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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 130

HON. EDWARD A. HINEZ, JR., JUDGE

--000--

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LESLIE VAN HOUTEN,

Defendant.

9036

NO. A253156

REPORTERS' DAILY TRANSCRIPT

Thursday, June 2, 1977

Volume 36

Pages 4901 to 5075, incl.

APPEARANCES:

(See Volume 1.)

EMANUEL J. SANZO, C.S.R. No. 1267

and
LOIS R. JOHNSON, C.S.R. No. 812
Official Reporters

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1 LOS ANGELES, CALIFORNIA, THURSDAY, JUNE 2, 1977, 10:17 A.M.

2 DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

3 - - -

4 (Appearances as heretofore noted.)

5 (The following proceedings were held in

6 open court out of the presence of the jury:)

7 THE COURT: All right.

8 The People versus Van Houten, let the record show
9 the defendant is present, represented by counsel, the People
10 are represented by counsel.

11 I believe we have a representative from the
12 Attorney General's Office here.

13 Would you state your appearance, please.

14 [Faint signature]

15 [Faint signature]

1 MR. CHAFFEE: Good morning, Your Honor.

2 I am Deputy Attorney General David R. Chaffee. I'm
3 appearing on behalf of the Department of Corrections.

4 We are here today on the return of a service of a
5 subpoena duces tecum, which was returnable today in this
6 courtroom.

7 We had filed this date a motion to quash that
8 subpoena.

9 MR. KEITH: May the record reflect that I, Maxwell Keith,
10 on behalf of Miss Van Houten, did cause to be served a subpoena
11 duces tecum upon the Department of Corrections' institution at
12 Vacaville, California, where it was my understanding and is my
13 understanding that Mr. Charles Manson is incarcerated.

14 The subpoena asks or demands medical and psychiatric
15 records of Mr. Manson obtained in the institution itself.

16 I have been served with points and authorities in
17 support of the motion to quash the subpoena.

18 I will resist this motion, of course, and would
19 request that the matter be continued to Monday at 10 a.m. for
20 the purpose of giving me an opportunity to examine points and
21 authorities in opposition -- or in support of the motion to
22 quash.

23 THE COURT: All right.

24 Is it agreeable to all counsel that this matter
25 go over to Monday, June 6th, '77, for hearing on the motion?

26 MR. CHAFFEE: It is agreeable.

27 MR. KEITH: Yes, Your Honor.

28 MR. KAY: Well, I'm not really a party to it, but it's

1 okay with me.

2 THE COURT: All right. And would 9:30 be an appropriate
3 hour?

4 MR. KEITH: Yes, I should be able to be here by then.

5 THE COURT: All right. This matter will be set, then,
6 for 9:30 on Monday, June 6th, 1977.

7 Defendant and counsel are ordered to be present,
8 including the district attorney.

9 That will be the order. Thank you.

10 MR. CHAFFEE: Thank you, Your Honor.

11 (Unrelated matters on the court's calender
12 were called.)

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1 THE COURT: Could we have the jury brought in on the
2 Van Houten matter.

3 (The jury entered the courtroom and the
4 following proceedings were held:)

5 THE COURT: All right.

6 In People versus Van Houten, let the record show
7 the defendant is present, represented by counsel, the People
8 are represented by counsel, the jurors are in their assigned
9 places.

10
11 JOEL SIMON HOCKMAN,
12 resumed the stand and testified further as follows:

13 THE COURT: Doctor, would you state your name again
14 for the record.

15 THE WITNESS: Joel Simon Hockman.

16 THE COURT: All right.

17 Mr. Keith, you may resume examination.

18 MR. KEITH: Yes.

19
20 DIRECT EXAMINATION (Resumed)

21 BY MR. KEITH:

22 Q Dr. Hockman, at the close of yesterday's session
23 we were discussing what you have termed "primary process"
24 activity?

25 A "Thinking."

26 Q "Thinking."

27 And you defined, I believe, primary process
28 thinking as a very primitive, unreflected, unreflective form

3-2
1 of thought.

2 would that be a fair impression of your testimony?

3 A It's primitive thoughts, the first level of
4 thought organization.

5 Q In your opinion can primitive thought be
6 translated into primitive activity as a result of that thought?

7 A Yes, I think that you would see them together
8 generally.

9 The best example would be -- probably the most
10 common example would be someone who is so intoxicated, such
11 as on alcohol, who would be reduced to kind of incoherent,
12 gibberish, wandering around, backing into things, being
13 disoriented, confused.

14 That would be in a sense an example, a common
15 example of primary process thoughts and actions accompanying
16 that.

17 Q Would you describe Leslie's purported activities
18 within the Labianca home at all an example, or any part of
19 these activities as an example of primary process thought?

20 A Well, I think that her descriptions of the
21 actual events in which she was involved are suggestive of
22 that kind of thought.
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1 She describes that.

2 I might pull out some quotations on that.

3 As she narrated the story of the murder of
4 Mrs. LaBianca and then her part in that, her stabbing of the
5 body, she reported in '69, as I recall, that Mrs. LaBianca
6 didn't have a hood on so that she could see her face so that
7 she could see what she had done, quote, almost for my own
8 punishment to see the face after it was dead, end quote.

9 She describes losing control, quote, going
10 completely nuts at that time, end quote, when she began to
11 stab Mrs. LaBianca perhaps ten times or more.

12 Q Are you describing --

13 A Her description.

14 Q -- her description on the tape or from a personal
15 interview?

16 A Both.

17 She confirmed -- Well, she confirmed it in my
18 interviews with her in February, and then when I listened to
19 the tape again the material was there.

20 Q All right.

21 May I approach the witness, Your Honor?

22 THE COURT: Yes, you may.

23 MR. KEITH: Your Honor, I am about to show the witness
24 People's Exhibit 10 in evidence.

25 Q Showing you exhibit 10, you have probably seen
26 that photograph of Mrs. LaBianca before, have you not?

27 A Yes, I have.

28 Q Do you notice the numerous stab wounds in the

1 buttocks area that appear not to have bled?

2 A Yes, I see those.

3 Q Is that, in your opinion, suggestive of either
4 primary process thinking translated into activity or
5 perseverative activity?

