his testimony in other particulars.

17 You are not bound to decide in conformity with
18 the testimony of a number of witnesses which does not
19 produce conviction in your mind, as against the declarations
20 of a lesser number, or other evidence which appeals to your
21 mind with more convincing force.

22 Testimony given by one witness whom you believe
23 is sufficient for the proof of any fact.

24 Duly qualified experts may give their opinion
25 or opinions on questions in controversy at a trial. To
26 assist you in deciding such questions you may consider the

17-4

1 opinion with the reasons given for it, if any, by the
2 expert who gives the opinion.

3 You may also consider the qualifications and
4 credibility of the expert. You are not bound to accept
5 an expert opinion as conclusive, but should give to it the
6 weight to which you find it to be entitled.

7 You may disregard any such opinion if you find
8 it to be unreasonable.

9 It is your duty as jurors to consult with one
10 another and to deliberate with a view to reaching an
11 agreement, if you can do so without violence to your
12 individual judgment.

17a fls.

17a-1

1 Each of you must decide the case for yourself,
2 but you do so only after a consideration of the case with
3 your fellow jurors, and you should not hesitate to change
4 an opinion when convinced that it is erroneous.

5 The masculine form as used in these instruc-
6 tions applies equally to a female person. Evidence has been
7 admitted as against one or more of the defendants, but
8 denied admission as against the others.

9 At the time this evidence was admitted you were
10 admonished that it could not be considered by you as against
11 the other defendants. You are again instructed that you
12 must not consider such evidence as against the other
13 defendants.

14 Your verdict as to each defendant must be
15 rendered as if he were being tried separately.

16 Certain evidence was admitted for a limited
17 purpose. At the time this evidence was admitted you were
18 admonished that it could not be considered by you for any
19 purpose other than the limited purpose for which it was
20 admitted. You are again instructed that you must not
21 consider such evidence for any purpose except the limited
22 purpose for which it was admitted.

23 Neither side is required to call as witnesses
24 all persons who may have been present at any of the
25 events disclosed by the evidence, or who may appear to have
26 some knowledge of these events, or to produce all objects

1 or documents mentioned or suggested by the evidence.

2 Except as otherwise provided in these instruc-
3 tions, evidence that on some former occasion a witness made
4 a statement or statements that were consistent or inconsis-
5 tent with his testimony in this trial, may be considered by
6 you as evidence of the truth of the facts as stated by the
7 witness on such former occasion.

8 However, you are not bound to accept such state-
9 ment or statements to be truthful in whole or in part,
10 but you should give to them the weight to which you find
11 them to be entitled.

12 In examining an expert witness, counsel may
13 pronounce to him a type of question known to the law as a
14 hypothetical question. By such a question the witness is
15 asked to assume to be true a hypothetical state of facts
16 and to give an opinion based on that assumption.

17 In permitting such a question, the Court does
18 not rule, and does not necessarily find that all of the
19 assumed facts have been proved.

20 It only determines that those assumed facts are
21 within the probable or possible range of the evidence.
22 It is for you, the jury, to find from all of the evidence
23 whether or not the facts assumed in a hypothetical question
24 have been proved, and if you should find that the assumption
25 in such question has not been proved, you are to determine
26 the effect of that failure of proof on the value and weight

of the expert opinion, based on the assumption.

The testimony of Dr. Tweed as to statements made by Patricia Krenwinkel to Dr. Brown in Mobile, Alabama, in December, 1969, contained in the report of Dr. Brown, which was furnished to Dr. Tweed by defendants' counsel, may be considered by the jury for the limited purpose of showing the information upon which Dr. Tweed based his opinion.

The jury should not regard such testimony as evidence of the truth of Patricia Krenwinkel's statements so related by Dr. Tweed.

Evidence has been received that an agreement was reached between Susan Atkins and her attorney, Richard Caballero, on the one hand, and the District Attorney of Los Angeles County on the other hand, regarding under what conditions the District Attorney would or would not seek the death penalty against Susan Atkins, and of the circumstances surrounding the agreement.

Whether or not the agreement was performed is not a question which must be determined by the jury. The jury is not bound by any agreement between a defendant and his counsel and the District Attorney, since the decision as to penalty is solely for the determination of the jury.

You may, however, consider the evidence pertaining to the agreement, and all of the surrounding circumstances, in arriving at your verdict.

1 You are instructed that although the defendants
2 have been found guilty of first degree murder, and you will
3 not decide that question, evidence bearing upon a
4 defendant's innocence of that charge is admissible in this
5 proceeding and may be considered by you in your determination
6 of punishment, so that any such evidence which raises or
7 creates a doubt of the guilt of the defendant may be weighed
8 and considered by you as possible mitigation in your
9 determination of punishment.

17b Fls.

b-1

1 The defendants in this case have been found
2 guilty of the offenses of murder in the first degree and
3 conspiracy to commit murder.

4 It is now your duty to determine which of the
5 penalties provided by law should be imposed on each
6 defendant for each of the offenses of which he has been
7 convicted.

8 In arriving at this determination you should
9 consider all of the evidence received here in court,
10 presented by the People and defendants throughout the trial
11 before this jury.

12 You may also consider all of the evidence of
13 the circumstances surrounding the crimes, of each defen-
14 dant's background and history, and of the facts in
15 aggravation or mitigation of the penalty, which have been
16 received here in court.

17 However, it is not essential to your decision
18 that you find mitigating circumstances on the one hand,
19 or evidence in aggravation of the offenses on the other.

20 It is the law of this State that every person
21 guilty of murder in the first degree shall suffer death
22 or confinement in the State Prison for life, at the dis-
23 cretion of the jury. If you should fix the penalty as
24 confinement for life, you will so indicate in your verdict.
25 If you should fix the penalty as death, you will so indi-
26 cate in your verdict.

1 Notwithstanding facts, if any, proved in
2 mitigation or aggravation in determining which punishment
3 shall be inflicted, you are entirely free to act according
4 to your own judgment, conscience and absolute discretion.
5 That verdict must express the individual opinion of each
6 juror.

7 Beyond prescribing the two alternative
8 penalties, the law itself provides no standard for the
9 guidance of the jury in the selection of the penalty, but
10 rather commits the whole matter of determining which of the
11 two penalties shall be fixed to the judgment, conscience
12 and absolute discretion of the jury.

13 In the determination of that matter, if the
14 jury does agree, it must be unanimous as to which of the
15 two penalties is imposed.