6 MR. KAY: Well, that's a compound question.

7 MR. KEITH: All right. Let me ask --

8 I'll withdraw the latter part of it. Just primary
9 process thought translated into primitive activity.

10 MR. KAY: Well, I'll object. That calls for a conclusion.

11 THE COURT: Well, the objection is overruled. The
12 doctor can give his opinion.

13 THE WITNESS: Well, this kind of activity I don't --
14 based on the information I have and my personal interviewing --
15 I don't believe that this is behavior which is consonant with
16 reflective, calculated, cool-minded behavior.

17 I think that this is -- this is crazy.

18 In my view, in the broadest sense of the term,
19 this is insane. This is craziness.

20 This is not reflective, cognitive, coherent
21 thinking.

22 MR. KEITH: May I pass this photograph to the jury,
23 please?

24 THE COURT: Yes, you may.

25 (Jury views photograph.)

26 THE COURT: You may put your next question.

27 MR. KEITH: Oh, thank you.

28 Q Doctor, you have given us at length the benefit

1 of your diagnosis of Miss Van Houten at this time as to her
2 mental state at the time of the LaBianca homicides.

3 Now, you formulated a diagnosis back in 1971
4 concerning Miss Van Houten, did you not?

5 A Yes, I did, Mr. Keith.

6 Q And did that diagnosis differ from your present
7 diagnosis?

8 You can just answer that yes or no.

9 A Yes.

10 Q And how did you diagnose her in 1971, her mental
11 condition?

12 A Well, I felt that principally she was suffering
13 from what we would call a schizoid condition at the time.

14 That's characterized by not -- it is not a psychotic
15 diagnosis, but it is a disturbance of the way the person
16 relates to others and to themselves and to the larger society,

17 So it's a schizoid personality trait disturbance.
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1 Q Is it a milder disorder, Doctor, than the disorder
2 you have presently diagnosed with respect to her mental
3 condition, her mental state in 1960, 1968, while she was a
4 member of the Hanson family?

5 A Yes.

6 As I said earlier, that diagnosis is not a
7 psychosis. There is no loss of reality testing, generally
8 speaking, in that diagnosis.

9 Q Can you explain, if you do have an explanation,
10 the difference between your diagnosis in 1971 and your present
11 diagnosis?

12 A Do you mean by that how the diagnoses differ?
13 Or how I arrived at a different diagnosis?

14 Q How you arrived at a different diagnosis. One
15 appears to be milder than the other.

16 A Well, the explanation lies largely in the material
17 available for the diagnosis:

18 Psychiatry, as a medical specialty, practices a
19 medical approach to diagnosis, which essentially is an
20 eliminative approach; that we try to correlate the findings
21 present in the patient with the diagnosis that calls for those
22 findings.

23 So, for instance, whereas you may have a general
24 diagnosis of perhaps a duodenal ulcer when a person is
25 admitted to the hospital with abdominal pain, after a certain
26 number of procedures give you additional information you may
27 decide actually that's a pancreatic inflammation.

28 So you get to a diagnosis through a series of

5-2
1 discoveries of data.

2 Now, I made that diagnosis originally in 1971
3 based upon the information available to me.

4 And at that time, in fact -- This report was
5 dictated after my first interview; you will recall.

6 Q Yes.

7 A And this was before I had had information from
8 interviewing the other two girls.

9 It's also, therefore, before I began to get
10 suspicious about their allegations that Mr. Hanson had nothing
11 to do with it and no influence over them whatsoever, et
12 cetera, et cetera.

13 So this conclusion was reached on the basis of
14 my initial examination, in which absolutely no information
15 whatever about the delusions, the peculiar ideas, the beliefs,
16 this unrealistic value system that they harbored, no
17 information of that nature had been made available to me
18 at the time I drew my original conclusion.

19 Without that information I think that what was
20 available to me then was the data I had directly from being
21 with Leslie, from interviewing her, the way she reacted with
22 me. All the other findings I include in the report.

23 So given that I wasn't allowed to see that
24 psychotic material, what I was to go with -- which I was
25 allowed to see -- which at that time was her basic personality
26 structure.

27 So I reported what it was I saw initially, which
28 were the outstanding abnormalities, the abnormalities which

5-3
1 stood out in her personality structure.

2 In reviewing, however, my original report again
3 just a moment ago, I find that even at that point I was
4 already beginning to speculate on the possibility of
5 psychosis.

6 On page 9, if I may read it -- or refer to it,
7 anyway -- I'm talking about the various possible explanations
8 for how all this happened; and I said there were three.

9 The first one I came up with was:

10 "The first possibility is that the
11 murders were 'intentional' and a part of a
12 bizarre plan to initiate 'Helter Skelter.'"

13 MR. KAY: I believe the word is "premeditated" that you
14 used, Doctor.

15 THE WITNESS: I'm sorry.

X
16 "The first possibility is that the
17 murders were premeditated, a part of a
18 bizarre plan to initiate 'Helter Skelter.' In
19 this circumstance Leslie and the others could be
20 best understood as participants in a shared
21 delusional system of thought, which was strongly
22 paranoid. In psychiatry, we are acquainted with
23 a comparable condition called the folie a deux,
24 a situation in which two people mutually sustain
25 a shared psychosis. For all intent and purposes,
26 for the rest of the world their beliefs would seem
27 insane, but to them it constitutes an almost
28 unshakable reality. This instance" --

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I'm editing as I go along here, Mr. Kay, because
this report went out before I had a chance to edit it for
types and do editing for style.

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1 "This instance, then, would represent
2 a folie a famille, a whole group of individuals
3 mutually sustaining their special view of the
4 world and constantly reinforcing this view in
5 themselves, in isolation from the outside world
6 and through the use of psychedelic drugs. Only
7 from such a point of view could they make people
8 into objects, alien, unlike themselves totally."

9 Well, I have two other possibilities.

10 Q BY MR. KEITH: All right.

11 But, at any rate, you suspected at that time,
12 back in 1971 --

13 What was the date of that report, incidentally,
14 Doctor, if it is indicated?

15 A The typist never did put a date on it; so I'd
16 have to go back to my original -- my appointment book to see
17 what day I dictated it.