16 A sentence of life imprisonment means that the
17 prisoner may be paroled at some time during his lifetime,
18 or that he may spend the remainder of his natural life
19 in prison. An agency known as the Adult Authority is
20 empowered by statute to determine if and when a prisoner
21 is to be paroled, and, under the statute, no prisoner can
22 be paroled unless the Adult Authority is of the opinion
23 that the prisoner when released will assume a proper place
24 in society, and that his release is not contrary to the
25 welfare of society.

26 A prisoner released on parole may remain on

1 parole for the balance of his life, and if he violatesthe
2 terms of the parole he may be returned to prison to serve
3 the life sentence.

4 So that you will have no misunderstanding
5 relating to a sentence of life imprisonment, you have been
6 informed as to the general scheme of our parole system.

7 You are now instructed, however, that the
8 matter of parole is not to be considered by you in
9 determining the punishment for these defendants, and you
10 may not speculate as to if or when parole would or would
11 not be granted to them.

12 It is not your function to decide now whether
13 these defendants will be suitable for parole at some future
14 date.

15 So far as you are concerned, you are to decide
16 only whether these defendants shall suffer the death
17 penalty, or whether they shall be permitted to remain
18 alive.

19 If upon consideration of the evidence you
20 believe that life imprisonment is the proper sentence,
21 you must assume that those officials charged with the
22 operation of our parole system will perform their duty in
23 a correct and responsible manner, and that they will not
24 parole these defendants unless they can be safely released
25 into society.

26 It would be a violation of your duty as

1 jurors if you were to fix the penalty of death because of a
2 doubt that the Adult Authority will carefully carry out its
3 responsibilities.

4 The instructions that you will now be given
5 relating to the crimes of first and second-degree murder,
6 assault with intent to commit murder, assault, and assault
7 with a deadly weapon, apply, if at all, only to the crimes
8 alleged to have been committed against Gary Hinman and
9 Bernard Crowe.

17c-1

1 Evidence alleged to have been committed by
2 any defendant may not be considered as evidence in
3 aggravation unless proved beyond a reasonable doubt.

4 Reasonable doubt is defined as follows: It
5 is not a mere possible doubt, because everything relating
6 to human affairs and depending on moral evidence is open
7 to some possible or imaginary doubt. It is that state of
8 the case which, after the entire comparison and con-
9 sideration of all of the evidence, leaves the minds of the
10 jurors in that condition that they cannot say they feel an
11 abiding conviction to a moral certainty that such other
12 crimes have been committed by the defendants.

13 An assault is an unlawful attempt, coupled
14 with present ability, to commit a wrongful act by means of
15 physical force upon the person of another.

16 To constitute an assault it is not necessary
17 that any actual injury be inflicted, but if an injury is
18 inflicted it may be considered in connection with other
19 evidence in determining whether an assault was committed,
20 and if so, the nature of the assault.

21 Every person who assaults another with the
22 specific intention to commit murder is guilty of a crime.

23 An assault with a deadly weapon is an unlawful
24 attempt coupled with the present ability to commit
25 a violent injury upon the person of another with a deadly
26 weapon.

1 A deadly weapon is any object, instrument or
2 weapon which is used in such a manner as to be capable of
3 producing, and likely to produce, death or great bodily
4 injury.

5 To constitute an assault with a deadly weapon,
6 actual injury need not be caused. The necessary elements
7 of the offense are the unlawful attempt with criminal
8 intent to commit a violent injury upon the person of another
9 by the use of a deadly weapon in that attempt, and the
10 then present ability to accomplish the injury.

11 If an injury is inflicted, it may be con-
12 sidered in connection with other evidence in determining
13 the means used, the manner in which the injury was inflicted,
14 and the type of offense committed.

15 The word "homicide" means the killing of one
16 human being by another, either lawful or unlawful.

17 Murder is the unlawful killing of a human
18 being with malice aforethought.

19 Malice may be either express or implied.

20 Malice is expressed when there is manifested
21 an intention unlawfully to kill a human being.

22 Malice is implied when the killing results
23 from an act involving a high degree of probability that it
24 will result in death, which act is done for a base, anti-
25 social purpose, and with a wanton disregard for human
26 life, or when the killing is a direct causal result of the

1 perpetration or attempt to perpetrate a felony inherently
2 dangerous to human life.

3 The mental state constituting malice afore-
4 thought does not necessarily require any ill will or hatred
5 of the person killed. Aforethought does not imply
6 deliberation or the lapse of considerable time. It only
7 means that the required mental state must precede rather
8 than follow the act.

9 In the crime of assault with intent to commit
10 murder there must exist a union or joint operation of act
11 or conduct and a certain specific intent.

12 In the crime of assault with intent to commit
13 murder, there must exist in the mind of the perpetrator
14 the specific intent to kill, and unless such intent so
15 exists, that crime is not committed.

16 If you are not satisfied beyond a reasonable
17 doubt that a defendant is guilty of the offense of
18 assault with a deadly weapon with intent to commit murder,
19 he may however be found guilty of any lesser offense,
20 the commission of which is necessarily included in the
21 offense alleged, if the evidence is sufficient to establish
22 his guilt of such lesser offense beyond a reasonable
23 doubt.

24 The offense of assault with a deadly weapon,
25 with intent to commit murder, necessarily includes the
26 lesser offenses of assault with a deadly weapon, and simple
assault, as those offenses are defined elsewhere in these

1 instructions.

2 The specific intent with which an act is done
3 may be manifested by the circumstances surrounding its
4 commission, but you may not find a defendant guilty of the
5 offense of assault with a deadly weapon with intent to
6 commit murder unless the proved circumstances not only are
7 consistent with the hypothesis that he had the specific
8 intent to kill a human being, but are irreconcilable with
9 any other rational conclusion.

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1 Also, if the evidence as to such specific
2 intent is susceptible of two reasonable interpretations,
3 one of which points to the existence thereof and the other
4 to the absence thereof, you must adopt that interpretation
5 which points to its absence.

6 If, on the other hand, one interpretation of the
7 evidence as to such specific intent appears to you to be
8 reasonable and the other interpretation to be unreasonable,
9 it would be your duty to accept the reasonable interpretation
10 and to reject the unreasonable.

11 All murder which is perpetrated by any kind of
12 willful, deliberate and premeditated killing with malice
13 aforethought is murder of the first degree.

14 The word "deliberate" means formed or arrived at
15 or determined upon as a result of careful thought and
16 weighing of considerations for and against the proposed
17 course of action.

18 The word "premeditated" means considered before-
19 hand.

20 If you find that the killing was preceded and
21 accompanied by a clear, deliberate intent on the part of
22 the defendant to kill, which was the result of deliberation
23 and premeditation, so that it must have been formed upon
24 pre-existing reflection, and not under a sudden heat of
25 passion or other condition precluding the idea of delibera-
26 tion, it is murder of the first degree.

17d-2

1 The law does not undertake to measure in units
2 of time the length of the period during which the thought
3 must be pondered before it can ripen into an intent to kill,
4 which is truly deliberate and premeditated.

5 The time will vary with different individuals
6 and under varying circumstances.

7 The true test is not the duration of time but
8 rather the extent of the reflection.

9 A cold, calculating judgment and decision may
10 be arrived at in a short period of time. But a mere uncon-
11 sidered and rash impulse, even though it include an intent
12 to kill, is not such deliberation and premeditation as will
13 fix an unlawful killing as murder of the first degree.

14 To constitute a deliberate and premeditated
15 killing, the slayer must weigh and consider the question of
16 killing and the reasons for and against such a choice,
17 having in mind the consequences if he decides to and does
18 kill.

19 Murder of the second degree is the unlawful
20 killing of a human being with malice aforethought, when
21 there is manifested an intention unlawfully to kill a
22 human being, but the evidence is insufficient to establish
23 deliberation and premeditation.

24 In the crime of murder there must exist a
25 union, or joint operation of act or conduct and a certain
26 specific intent.

1 In the crime of murder there must exist in the
2 mind of the perpetrator the requisite specific intent for
3 each type of murder as set forth in the definitions of those
4 offenses elsewhere in these instructions.

5 Unless such intent so exists, that crime is not
6 committed.

7 The intent with which an act is done is shown
8 by the circumstances attending the act, the manner in which
9 it is done, the means used, and the soundness of mind and
10 discretion of the person committing the act.

11 For the purposes of the case on trial, you must
12 assume that the defendants were of sound mind at the time of
13 the alleged offenses against Bernard Crowe and Gary Hinman.

14 If you are convinced beyond a reasonable doubt
15 that the crime of murder has been committed by a defendant,
16 but you have a reasonable doubt whether such murder was of
17 the first or the second degree, you must give to such
18 defendant the benefit of that doubt and find that the
19 murder was of the second degree.

20 The specific intent with which an act is done
21 may be manifested by the circumstances surrounding its
22 commission. But you may not find a defendant guilty of a
23 willful, deliberate premeditated murder of the first degree
24 unless the proved circumstances not only are consistent
25 with the hypothesis that he had the specific intent to
26 kill a human being with malice aforethought, which was the

1 result of deliberation and premeditation, those terms are
2 defined elsewhere in these instructions, but are irreconcil-
3 able with any other rational conclusion.

4 Also, as to such specific intent if the evidence
5 is susceptible of two reasonable interpretations, one of
6 which points to the existence thereof and the other to the
7 absence thereof, you must adopt that interpretation which
8 points to its absence.

9 If, on the other hand, one interpretation of the
10 evidence as to such specific intent appears to you to be
11 reasonable, and the other interpretation to be unreasonable,
12 it would be your duty to accept the reasonable interpreta-
13 tion and to reject the unreasonable.

14 The specific intent with which an act is done
15 may be manifested by the circumstances surrounding its
16 commission. But you may not find a defendant guilty of
17 murder in the second degree unless the proved circumstances
18 not only are consistent with the hypotheses that he had the
19 specific intent to kill a human being with malice afore-
20 thought, but are irreconcilable with any other rational
21 conclusion.

22 Also, if the evidence as to such specific
23 intent is susceptible of two reasonable interpretations,
24 one of which points to the existence thereof and the other
25 to the absence thereof, you must adopt that interpretation
26 which points to its absence.

1 If, on the other hand, one interpretation of the
2 evidence as to such specific intent appears to you to be
3 reasonable, and the other interpretation to be unreasonable,
4 it would be your duty to adopt the reasonable interpretation
5 and to reject the unreasonable.

6 All persons concerned in the commission of a
7 crime, who either directly and actively commit the act
8 constituting the offense, or who knowingly and with criminal
9 intent aid and abet in its commission, or whether present or
10 not, who advise and encourage its commission, are regarded
11 by the law as principals in the crime thus committed, and
12 are equally guilty thereof.

13 A person aids and abets the commission of a
14 crime if he knowingly and with criminal intent aids,
15 promotes, encourages or instigates by act or advice or by
16 act and advice the commission of such crime.

18 fls.

1 An accomplice is one who is liable to be
2 prosecuted for the identical offense charged against the
3 defendant on trial.

4 To be an accomplice, the person must have
5 knowingly and with criminal intent aided, promoted,
6 encouraged or instigated by act or advice or by act and
7 advice the commission of such an offense.

8 A conviction cannot be had upon the testimony
9 of an accomplice unless it is corroborated by such other
10 evidence as shall tend to connect the defendant with the
11 commission of the offense.

12 Corroborative evidence is evidence of some
13 act or fact related to the offense which, if believed,
14 by itself and without any aid, interpretation or direction
15 from the testimony of the accomplice, tends to connect the
16 defendant with the commission of the offense charged.

17 However, it is not necessary that the
18 corroborative evidence be sufficient in itself to establish
19 every element of the offense charged or that it corroborate
20 every fact to which the accomplice testifies.

21 In determining whether or not an accomplice
22 has been corroborated, you must first assume the testimony
23 of the accomplice has been removed from the case. You
24 must then determine whether there is any remaining evidence
25 which tends to connect the defendant with the commission of
26 the offense.

1 If there is not sufficient independent evidence
2 which tends to connect a defendant with the commission of
3 the offense, the testimony of the accomplice is not
4 corroborated. If there is such independent evidence which
5 you believe, then the testimony of the accomplice is
6 corroborated.

7 The corroboration of the testimony of an
8 accomplice required by law may not be supplied by the
9 testimony of any or all of his accomplices, but must come
10 from other evidence.

11 Merely assenting to or aiding or assisting in
12 the commission of a crime without guilty knowledge or intent
13 is not criminal, and a person so assenting to or aiding or
14 assisting in the commission of a crime without guilty
15 knowledge or intent in respect thereto is not an accomplice
16 in the commission of such crime.

17 It is the law that the testimony of an
18 accomplice ought to be viewed with distrust. This does not
19 mean that you may arbitrarily disregard such testimony but
20 you should give to it the weight to which you find it to
21 be entitled after examining it with care and caution and in
22 the light of all the evidence in the case.