18 But it was done by the typing pool out at UCLA.

19 MR. KAY: March 6, 1971.

20 THE WITNESS: March 6; thank you.

21 I better write that down.

22 Q BY MR. KEITH: All right.

23 You suspected then, in 1971, on or about March 6th,
24 that this could be a folie a famille psychosis, although you
25 didn't have sufficient supporting data to substantiate that
26 judgment.

27 Would that be a fair statement?

28 A Yes.

1 Q All right.

2 Doctor, could you describe to us your opinion
3 of Lealis's mental status now, if you do have an opinion on
4 that subject.

5 A Well, I do have an opinion on that.

6 Q Please share it with us.

7 A Well, I found Miss Van Houten to be dramatically
8 changed I felt from her psychological state in '71.

9 She is distinctly older and maturer than
10 previously, and her fund of knowledge, ability to reflect
11 upon herself and those around her, as well as her prospective
12 on herself and others, are all profoundly improved.

13 Her speech is now cogent, coherent and
14 sophisticated in language, concept and vocabulary.

15 Previously, in the 1971 report, I noted that her
16 language at that time was characterized as somewhat bizarre
17 and inappropriate, filled with neologisms, such as new
18 words that they were coining on their own, and highly
19 personalized ideas and terms, and in general somewhat
20 dogmatic and cant.

6-1

1 Sort of rote, automatically producing the ideas
2 almost as though it's like a salesman going into his pitch,
3 you know, for the three-thousandth time.

4 That's what I meant by cant.

5 Q That's spelled --

6 A C-a-n-t.

7 She is currently functioning at a level of
8 intelligence I would estimate to be in the 125 to 128 range,
9 and her information, intellectual sophistication, is comparable
10 to that of a recent college graduate.

11 I found that her mood was impressively peaceful
12 and harmonious; that she was convincingly accepting of her
13 circumstances in both the positive and negative prospects
14 for her future.

15 She possesses a sense of contentment with herself
16 which I felt was confirmed in her manner, mood, and verbal-
17 zations.

18 Over the course of five days of evaluation, I found
19 her consistent in attitude and values, mood, and outlook.

20 I hesitate on "mood," because I think she
21 fluctuates in the amount of depression that she experiences.

22 She initially related to me in a slightly guarded
23 manner, but within several moments became open, honest, and
24 straightforward. By the end of her first interview, her
25 relationship to the interviewer could be unquestionably
26 described as trusting.

27 She was totally cooperative in relating past and
28 recent events as thoroughly as she was able to recall them.

6-2
1 Her memories of past events appeared largely intact,
2 although there have been some loss of detailed memory over the
3 course of the years. About equal with mine, I would say.

4 In recalling the events in which she participated,
5 both at the Spahn Ranch and the evening of the LaBianca murders,
6 she made no effort to soften her role and blur detail or
7 otherwise avoid the subject. She admitted her guilt, expressed
8 a deep and, to me, somewhat moving remorse for her participation
9 in the murder of the LaBiancas, but particularly for the losses
10 which she caused the LaBianca children.

11 She spoke at some length about the feelings of the
12 children over the loss of their parents, and when I questioned
13 her about what her own attitude would be were she in their
14 place, the LaBianca children's place, she replied firmly that
15 she would be angry and vengeful, but would try to contain her
16 feelings and say nothing.

17 And it was spontaneous.

18 She recalled her behavior in the courtroom when the
19 LaBianca children came in in 1971 and sadly stated she now
20 felt humiliation for what she had done.

21 She was obviously oriented in all spheres as to
22 person, place, time, circumstances, and the purpose of the
23 interview.

24 She revealed some feelings of distrust of those
25 around her; however, she was able to laugh at her own
26 suspiciousness and note that they were probably going to last
27 until she got out of prison.

28 She had remarkable insight, I felt, into the

6-3

1 psychodynamics, the things that emotionally moved her guards
2 and fellow inmates, and described playing a role of mother
3 confessor and consultant to many of the girls around her now.
4 That was principally, she felt, because she could hold a
5 confidence, and that was rare stuff in jail.

6 She stated that the girls can rely on her
7 confidentiality and, therefore, often come to her with their
8 problems.

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6-4
1 She was able to discuss prison homosexuality
2 openly and frankly without any evidence of intimidation or
3 shyness. She acknowledged the sexual behaviors with a mature
4 acceptance and without judgmentalness.

5 Regarding thought concept and process, there was
6 no evidence of psychopathological material over the course of
7 the evaluation period.

8 She denied delusions and hallucinations now and
9 none were evident.

10 Similarly, there were no ideas of reference, no
11 concreteness to her thinking, no tangentiality, digressiveness,
12 or abnormal thought content were present.

13 Q Could you tell us what you mean by some of those
14 latter terms?

15 A Okay.

16 Concreteness. We test for concreteness, for
17 instance, in the interpretation of a proverb.

18 We will ask someone, "Have you ever heard anyone
19 say, 'An ounce of prevention is worth a pound of cure.'"

20 Their reply would be, "Well, an ounce is better
21 than a pound."

22 They respond very concretely. They are not able
23 to think abstractly, to see the abstract level of meaning in
24 communication.

25 Tangentiality is they go off in a tangent.

26 As you talk to them, you say, "Well, gee, have you
27 got the time of day?"

28 They say, "Let me look at my watch. It's a nice

1 gold watch. My mother gave it to me when I graduated from
2 high school. I liked high school, but I miss the people
3 there now."

4 And, "Gee, I wonder what time the bus is coming."

5 And, "Goodbye."

6 They never do tell you the time. That's
7 tangentiality.

8 Digressiveness. They digress from the subject at
9 hand.

10 Tangentiality, I suppose, is related to that.

11 Again, ideas of reference, the classic example is
12 the story in this morning's Time. The lady in the park who
13 sleeps on the bench.

14 She has ideas of reference that the C.I.A. is
15 after her and the FBI, and maybe the microwave transmissions
16 in the towers are getting into her head; that they are designed
17 for her.

18 So that's a good description of ideas of reference.
19 Abnormal thought content.

20 There are many, many more, but these are -- I
21 couldn't try to cover every possibility.

22 So, in summary, if I may --

23 Q Yes, go ahead, finish your --

24 A -- I found Miss Van Houten was --

25 Well, in summary, Ms. Van Houten was found to be a
26 woman who has accomplished a significant emotional growth and
27 maturation over the past seven years of incarceration, often
28 despite her environment and circumstances.