23 Homicide is justifiable and not unlawful when
24 committed by any person when resisting any attempt to
25 murder any person or to commit a felony inherently
26 dangerous to human life, such as assault with a deadly

1 weapon, or to do some great bodily injury upon any person.

2 The right of defense of others to prevent the
3 commission of a felony ceases to exist when there is no
4 longer any apparent danger of further violence on the part
5 of an assailant. Thus, when a person uses such force on
6 the person attempting to commit the felony as to render the
7 attempted felon incapable of inflicting further injuries,
8 the law of defense of others prohibits the person defending
9 others from the attempted felony to inflict any further
10 injuries upon the person attempting to commit the felony.

11 It is lawful for a person who is being
12 assaulted to defend himself from attack if, as a reasonable
13 person, he has ground for believing and does believe that
14 bodily injury is about to be inflicted upon him. In doing
15 so, he may use all force and means which he believes to be
16 reasonably necessary and which would appear to a reasonable
17 person in the same or similar circumstances to be necessary
18 to prevent the injury which appears to be imminent.

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1 A person who is threatened with an attack
2 that justifies the exercise of the right of self-defense
3 need not retreat. In the exercise of his right of self-
4 defense, he may stand his ground and defend himself by the
5 use of all force and means which would appear to be
6 necessary to a reasonable person in a similar situation
7 and with similar knowledge, and he may pursue his assailant
8 until he has secured himself from danger if that course
9 likewise appears reasonably necessary.

10 This law applies even though the assailed
11 person might more easily have gained safety by flight or
12 by withdrawing from the scene.

13 Actual danger is not necessary to justify
14 self-defense. If one is confronted by the appearance of
15 danger which arouses in his mind as a reasonable person an
16 honest conviction and fear that he is about to suffer
17 death or great bodily harm, and if a reasonable man in a
18 like situation, seeing and knowing the same facts, would be
19 justified in believing himself in like danger, and if the
20 person so confronted acts in self-defense upon such
21 appearances and from such fear and honest convictions,
22 his right of self-defense is the same whether such danger
23 is real or merely apparent.

24 To constitute murder there must be, in
25 addition to the death of a human being, an unlawful act
26 which was a proximate cause of that death.

1 The proximate cause of a death is a cause
2 which, in natural and continuous sequence, produces the
3 death and without which the death would not have occurred.
4 There may be more than one proximate cause of a death.

5 When the conduct of two or more persons
6 contribute concurrently as proximate causes of a death,
7 the conduct of each of said persons is a proximate cause
8 of the death regardless of the extent to which each
9 contributes to the death.

10 A cause is concurrent if it was operative at
11 the moment of death and acted with another cause to produce
12 the death.

13 A statement made by a defendant other than at
14 his trial may be either an admission or a confession.

15 An admission is a statement by a defendant
16 which by itself is not sufficient to warrant an inference
17 of guilt but which tends to prove guilt when considered
18 with the rest of the evidence. A confession is a statement
19 by a defendant which discloses his intentional participation
20 in the criminal act for which he is on trial and which
21 discloses his guilt of that crime.

22 You are the exclusive judges as to whether an
23 admission or a confession was made by a defendant, and
24 if a statement is true in whole or in part.

25 If you should find that such statement is
26 entirely untrue, you must reject it. If you find it is

1 true in part, you may consider that part which you find to
2 be true.

3 Evidence of an oral admission or an oral
4 confession of a defendant ought to be viewed with caution.

5 No person may be convicted of a criminal
6 offense unless there is some proof of each element of the
7 crime independent of any confession or admission made by
8 him outside of the trial.

9 The identity of the person who is alleged to
10 have committed a crime is not an element of the crime nor
11 is the degree of the crime. Such identity or degree of
12 the crime may be established by an admission or confession.

13 Charles Manson, Patricia Krenwinkel and
14 Susan Atkins have been convicted of seven counts of first-
15 degree murder and one count of conspiracy to commit
16 murder. Leslie Van Houten has been convicted of two counts
17 of first-degree murder and one count of conspiracy to
18 commit murder.

19 You are instructed that each defendant may be
20 sentenced to death or life imprisonment on each count of
21 which he was convicted.

22 Therefore, there are eight possible verdicts
23 of life or death for defendants Manson, Atkins and
24 Krenwinkel, and three possible verdicts of life or
25 death for defendant Van Houten.

26 In this case you must decide separately the

1 question of the penalty for each of the four defendants.
2 If you cannot agree upon the penalty as to all defendants
3 but do agree as to the penalty for one or more of them,
4 you must render a verdict as to those on which you do
5 agree.
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1 I have not intended by anything I have said or
2 done or by any questions that I may have asked to intimate
3 or suggest what you should find to be the facts on any
4 questions submitted to you or that I believe or disbelieve
5 any witness. If anything I have done or said has seemed to
6 so indicate, you will disregard it and form your own
7 opinion.

8 You have been instructed as to all the rules of
9 law that may be necessary for you to reach a verdict. Whether
10 some of the instructions will apply will depend upon your
11 determination of the facts. You will disregard any
12 instruction which applies to a state of facts which you
13 determine does not exist.

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

17 If the Court has repeated any rule, direction
18 or idea, or stated the same in varying ways, no emphasis
19 was intended and you must not draw any inference therefrom.

20 You are not to single out any certain sentence
21 or any individual point or instruction and ignore the
22 others. You are to consider all the instructions as a whole
23 and are to regard each in the light of all the others.

24 The order in which the instructions are given
25 has no significance as to their relative importance.

26 Both the People and the defendants are entitled

18b-2

1 to the individual opinion of each juror. It is the duty of
2 each of you to consider the evidence for the purpose of
3 arriving at a verdict if you can do so. Each of you must
4 decide the case for yourself but should do so only after a
5 discussion of the evidence and instructions with the other
6 jurors.

7 You should not hesitate to change an opinion
8 if you are convinced it is erroneous. However, you should
9 not be influenced to decide any question in a particular
10 way because a majority of the jurors or any of them favor
11 such a decision.

12 The attitude and conduct of jurors at the
13 beginning of their deliberations are matters of considerable
14 importance. It is rarely productive of good for a juror
15 at the outset to make an emphatic expression of his opinion
16 on the case or to state how he intends to vote. When one
17 does that at the beginning, his sense of pride may be
18 aroused and he may hesitate to change his position even if
19 shown that it is wrong.

20 Remember that you are not partisans or advocates
21 in this matter but are judges.

22 You shall now retire for your deliberations.

23 In this case that will be tomorrow rather than
24 immediately after the instructions. In order to reach a
25 verdict all 12 jurors must agree to the decision. As soon
26 as all of you have agreed upon a verdict, you shall have it

18b-3

1 dated and signed by your foreman and then shall return with
2 it to this room.