4-6
1 She appears to have made a complete and genuine
2 separation from the shared psychosis in which she participated
3 in the Hanson family; is now functioning at a level of personal
4 competency and adequacy.

5 She perceives herself accurately and appropriately
6 and generally accepts herself with esteem and respect.

7 Areas remain, however, in which further growth
8 and maturation will be needed, particularly, as one might
9 largely expect, in the area of healthy heterosexual relations.

10 Hetero, h-e-t-e-r-o --

11 Further, she would certainly need continued support
12 and friendship to make any transition into the community.

13 Also, because she has not accomplished a firm sense
14 of identity based upon social accomplishments in the outside
15 world, I felt she faces a very serious challenge for the future
16 for which she will require ongoing personal support.

17 She seems, however, to have realistic goals and
18 expectations for the future and has worked quite hard preparing
19 herself to become a writer.

20 In conclusion, the contrast between her level of
21 psychosocial maturation upon initial evaluation seven years
22 ago and her current level of maturity is, frankly, dramatic.

23 I found that what was before a hypnotized, blind
24 follower, an adolescent, bizarre, and neologizing fanatic,
25 is now a warm, open, reflective, sometimes philosophic sober
26 young woman.

27 She's shaky in her relationships, not knowing
28 absolutely whom to trust.

1 She has, in fact, had a multitude of exploitative
2 offers from a variety of, not very, trustworthy people, I think,
3 over the years, and still very tentative in relating to men,
4 which is also understandable.

5 My diagnostic impression was no psychiatric
6 disability.

7 MR. KEITH: You may inquire.

8 THE COURT: You may cross-examine.

9 MR. KAY: Thank you.

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CROSS-EXAMINATION

1
2 BY MR. KAY:

3 Q Dr. Hookman, you were called as a witness on
4 behalf of Miss Van Houten and the penalty phase of the first
5 trial; is that right?

6 A Yes, Mr. Kay.

7 Q And you were called by the prosecution as a witness
8 in the guilt phase at Tex Watson's trial; is that right?

9 A Correct.

10 Q Even having been called as a witness for us, you
11 did testify in the guilt phase that Mr. Watson did not have
12 the capacity to commit first degree murder, did you not?

13 A I did.

14 Q And then Mr. Keith, on behalf of Mr. Watson, called
15 you in the sanity phase of Mr. Watson's trial, and you testified
16 that at the time of the Tate and LaBianca murders that
17 Mr. Watson was insane; is that right?

18 A Yes, I did.

19 MR. KEITH: Legally insane or layman insane?

20 Q BY MR. KAY: Well, you testified he was legally
21 insane?

22 A Legally insane, I believe.

23 Q Now, isn't it true that your state of mind now,
24 as I talked to you briefly last night after court, is that you
25 were very upset in the Watson trial that the jury convicted
26 Mr. Watson of seven counts of first degree murder, one count
27 of conspiracy to commit murder, and found him to be sane at
28 that trial?

1 You were upset about that.

2 A I don't think that's accurate, that I was upset
3 about it.

4 I think that my exact words were that I feel that
5 there are some historic issues involved in the law taking --
6 establishing some definitions about what constitutes mental
7 illness, where premeditation stops and starts, and that I
8 felt that that was a critical issue.

9 Q Well, in talking with me last night, you were not
10 at all pleased with the jury verdict in the Watson case, were
11 you? You thought it was unfair.

12 A No, I don't think I did, Mr. Kay. I don't remember
13 being upset with the jury's decision at all.

14 I don't remember our talking about that aspect of
15 it at all.

16 Q Well, didn't you tell me last night that you felt
17 that Mr. Watson's -- you felt his capacity was more diminished
18 than Miss Van Houten's at the time of the murder?

19 A That I did say. I felt that if he --

20 I felt he represented a case of someone who was
21 truly suffering what I would call insanity. That was my point.

22 And that -- I think I also extended my comments
23 with you personally to state that I felt that perhaps of all
24 the people involved he might have been the sickest.

25 Those were my exact words, as I recall it.

26 Q Now, are you testifying in this trial on
27 Miss Van Houten's behalf about what you feel her diminished
28 capacity is to, shall we say, right what you felt was a wrong

1 done to Mr. Watson in his trial?

2 A No, I would say that that would really be a wild
3 speculation. If anything, and you know me fairly well, you
4 know that my stance is very firm, ideological, almost, about the
5 role of psychiatry in the courts; that I insist that I must
6 never be placed in the position where I feel that I'm asked
7 to be an adversary; that I'm a scientist and a physician, and
8 I'm going to find what I find without prejudice for who is
9 going to win a case.

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1 In fact, I think that they are immiscible,
2 scientific process, any involvement as an expert witness,
3 and the idea of adversariness arguing for a win or a loss.

4 So I would insist that my involvement has nothing
5 to do with trying to right a wrong or undo something I think
6 that was unfair.

7 I'm here as a physician, as a scientist, and my
8 conclusions are on that basis.

9 Q But wouldn't you say that in our conversation last
10 night that you did think that it was unfair that Mr. Watson
11 was convicted of first degree murder and found sane?

12 A No, that wasn't my point. I think you must have
13 misunderstood.

7-1
1 I felt that if ever there were a mistake in how
2 insanity were handled by our society, that was a good example
3 of it.

4 That was the point I was trying to make.

5 Q Now, do you know a Dr. Lester Grinspoon?

6 A Yes.

7 Q And did you -- Was his being on this case as a
8 result of your recommendation to Mr. Keith?

9 A I gave Mr. Keith a list I think of a half dozen
10 possible people who might assist in evaluating Miss Van Houten
11 at this time.

12 He was one on the list.

13 Q Now, have you and Dr. Grinspoon talked at all
14 about your diagnosis on the case?

15 A Dr. Grinspoon and I had supper after he had done
16 his examination and reached I think his conclusions as to
17 Miss Van Houten's current mental status.