3 The jury will deliberate tomorrow.

4 The Clerk will swear the bailiffs.

5 THE CLERK: Would you raise your right hands, please.

6 You and each of you do solemnly swear that you
7 will take charge of the jury and keep them together until
8 otherwise instructed by the Court. That you will not speak
9 to them yourself nor allow anyone else to speak to them on
10 any matter connected with the case except upon order of the
11 Court, and when they have agreed upon a verdict, you will
12 return them into the courtroom, so help you God.

13 THE BAILIFFS: I do.

14 THE CLERK: Further, you and each of you do solemnly
15 swear that you will take charge of the alternate jurors
16 and keep them apart from the jury while they are deliber-
17 ating on the cause until otherwise instructed by the Court,
18 so help you God.

19 THE BAILIFFS: I do.

20 THE COURT: The bailiffs will escort the jury to the
21 jury room.

22 (Whereupon at 5:25 p.m. the jury left the
23 courtroom.)

18c fls. 23

18c-1

1 MR. KANAREK: Your Honor, I make a motion that the
2 jury instructions go into the jury room.

3 THE COURT: They will go into the jury room.

4 MR. KANAREK: And I'd like to approach the bench
5 if I may.

6 THE COURT: I am not going to do it at this time.

7 I wanted to tell counsel that it is agreeable
8 with the Court if counsel are on 45-minute call by
9 telephone.

10 Before you leave tonight be sure that the
11 clerk has your telephone numbers for tomorrow, and also
12 for your whereabouts as to any other day that the jury
13 deliberates.

14 Is that agreeable to all counsel?

15 MR. FITZGERALD: Yes.

16 MR. KEITH: Yes.

17 MR. KANAREK: Yes.

18 MR. SHINN: Yes.

19 THE COURT: It is so ordered.

20 The court is now adjourned.

21 MR. KANAREK: May I approach the bench briefly?

22 THE COURT: What does it concern?

23 MR. KANAREK: I'd rather do it at the bench, if I
24 may.

25 THE COURT: Very well.

26 (Whereupon, all counsel approach the bench

1 and the following proceedings occur at the bench:)

2 MR. KANAREK: Your Honor, I feel, and I do make a
3 motion, because of the fact that your Honor cut short my
4 argument, I do make a motion for a mistrial.

5 THE COURT: Denied.

6 MR. BUGLIOSI: Your Honor, there is one instruction
7 about that Dr. Brown letter. I don't know if you misread
8 it, but you said they are not to consider the evidence in
9 that report.

10 Can I take a look at that report?

11 THE COURT: The report?

12 MR. BUGLIOSI: Yes. The way you read it, maybe I
13 misunderstood it.

14 THE COURT: I think you did.

15 MR. BUGLIOSI: The one concerning Dr. Tweed. Can I
16 glance at it?

17 (The Court shows an instruction to
18 Mr. Bugliosi.)

19 (Pause while Mr. Bugliosi reads the
20 instruction.)

21 MR. BUGLIOSI: I get it. Yes. The statements in
22 the report should not be considered for the truth of the
23 matter.

24 MR. FITZGERALD: May I ask you what hours they will
25 be deliberating?

26 THE COURT: 9:00 to 12:00, then take at least an

1 hour and a half, an hour and 45 minutes for lunch, and
2 then deliberate until probably 5:00 o'clock.

3 The court is now adjourned.

4 (Whereupon, at 5:29 p.m. the court was
5 adjourned.)
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LOS ANGELES, CALIFORNIA, MONDAY, MARCH 29, 1971

4:24 P.M.

---Q---

THE COURT: All defendants, all counsel and all jurors are present.

Mr. Tulek, has the jury reached a verdict?

THE FOREMAN: Yes, we have, your Honor.

THE COURT: Will you please hand all of the verdict forms to the bailiff.

(Whereupon, the foreman hands the verdict forms to the bailiff who gives them to the Judge.)

DEFENDANT HANSON: I don't see how you can get by with this without letting me put on some kind of defense. Who gives you the authority to do this?

Hey, boy!

THE COURT: Mr. Hanson, if you don't remain quiet I will have you removed immediately from the courtroom.

DEFENDANT HANSON: I didn't ask to come back.

THE COURT: That is your final warning, sir.

DEFENDANT HANSON: You people don't have no authority over me. Half of you in here ain't as good as I am.

THE COURT: Remove Mr. Hanson from the courtroom.

DEFENDANT HANSON: It is not the people's courtroom.

(Whereupon, Defendant Hanson leaves the courtroom.)

THE COURT: The clerk will read the verdicts.

1 THE CLERK: "Superior Court of the State of
2 California for the County of Los Angeles.

3 "The People of the State of California
4 versus Charles Hanson, Patricia Krenwinkel,
5 Susan Atkins, Leslie Van Houten.

6 "Case No. A-253 156, Department 104.

7 "We, the jury in the above-entitled
8 action, having found the defendant Charles
9 Hanson guilty of murder in the first degree
10 as charged in Count I of the indictment, do
11 now fix the penalty as death.

12 "Dated this 29th day of March, 1971,
13 signed Herman Tubick, Foreman."

14 DEFENDANT KRENWINKEL: You have just judged your-
15 selves.

16 DEFENDANT AYALA: You'd better lock your doors and
17 watch your own kids.

18 THE COURT: Remove Miss Atkins from the courtroom.

19 DEFENDANT ATKINS: You are removing yourself. You
20 are removing yourself from the face of the earth, you old
21 fools.

22 DEFENDANT KRENWINKEL: There never has been any
23 justice here.

24 THE COURT: Remove Miss Krenwinkel from the court-
25 room.

26 DEFENDANT VAN HOUTEN: Your whole system is a game.

THE COURT: Before this Van Houten from the courtroom.

DEFENDANT REMAINS: You judged yourselves.

DEFENDANT VAN HOUTEN: You blind, stupid people.

Your children will turn against you.

THE COURT: Continue reading the verdicts.

THE CLERK: Further, "People of the State of

California versus Charles Manson, Patricia

Kenneth, Susan Atkins, Leslie Van Houten.

"Case No. 2-253,156, Department 104.

"We, the jury in the above-entitled

action, having found the defendant Patricia

Kenneth guilty of murder in the first degree

as charged in count 1 of the indictment, do now

fix the penalty as death.

"Dated this 29th day of March, 1971,

Norman Tuck, Foreman."

Further, "People of the State of California

versus Charles Manson, Patricia Kenneth,

Susan Atkins, and Leslie Van Houten, Case No.

2-253,156, Department 104.

"We, the jury in the above-entitled

action, having found the defendant Susan Atkins

guilty of murder in the first degree as charged

in count 1 of the indictment, do now fix the

penalty as death.

"Dated this 29th day of March, 1971,

Norman Tuck, Foreman."

1 Further, "People of the State of
2 California versus Charles Manson, Patricia
3 Krenwinkel, Susan Atkins and Leslie Van Houten,
4 Case No. A-253,156, Department 104.

5 "We, the jury in the above-entitled
6 action, having found the defendant Charles
7 Manson guilty of murder in the first degree as
8 charged in Count II of the indictment, do now
9 fix the penalty as death.

10 "Dated this 29th day of March, 1971,
11 Herman Tubick, Foreman."

12 (Off-the-record discussion between the Court
13 and the clerk.)

14 THE CLERK: Ladies and gentlemen of the jury, is each
15 of these verdicts as to Count I your verdict?

16 (All jurors answer yes.)

17 THE CLERK: I repeat myself;

18 "The People of the State of California
19 versus Charles Manson, Patricia Krenwinkel,
20 Susan Atkins and Leslie Van Houten, case No.
21 A-253,156, Department 104.

22 "We, the jury in the above-entitled
23 action, having found the defendant Charles
24 Manson guilty of murder in the first degree as
25 charged in Count II of the indictment, do now
26 fix the penalty as death.

1 "Dated this 29th day of March, 1971,
2 Herman Tubick, Foreman."

3 Further, "People of the State of California,
4 versus Charles Manson, Patricia Krenwinkel,
5 Susan Atkins and Leslie Van Houten, Case No.
6 A-253,156, Department 104.

7 "We, the jury in the above-entitled
8 action, having found the defendant Patricia
9 Krenwinkel guilty of murder in the first
10 degree as charged in Count II of the Indictment,
11 do now fix the penalty as death.

12 "Dated this 29th day of March, 1971,
13 Herman Tubick, Foreman."

14 Further, "People of the State of California
15 versus Charles Manson, Patricia Krenwinkel,
16 Susan Atkins, Leslie Van Houten, case No.
17 A-253,156, Department 104.

18 "We, the jury in the above-entitled
19 action, having found the defendant Susan Atkins
20 guilty of murder in the first degree as charged
21 in Count II of the Indictment, do now fix the
22 penalty as death.

23 "Dated this 29th day of March, 1971,
24 signed Herman Tubick, Foreman."

25 Ladies and gentlemen of the jury, is each of
26 these verdicts as to Count II your verdict?

(All of the jurors answer yes.)

Further, "The People of the State of California versus Charles Manson, Patricia Krenwinkel, Susan Atkins and Leslie Van Houten, Case No. A-253,156, Department 104.

"We, the jury in the above-entitled action, having found the defendant Charles Manson guilty of murder in the first degree as charged in Count III of the Indictment, do now fix the penalty as death.

"Dated this 29th day of March, 1971, signed Norman Tubick, Foreman."

Further, "People of the State of California versus Charles Manson, Patricia Krenwinkel, Susan Atkins, Leslie Van Houten, Case No. A-253,156, Department 104.

"We, the jury in the above-entitled action, having found the defendant Patricia Krenwinkel guilty of murder in the first degree as charged in Count III of the Indictment, do now fix the penalty as death.

"Dated this 29th day of March, 1971, Norman Tubick, Foreman."

Further, "People of the State of California versus Charles Manson, Patricia Krenwinkel, Susan Atkins, Leslie Van Houten, case No.

1 *A-253,156, Department 104.

2 "We, the jury in the above-entitled
3 action, having found the defendant Susan
4 Atkins guilty of murder in the first degree
5 as charged in Count III of the Indictment, do
6 now fix the penalty as death.

7 *Dated this 29th day of March, 1971,
8 signed Herman Tubick, Foreman."

9 Ladies and gentlemen of the jury, in each of
10 these verdicts as to Count III your verdict?

11 (All members of the jury indicate yes.)

12 THE CLERK: Further, *People of the State of
13 California versus Charles Manson, Patricia
14 Krenwinkel, Susan Atkins and Leslie Van Houten,
15 case No. A-253,156, Department 104.

16 "We, the jury in the above-entitled
17 action, having found the defendant Charles
18 Manson guilty of murder in the first degree as
19 charged in Count IV of the Indictment, do now
20 fix the penalty as death.

21 *Dated this 29th day of March, 1971,
22 Herman Tubick, Foreman."

23 Further, *People of the State of California
24 versus Charles Manson, Patricia Krenwinkel,
25 Susan Atkins, Leslie Van Houten, case No.
26 A-253,156, Department 104.

"We, the jury in the above-entitled

1 action, having found the defendant Patricia
2 Krenwinkel guilty of murder in the first degree
3 as charged in Count IV of the Indictment, do now
4 fix the penalty as death.

5 "Dated this 29th day of March, 1971.

6 "Signed Herman Tubick, Foreman."

7 Further, "People of the State of California
8 versus Charles Manson, Patricia Krenwinkel,
9 Susan Atkins, Leslie Van Houten, case No.
10 A-253,156, Department 104.

11 "We, the jury in the above-entitled
12 action, having found the defendant Susan Atkins
13 guilty of murder in the first degree as charged
14 in Count IV of the Indictment, do now fix the
15 penalty as death.

16 "Dated this 29th day of March, 1971,
17 signed Herman Tubick, Foreman."

18 Ladies and gentlemen of the jury, is each of
19 these verdicts as to Count IV your verdict?

20 (All the members of the jury indicate yes.)

21 THE CLERK: Further, "People of the State of
22 California versus Charles Manson, Patricia Krenwinkel,
23 Susan Atkins, Leslie Van Houten, case No. A-253,156,
24 Department 104.

25 "We, the jury in the above-entitled action,
26 having found the defendant Charles Manson guilty

1 "of murder in the first degree as charged in
2 Count V of the indictment, do now fix the
3 penalty as death.

4 "Dated this 29th day of March, 1971.

5 "Signed Herman Tabick, Foreman."

6 Further, "People of the State of California
7 versus Charles Manson, Patricia Krenwinkel,
8 Susan Atkins, Leslie Van Houten.

9 "Case No. A-253,156, Department 104.

10 "We, the jury in the above-entitled
11 action, having found the defendant Patricia
12 Krenwinkel guilty of murder in the first degree
13 as charged in Count V of the indictment, do now
14 fix the penalty as death.