18 We then discussed informally his ideas and mine.

19 Q Now, before that did you have any conversations
20 with Dr. Grinspoon?

21 A The only conversation I had was -- I think I had
22 two or three.

23 And those were largely to let him know that he
24 was going to be called, and to ask if that were all right,
25 that I had recommended his name.

26 Then I had a phone call with him to let him know
27 when I was coming out, because we thought we might be able to
28 find some time outside the case to deal with other matters

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1 that we have in common, psychiatric committee work.

2 And then the last call was just before he came
3 out and I came out -- I guess it was last week -- to confirm
4 that we were coming.

5 During these conversations I made it a point not
6 to discuss my views or my attitudes about the case.

7 But in fairness, he had a copy of my 1971 report,
8 which he told me he had read before he saw her.

9 Q Now, do you also know a doctor named Keith Ditman?

10 A I know Dr. Ditman from my UCLA days.

11 Q And you testified that you are connected in
12 New Mexico with the Vista Sandia Hospital?

13 A I was on the staff at Vista Sandia until we opened
14 our own psychiatric unit in Santa Fe.

15 I'm technically on the courtesy staff there now.

16 MR. KEITH: May I interrupt and address the court?

17 Could I have Dr. Hockman's report? The reporter
18 would like very much to have it.

19 THE COURT: As long as it will not interfere with our
20 proceedings here.

21 MR. KEITH: No, it won't; that's why I interrupted.

22 MR. KAY: What's that, the old report?

23 MR. KEITH: Yes.

24 (Brief pause.)

25 MR. KEITH: Thank you.

26 Q BY MR. KAY: Speaking of the old report, you didn't
27 file a new report for this case, did you?

28 A No, I got piles of notes, as I gave you last night.

1 I have scribbles and early manuscript drafts and
2 things I dictated driving to and from the airport.

3 But I have not put it together in a finished
4 product.

5 Q All right.

6 Getting back to the Vista Sandia Hospital.

7 Does Dr. Ditman have any connection with the Vista
8 Sandia Hospital?

9 A Vista Sandia, not directly.

10 Vista Sandia is owned by a corporation which owns
11 a number of psychiatric hospitals, one in New Mexico,
12 several in California.

13 I have no financial involvement whatsoever in that
14 group.

15 I do serve on the courtesy staff, which means if
16 I have an emergency I can admit up to 12 patients a year to
17 their facility.

18 Dr. Ditman serves I think in some corporate
19 responsibility to the corporation that owns all the hospitals.

20 But we have our own staff, our own medical
21 bylaws. We function as physicians independently of the
22 corporation which operates the hospital.

23 Q By any chance did you happen to be at the
24 American Psychiatric Association meeting in Toronto --

25 A Yes.

26 Q -- in May?

27 A Yes, I was there.

28 Q And did you see Dr. Grinspoon there?

7-4
1 A I saw Dr. Grinspoon, and went to one committee
2 meeting with him.

3 Q Did you see Dr. Leigh Roberts there also?

4 A No, I did not. And I didn't see Dr. Ditman,
5 either.

6 Q Well, I don't know that he went there.

7 A I don't know if he did, either.
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1 MR. KEITH: He did, I think.

2 MR. KAY: Well, he didn't testify that --

3 THE COURT: Well, let's put your next question.

4 MR. KAY: All right.

5 Q Now, Dr. Hockman, you were telling us yesterday
6 that you took into consideration in this case, in formulating
7 your opinion, your interviews, your past interviews with
8 Miss Van Houten.

9 Is that right?

10 A Yes.

11 Q And your past interviews with Miss Krenwinkel
12 and Miss Atkins.

13 A And Mr. Watson.

14 Q And Mr. Watson.

15 And you took into consideration the testimony
16 of Miss Van Houten in the penalty phase of her trial, and
17 Mr. Watson's testimony in his trial.

18 A Um-hum.

19 Q Now, in that regard --

20 And of course you are aware that Mr. Keith
21 represented Mr. Watson in his trial, are you not?

22 A Yes.

23 Q All right.

24 Taking into consideration the testimony of
25 Mr. Watson in his trial, did you take into consideration the
26 fact that Mr. Watson testified that he and Miss Krenwinkel
27 killed Leno LaBlanca?

28 A Yes.

7-6
1 Q And did you take into consideration that Mr. Watson
2 testified that while they were killing Leno Lallianca he heard
3 Miss Van Houten scream in the bedroom, and went in and saw
4 her wrestling with Rosemary Lallianca and stabbing her at the
5 same time?

6 Did you take that into consideration?

7 A To be honest with you, I haven't reviewed the
8 Watson testimony since I was in that trial, because Mr. Keith
9 could not provide me with transcripts of that --

10 The transcripts he had I think were with
11 the appellate lawyer on that.

12 So I have not reviewed that testimony in five
13 years, or six years, I guess.

14 Q Well, I thought you just told us you took that
15 into consideration, Dr. Hockman.

16 A I took into consideration my original report.
17 But the testimony that I provided in the trial
18 was not available to me, so --

19 Are we clear now on what -- Am I clear on the
20 question? I'm not sure.

21 Q Well, I asked you before if you took into
22 consideration Mr. Watson's testimony at his trial as to what
23 happened.

24 A Oh, I see.

25 What I took into consideration is what he told
26 me and what I recall of the trial.

27 I did not have written copies of the trial
28 documents, of the transcripts.

7-7
1 Q Well, you read his testimony at the first trial
2 before you testified, did you not?

3 A Yes, I did.

4 Q And did you take into consideration that he
5 testified that when he went into the LaBianca -- Mrs. LaBianca's
6 bedroom and saw Miss Van Houten wrestling and stabbing
7 Mrs. LaBianca, that Miss Kronwinkel was still out in the
8 living room where Mr. LaBianca was?

9 Did you take that into consideration?

10 A Well, that's what he told me, as I recall.

11 I had a lot of difficulty, though, I should note,
12 with what he was telling me, because if you will recall I
13 felt that he was not in a competent mental status at the time
14 that I examined him.

15 I felt that he was legally insane.

16 Q Well, but you did testify that he could deliberate
17 and premeditate the murders, did you not?

18 A Well, I did originally, until I had someone point
19 out to me what the law meant by "deliberate and premeditate,"
20 which would be incompatible with his degree of mental illness.