15 "Dated this 29th day of March, 1971,
16 signed Herman Tabick, Foreman."

17 Further, "People of the State of California
18 versus Charles Manson, Patricia Krenwinkel,
19 Susan Atkins, Leslie Van Houten, case No.
20 A-253,156, Department 104.

21 "We, the jury in the above-entitled
22 action, having found the defendant Susan Atkins
23 guilty of murder in the first degree as charged
24 in Count V of the indictment, do now fix the
25 penalty as death.

26 "Dated this 29th day of March, 1971.

1 "Signed Herman Tubick, Foreman."

2 Ladies and gentlemen of the jury, is each of
3 these verdicts as to Count V your verdict?

4 (All the members of the jury indicate yes.)

5 THE CLERK: Further, "People of the State of
6 California versus Charles Manson, Patricia
7 Krenwinkel, Susan Atkins, Leslie Van Houten,
8 case No. A-253,156, Department 104.

9 "We, the jury in the above-entitled
10 action, having found the defendant Charles
11 Manson guilty of murder in the first degree
12 as charged in Count VI of the Indictment, do
13 now fix the penalty as death.

14 "Dated this 29th day of March, 1971,
15 signed Herman Tubick, Foreman."

16 Further, "People of the State of
17 California versus Charles Manson, Patricia
18 Krenwinkel, Susan Atkins, Leslie Van Houten,
19 case No. A-253,156, Department 104.

20 "We, the jury in the above-entitled
21 action, having found the defendant Patricia
22 Krenwinkel guilty of murder in the first
23 degree as charged in Count VI of the Indictment,
24 do now fix the penalty as death.

25 "Dated this 29th day of March, 1971.

26 "Signed Herman Tubick, Foreman."

1 Further, "People of the State of California
2 versus Charles Manson, Patricia Krenwinkel,
3 Susan Atkins and Leslie Van Houten.

4 "Case No. A-253,156, Department 104.

5 "We, the jury in the above-entitled
6 action, having found the defendant Susan Atkins
7 guilty of murder in the first degree as charged
8 in Count VI of the indictment, do now fix the
9 penalty as death.

10 "Dated this 29th day of March, 1971.

11 "Signed Herman Tubick, Foreman."

12 Further, "People of the State of California
13 versus Charles Manson, Patricia Krenwinkel,
14 Susan Atkins, Leslie Van Houten, Case No.
15 A-253,156, Department 104.

16 "We, the jury in the above-entitled
17 action, having found the defendant Leslie
18 Van Houten guilty of murder in the first degree
19 as charged in Count VI of the indictment, do
20 now fix the penalty as death.

21 "Dated this 29th day of March, 1971.

22 "Signed Herman Tubick, Foreman."

23 Ladies and gentlemen of the jury, is each of
24 these verdicts as to Count VI your verdict?

25 (All of the members of the jury indicate yes.)

26 THE CLERK: Further, "People of the State of

1 *California versus Charles Manson, Patricia
2 Krenwinkel, Susan Atkins, Leslie Van Houten.

3 *Case No. A-253,156, Department 104.

4 *We, the jury in the above-entitled action
5 having found the defendant Charles Manson
6 guilty of murder in the first degree as charged
7 in Count VII of the Indictment, do now fix the
8 penalty as death.

9 *Dated this 29th day of March, 1971.

10 *Signed Herman Tubick, Foreman.*

11 Further, *People of the State of California
12 versus Charles Manson, Patricia Krenwinkel,
13 Susan Atkins, Leslie Van Houten.

14 *Case No. A-253,156, Department 104.

15 *We, the jury in the above-entitled
16 action, having found the defendant Patricia
17 Krenwinkel guilty of murder in the first degree
18 as charged in Count VII of the Indictment, do
19 now fix the penalty as death.

20 *Dated this 29th day of March, 1971,
21 signed Herman Tubick, Foreman.*

22 Further, *People of the State of California
23 versus Charles Manson, Patricia Krenwinkel,
24 Susan Atkins, Leslie Van Houten, case No.
25 A-253,156, Department 104.

26 *We, the jury in the above-entitled action,

1 "Having found the defendant Susan Atkins
2 guilty of murder in the first degree as
3 charged in Count VII of the indictment, do
4 now fix the penalty as death.

5 "Dated this 29th day of March, 1971,
6 signed Norman Tubick, Foreman."

7 Further, "People of the State of
8 California versus Charles Manson, Patricia
9 Browninkel, Susan Atkins, Leslie Van Houten,
10 case No. A-253,156, Department 104.

11 "We, the jury in the above-entitled
12 action, having found the defendant Leslie
13 Van Houten guilty of murder in the first degree
14 as charged in Count VII of the indictment, do
15 now fix the penalty as death.

16 "Dated this 29th day of March, 1971.

17 "Signed Norman Tubick, Foreman."

18 Ladies and gentlemen of the jury, is each of
19 these verdicts as to Count VII your verdict?

20 (All of the jurors answer in the affirmative.)

21 THE CLERK: Further, "People of the State of
22 California versus Charles Manson, Patricia
23 Browninkel, Susan Atkins, Leslie Van Houten,
24 case No. A-253,156, Department 104.

25 "We, the jury in the above-entitled
26 action, having found the defendant Charles Manson

1 guilty of conspiracy to commit murder as
2 charged in Count VIII of the Indictment,
3 do now fix the penalty as death.

4 "Dated this 29th day of March, 1971.

5 "Signed Herman Fabick, Foreman."

6 Further, "People of the State of
7 California versus Charles Manson, Patricia
8 Krenwinkel, Susan Atkins, Leslie Van Houten,
9 case No. A-253,156, Department 104.

10 "We, the jury in the above-entitled
11 action, having found the Defendant Susan Atkins
12 guilty of conspiracy to commit murder as charged
13 in Count VIII of the Indictment, do now fix the
14 penalty as death.

15 "Dated this 29th day of March, 1971.

16 "Signed Herman Fabick, Foreman."

17 Further, "People of the State of California
18 versus Charles Manson, Patricia Krenwinkel,
19 Susan Atkins, Leslie Van Houten, case No.
20 A-253,156, Department 104.

21 "We, the jury in the above-entitled
22 action, having found the defendant Patricia
23 Krenwinkel guilty of conspiracy to commit
24 murder as charged in Count VIII of the Indict-
25 ment, do now fix the penalty as death.

26 "Dated this 29th day of March, 1971,

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"Signed Herman Dulick, Foreman."