21 And that's why subsequently in that trial I had
22 to come back and essentially reverse myself by saying, "Wait,
23 under the law he couldn't have deliberated because this is how
24 the law defines it."

25 So I had to take the stand and say the man was
26 suffering from a psychosis at the time, and therefore he had
27 diminished capacity.

28 Q Well, you testified at the first trial that you

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1 didn't think that anybody who committed a murder could
2 maturely and meaningfully reflect on the gravity of their
3 contemplated act of murder, did you not?

4 A Well, I'm trying to recall.

5 Didn't we discriminate between the professional
6 murderer and the murder of passion or the murder of
7 circumstance?

8 Q No.

9 A Well --

10 MR. KEITH: Well, now, Your Honor, may we approach
11 the bench?

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1 THE COURT: Well, there is no need to approach the
2 bench.

3 When the attorney asks a question, then I think
4 you should answer the question and not by asking another
5 question.

6 All right; let's put your next question.

7 Q BY MR. KAY: All right.

8 Didn't you in fact testify that in your
9 understanding of --

10 Well, first, you were asked if you knew what
11 the legal meaning of "mature" was; and you said that you did
12 not know what that term meant legally.

13 Is that right?

14 A At the time you mean?

15 Q Yes.

16 A Yes.

17 Q Is that still your opinion?

18 A No; I would say that I am better informed about
19 what the law means by competent versus incompetent, or
20 diminished capacity versus nondiminished capacity.

21 Q I'm asking you about the term "mature."

22 A Well, I don't --

23 Q Do you know of any legal definition?

24 A I don't, no.

25 Q All right.

26 And you stated in the Watson trial, did you not,
27 that you didn't know any legal definition of the term
28 "mature."

1 Did you not?

2 A Correct, as far as I can recall it.

3 Q All right.

4 Isn't it true that you testified -- that you
5 gave what you termed to be a "psychiatric definition of
6 mature"?

7 A Yes.

8 Q Do you recall that?

9 A No, I don't recall what I said.

10 I haven't read the testimony, as I say.

11 Q All right.

12 Is it not true that you said that in your belief
13 that no person, no psychiatrically mature person would
14 commit -- well, could meaningfully and maturely reflect on
15 the gravity of the contemplated act of murder?

16 A Now --

17 MR. KEITH: I object --

18 Don't --

19 I object to the question on the grounds that it's
20 not the best evidence.

21 I would like to see the record.

22 MR. KAY: I have got it right here.

23 THE COURT: The objection is overruled.

24 Q BY MR. KAY: Do you remember so testifying?

25 A As you talk about it, my memory is beginning to
26 give me some information about what I think I did say.

27 As I said, I haven't had a chance in six years
28 to review what I said; so it's a little hard to remember it all.

1 I think that my point that I was trying to make
2 was if someone were emotionally psychologically mature --
3 and there was no legal definition of that.

4 I believe we discussed that in that trial, what
5 "mature" would mean; and I attempted to give you a definition.

6 That by definition if someone were mature, they
7 were coherent, they were testing reality well, they were
8 in good -- they were in good touch with their own impulses
9 and needs and feelings and were consciously managing those
10 impulses well, I felt by definition that would be incompatible
11 with murdering someone else.

12 MR. KAY: May I have just a moment, Your Honor?

13 THE COURT: Yes.

14 (Brief pause.)

15 Q BY MR. KAY: Do you remember being asked this
16 question and giving this answer:

17 "Q Would it be a fair statement to say
18 that your opinion is that if someone murders
19 another party, by definition the killer is
20 psychiatrically immature?"

21 "A Yes, I would have to agree with that."

22 A I would still agree with that.

23 Q Do you remember being asked this question:

24 "Q So from a psychiatric viewpoint,
25 as opposed to a legal viewpoint, you feel that if
26 anyone commits murder, by definition a person did
27 not maturely and meaningfully reflect upon the
28 gravity of the contemplated act; is that

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correct?

"A In that sense, yes."

A In that sense, yes.

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OF THE
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

8-1

1 Q And you still agree with that?

2 A Yes.

3 Q Now, you testified yesterday that in your first --
4 well, in your interview with Miss Van Houten at the first
5 trial, that other than telling you that Manson was not present
6 on the night of the murder, LaBianca murder that is, and that
7 he had little influence over her, that her descriptions of
8 what happened in 1971 are pretty much consistent with what she
9 told you now; is that right?

10 A Yes.

11 Q Did they return a copy of your report to you?

12 A Yes.

13 Q All right. I'd like to go over that report a little
14 bit with you, Doctor.

15 A All right.

16 Q On page 1, Doctor, in your report did you state --
17 it's about the fourth sentence down, I guess, in talking about
18 Miss Van Houten --

19 "Her manner is somewhat flippant
20 and initially suspicious. She appears to be
21 bright."

22 Was it your opinion of her at the time that she
23 appeared to be bright?

24 A Bright but poorly educated.

25 Q But you felt that she was bright at that time?

26 A Yes.

27 Q As a matter of fact, in her degree of brightness,
28 wouldn't you say that she, in your opinion, is considerably

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1 brighter than Mr. Watson, Miss Krenwinkel, and Miss Atkins,
2 from your interviews with them?

3 A I would say that Miss Krenwinkel is bright also;
4 perhaps not as much intellectual potential as Miss Van Houten.

5 But Miss Atkins I found average intelligence and
6 Watkins average probably.

7 Q Well -- you mean --

8 A Watson, I beg your pardon.

9 Watkins was a little above average.

10 Q All right.

11 Do you recall that she told you, when you talked
12 about her past history, the second paragraph,

13 "The subject could not recall any
14 earliest memory of life. She did have a general
15 memory of always being the smallest of the children
16 with whom she played. She says, with some pride,
17 that consequently she was always able to manage
18 the other kids by influencing them."

19 Did she tell you that?

20 A Yes.

21 Q Did she also describe to you a fit of, shall we
22 say, sudden extreme anger where she hit her sister Betsy in
23 the head with a shoe?

24 A She described -- I described it as infrequent
25 instances when she would get extremely angry with her younger
26 stepsister Betsy. She states that she was a hard person to
27 make angry but that when Betsy pushed her sufficiently on a
28 number of occasions -- on several occasions it should be --

1 she had experiences of sudden extreme anger which culminated
2 with her hitting Betsy in the head with a shoe or some other
3 object at hand.

4 She does not recall any injury occurring as a
5 consequence of this, however.

6 Q Okay.

7 On the second page, Doctor, did she state to you
8 about -- well, the first complete paragraph, about the third
9 sentence, I guess -- that she stated --

10 ". . . that she believed in elves
11 when she was a young child and that her mother
12 in many ways encouraged such magical thinking.
13 For example, she recalls that her mother
14 encouraged her to wish for things to the elves
15 and frequently would give her small gifts of
16 money or other objects, allegedly from the
17 elves."

18 Do you remember her telling you that?

19 A Yes.

20 Q Now, in the next paragraph, getting down to her
21 14th year in junior high school, do you remember her telling
22 you about meeting Bobby Mackey?

23 A Yes.

24 Q Do you recall that?

25 Do you recall her telling you, however, that before
26 she met Bobby Mackey, still while she was in her 14th year of
27 life, that she had her first experience of sexual intercourse?

28 A That's correct.

1 Q And that she stated that she had her first sex
2 with a boy that she met on the beach.

3 "She states he was kind of a beer-
4 drinking beach 'hanger-oner' and she really felt
5 little for him."

6 Do you remember her stating that to you?

7 A Yes.

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1 Q And do you remember her stating to you that when
2 she had sexual intercourse with this fellow that she did it
3 in the bedroom next to where her father was, and that her
4 father was in the next bedroom when she had sex with this
5 person?

6 Do you remember her telling you that?

7 A I'm looking at it.

8 Q It's at the bottom of the -- of that paragraph
9 that says,

10 "Relating back to her initial
11 sexual experience . . ."

12 ". . . this experience occurred
13 in her father's home in Manhattan Beach. In
14 fact, she states her father was in the next
15 room at the time, although she alleges he knew
16 nothing of it."

17 Do you remember her telling you that?

18 A Yes, I do.

19 Q Doesn't this, in your opinion, show some degree
20 at an early age on Miss Van Houten's, shall we say, risk-taking,
21 that she was a person that was not adverse to taking risks?

22 A I would say it said nothing more about her ability
23 to make decisions appropriately than it does about risk-taking
24 per se.

25 I wouldn't see that as a risk-taking behavior
26 primarily. I would be -- at that point I'd be concerned about
27 her judgment already at that early age.

28 And putting that together with what I mentioned

1 above there, her magical thinking and these -- those repeated
2 hypnagogic experiences -- do you remember that in the second
3 paragraph? Falling asleep, she would hear someone calling
4 her name or speaking something incoherent to her -- at that
5 point, with that information, I would already be worried about
6 how her reality testing was shaping up as she grew older.

7 Q Well, don't you think that the fact that here at
8 14 years old she's engaging in sexual intercourse already,
9 she starts taking LSD the next year, doesn't she kind of show
10 a -- kind of a risk-taking pleasure-seeking type attitude on
11 her part even at an early age?

12 A Well, I think that that would be fair to describe
13 that as risk-taking.

14 It's even more enlightening if you read the
15 sentence there when I discuss about that first sexual experience:

16 "She states he was a kind of
17 beer-drinking beach 'hanger-oner' and she
18 really felt little for him. She states that
19 she had no sexual information prior to this
20 and was rather bewildered by the event."

21 Now, how can someone be bewildered by something
22 that they allow themselves into unless they are acting
23 unconsciously, unreflectively?

24 Q Unless they just want to experiment and find out
25 what it's all about.

26 A It could be, but --

27 Q And --

28 A -- but the risk-taking is the behavior; the cause

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is the lack of judgment, the lack of concern for their own welfare, their indifference to themselves.

You see, that's the cause.

The symptom is, well, then they take risks, they ride their bicycle on the freeway, they play with matches, lighter fluid.

Q Couldn't it just be described as kind of pleasure-seeking?

A No. I think that would be judgmental in a moral term, and I wouldn't use that psychiatrically.

Q But you think that that might be a possibility, though, don't you, Doctor?

A That she was primarily motivated by pleasure-seeking?

Q Yes.

A I think that I would consider that pleasure-seeking might be a motive in what she was doing.

I would be far less concerned with her pleasure-seeking than I would be her judgment and her ability to establish limits on her pleasure-seeking, among other things.

I think, in other words, the pleasure-seeking is a constant in all of us. It's how we handle that that distinguishes whether or not we are in trouble or not.

Q Well, now, did she tell you that while she was in high school, when she wanted to be with her boyfriend Bobby Mackey, that she'd just play hockey from high school?

Did she tell you that?

A Yes, yes.

1 Q Did she tell you when she wanted to take drugs,
2 she'd take drugs?

3 A Um-hmm, yes.

4 Q Did she tell you when she wanted to have sex, she'd
5 have sex?

6 A Yes, particularly later on after she left home
7 it was -- she was very --

8 Q Well, we will get into that.

9 A Okay.

10 Q I'm talking about at an early age.

11 A I beg your pardon, yes.

12 Q Did she tell you about running away with Bobby
13 Mackey one weekend, running away from home, going up to
14 San Francisco at an early age, about, oh, say 15?

15 A Yes. There is a section where I describe that.

16 She said she -- I remember she said she ran away
17 from home and then ran back home after she was in the Haight-
18 Ashbury for a weekend and it wasn't the garden of love and
19 peace that she thought it might be.

20 Q Did she tell you who made the decision about
21 running away from home that weekend?

22 A I don't recall that, to be honest with you.

23 Q Did she tell you who actually made the airline
24 reservations and all the arrangements for running away that
25 weekend?

26 A No.

Q Now, I take it that she did tell you about going to Sawyer's Business College and completing training to be a certified legal secretary.

A Yes.

Q After graduating from high school.

A Yes.

Q And back in 19 --

In your report here did she tell you that after --

Well, let me ask you this: Did she tell you that after leaving Sawyer's Business College, after graduating, that she really had no intention of getting a job?

A She told me that she felt that that wasn't the right thing for her, that wasn't what she wanted to do, really.

Q Did he tell you that she just wanted to --

Well, did she tell you that she was getting money from her parents to live?