Further, "People of the State of

California versus Charles Manson, Patricia

Elizabeth, Susan Atkins, Leslie Van Houten,

case no. A-253,156, Department 104.

"Yes, the jury in the above-entitled

action, having found the defendant, Leslie

Van Houten, guilty of conspiracy to commit

murder as charged in Count VII of the indictment,

do now fix the penalty as death.

"Dated this 29th day of March, 1971.

"Signed Herman Dulick, Foreman."

Ladies and Gentlemen of the jury, as each of

these verdicts as to Count VII your verdict?

(All the jurors indicate in the affirmative.)

THE COURT: The clerk will poll the jury.

THE CLERK: Yes, Thekla B. McKenzie, as each of the

verdicts for Count I through Count VII your verdict?

MRS. MC KENZIE: Yes.

MR. KAMMER: Your Honor, if I may, I would like each

verdict polled separately and have the jurors say yes

individually to each of the counts, each of the jurors as

to Mr. Hanson.

I don't know how counsel feel about it.

MR. KAMMER: I will join in that motion.

MR. KAMMER: I would like each one of these jurors

1 be polled as to each count.

2 THE COURT: Yes. I understand what you are saying.

3 The clerk will continue polling the jury.

4 THE CLERK: Mrs. Shirley S. Evans, is each of the
5 verdicts of counts I through VIII your verdict?

6 MRS. EVANS: Yes, it is.

7 THE CLERK: William T. McBride, II, is each of the
8 verdicts for Counts I through VIII your verdict?

9 MR. MC BRIDE: Yes, sir.

10 THE CLERK: Mr. Alva R. Dawson, is each of the
11 verdicts for Counts I through VIII your verdict?

12 MR. DAWSON: Yes, sir.

13 THE CLERK: Mrs. Jean E. Roseland, is each of the
14 verdicts for Counts I through VIII your verdict?

15 MRS. ROSLAND: Yes.

16 THE CLERK: Mr. Ansel L. Sisto, is each of the
17 verdicts for Counts I through VIII your verdict?

18 MR. SISTO: Yes.

19 THE CLERK: Mr. William M. Sazora, is each of the
20 verdicts for Counts I through VIII your verdict?

21 MR. SAZORA: Yes, it is.

22 THE CLERK: Miss Mary M. Mesner, is each of the
23 verdicts for Counts I through VIII your verdict?

24 MISS MESNER: Yes, it is.

25 THE CLERK: Mr. John H. Back, is each of the
26 verdicts for Counts I through VIII your verdict?

1 MR. BARR: Yes, it is.

2 THE CLERK: Mrs. Evelyn J. Hines, is each of the
3 verdicts for Counts I through VIII your verdict?

4 MRS. HINES: Yes, it is.

5 THE CLERK: Mr. Larry D. Shesley, is each of the
6 verdicts for Counts I through VIII your verdict?

7 MR. SHESLEY: Yes.

8 THE CLERK: Mr. Herman C. Tubick, is each of the
9 verdicts for Counts I through VIII your verdict?

10 MR. TUBICK: Yes.

11 THE CLERK: All answer in the affirmative, your
12 Honor.

13 THE COURT: The date for sentencing will be April
14 19th at 9:00 a.m.

15 MR. KANARUK: Your Honor, may we approach the bench
16 briefly?

17 THE COURT: All trial motions will be heard April
18 19th at 9:00 a.m., to precede the sentencing.

19 MR. KANARUK: May I approach the bench on a very
20 important matter before the jury is discharged, your
21 Honor?

22 THE COURT: Is this the sole motion you made after
23 the last verdict, Mr. Kanaruk?

24 MR. KANARUK: No, it isn't, your Honor, no, it is
25 not.

26 THE COURT: All right, counsel may approach the

1 bench.

2 (The following proceedings were had at the
3 bench out of the hearing of the jury.)

4 MR. KILMILL: Your Honor, there is extant at the
5 present time a publicity order.

6 I move that the Court hand to each of the
7 jurors a copy of the publicity order and order the jurors
8 not to discuss this case with anyone, because they may
9 well be witnesses at the motion for new trial.

10 That is my motion, your Honor.

11 THE COURT: The motion is denied.

12 MR. FREEDMAN: Maybe it is not necessary, but I
13 would like the record to indicate that we will at that
14 time move for a motion for new trial, and, in lieu of the
15 motion for new trial, that the penalties be reduced.

16 THE COURT: I will deem that all defendants have
17 made a motion for new trial, and to reduce the penalties,
18 all motions to be heard preceding the sentencing on April
19 1944 at 2:00 a.m.

20 MR. HARRISON: We will waive time and ask that it
21 go further than that time because it is going to take more
22 than that time to prepare for a motion for a new trial.

23 THE COURT: That is the date, sir.

24 MR. KILMILL: I make a motion it be extended under
25 People vs. Crovelli. We have a right to prepare --

26 THE COURT: The motion is denied.

MR. KILMILL: Very well.

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

3 THE COURT: Ladies and gentlemen of the jury, the
4 people of the State of California owe a tremendous debt of
5 gratitude to each of the jurors, in this most difficult
6 case, for your unwavering devotion to duty throughout the
7 long, arduous months of this trial, and for the personal
8 sacrifices that each of you has made in being away from
9 your families, your friends and your occupations.

10 To my knowledge no jury in history has ever
11 been sequestered for so long a period, or subjected to
12 such a trying ordeal. I hope that it is never necessary
13 again.

14 After you are discharged today from further
15 service, you are free to discuss this case and your
16 service as jurors with anyone you please.

17 However, you are under no obligation to discuss
18 it with anyone. That is entirely within your discretion.

19 When you talk to your families and friends
20 about the case, and review the newspaper accounts of the
21 trial during the period that you were sequestered,
22 you will learn for the first time what was kept from you
23 concerning the trial and the many incidents relating to it.
24 Perhaps this knowledge will give you a better insight into
25 the reasons why sequestration of the jury was believed
26 necessary in this case.

1 For your devotion above and beyond the call of
2 duty the People of the State of California thank you.

3 If it were within the power of a trial judge
4 to award a medal of honor to jurors, believe me I would
5 bestow such an award on each of you.

6 Before we adjourn I want to extend my personal
7 thanks to each of you, and I want to personally shake the
8 hand of each of you.

9 (Whereupon, Judge Older shakes the hands of
10 each juror.)

11 THE COURT: Thank you very much. The Court is now
12 adjourned.

13 (Whereupon, an adjournment was had to
14 reconvene Monday, April 19, 1971, at 9:00 a.m.)
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