A Her father, as I recall.

Q Did she tell you that she just wanted to live off of her father's money rather than get a job herself?

A No.

Q Now, when she --

After she graduated from Sawyer's Business College and left her father's home, did she tell you about moving to a rural area in Northern California?

A Yes.

Q During that --

Did she tell you that:

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1 "During this period Leslie lived in
2 a farming situation in a loose communal arrangement.
3 The use of drugs was regular and varied, including
4 marijuana, LSD and mescaline. In this communal
5 setting" --

6 I'm reading from your report, page 4, the second
7 paragraph:

8 "In this communal setting she made no
9 intense relationships and had a variety of casual
10 relationships, both psychologically and sexually,
11 with available males."

12 Did she tell you that?

13 A Yes.

14 Q Did she tell you:

15 "After this farming period, she moved
16 to San Francisco, after having met Bobby Beausoleil.
17 This next period of her life was one in which she
18 lived in a 'melage' a quatre" --

19 A "Menage" a quatre.

20 Q All right; thank you.

21 A That's a typo. It's not "melage"; it's "menage."

22 Q All right. I can speak spanish but not french,
23 not very good.

24 Okay. She moved into -- this next period of her
25 life is one in which she lived with Bobby, Gail and Gypsy.

26 "All three girls shared Bobby
27 emotionally and sexually during this period."

28 Did she tell you that?

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A Yes, she did.

Q Now, did you remember reading Paul Watkins --
Well, you said you interviewed Paul Watkins;
right?

A Yes.

Q Did you also read his testimony in the trial?

A Yes, I did.

Q All right.

Now, assume that Paul Watkins testified that the
first time he met Leslie, about two hours after he first met
her he slept with her sexually, made love to her and Gail,
and they were all three of them together;

And not only were they making love, but the two
girls were engaging in sexual activity.

Now, do you remember reading that?

A Yes.

Q All right. Keeping that in mind, and keeping in
mind the sexual activity that Miss Van Houten engaged in in
this rural communal setting beforehand and with
Bobby Hackey and with the fellow on the beach before that.

You talked about yesterday Mr. Manson being able
to manipulate the people because he got rid of their
inhibitions by using sex.

And my question is: What sexual inhibitions did
Miss Van Houten have when she joined the Family? What did she
have left that somebody had to manipulate to get away?

A Well, I'm not privy to all the details of what she
had and had not done prior and subsequent to being with

1 Mr. Hanson.

2 Q Well, I'm just saying, just assuming what you do
3 know, what she told you in the report, and assuming
4 Mr. Watkins' testimony, assuming her relationship with
5 Bobby Beaucelcil, with Bobby Mackey, with the fellow on the
6 beach in this rural communal setting.

7 I mean, what's left, Doctor?

8 I mean, what inhibitions are there that Mr. Hanson
9 or anybody else has to get rid of?

10 A I'm not certain.

11 I think if we review, though, what I said yesterday,
12 I was making a point that this inhibition was one of the
13 techniques, I felt, that had been employed in changing the
14 values and acquiring the crazy beliefs that they came to
15 share. That was my point.

16 The sexual activities were used as one form of
17 not only attacking their values, whatever residual "straight
18 or establishment" beliefs they had, but it was also a way of
19 reinforcing the group process, the group's influence upon the
20 acquisition of this shared delusional system, these crazy
21 ideas.

22 So my point was, to put sexuality in there was
23 one of a number of forces at play.

24 Q Well, wouldn't you say --

25 Well, let me add one thing on the sex before we
26 got out of that.

27 Did she also tell you back there in 1971 -- and
28 this is in the last paragraph on page 4:

"Leslie states" --

1
2 On, it talks about the sex at the Spahn Ranch,
3 as "their sexual behavior was communal."

4 "Leslie states that her feelings in
5 this area have always been sort of open and free."

6 A Um-hum.

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1 Q (Reading),

2 "She says that she never much looked
3 for emotional relationships in people with whom
4 she would have sex, but always attracted by
5 appearance, and in particular beauty."

6 And she later described Bobby Beaussolail, for
7 instance, "As an absolutely beautiful guy, as having a perfect
8 face and appearance."

9 Don't you think that --

10 Well, in your opinion wasn't Miss Van Houten,
11 even before she joined the Family, just from what she's told
12 you, you know, and assuring the Watkins testimony.

13 Don't you think she was a pretty sexually
14 experienced female?

15 A Well, I would say that for that period of time --
16 and with what experience I have, or information I have about
17 our society at that point -- that she represented probably
18 at least 20 to 35 percent of the population of her own age
19 group in terms of her behaviors and attitudes.

20 She was not that extraordinarily different from
21 many, many of the girls I interviewed during that period
22 of study.

23 I would say that her sophistication was not that
24 unusual. But certainly she was far from a virginal, naive
25 girl.

26 Q Also, wouldn't you say that before she ever joined
27 the Family she was an experienced drug taker?

28 A I would say that she was -- she would have met

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1 our definition for a chronic drug user, definitely.

2 Q And wouldn't you say that in the things that she
3 had done, like apparently having sex when she wanted to,
4 playing hooky from school when she wanted to, just taking
5 off with Bobby Beauzoleil when she wanted to, joining the
6 communal, this rural communal setting when she wanted to, not
7 getting a job because she didn't want to --

8 Wouldn't you say she was kind of an independent
9 person even before she joined the Family?

10 A No.

11 In fact, what I did say was precisely the opposite.
12 I felt in my report that she was an extremely dependent person,
13 with large and powerful unmet emotional needs.

14 What I would have described her as is quite
15 impulse ridden and very immature in her ability to contain
16 that emotional material, those impulses. I said that.

17 Q Didn't she pretty much do whatever she wanted to
18 do when she wanted to do it?

19 A Well, see, now -- Yes, but that's not independence.
20 Genuine independence, from a psychiatric point of
21 view, would be the ability to function autonomously, to
22 make wise and effective decisions, to restrain feelings when
23 you need to and to not when you shouldn't.

24 That's independence, when you are talking
25 autonomously.

26 She was defiant, she was impulsive, and she
27 acted out -- as we say in psychiatry -- she acted out her
28 emotional conflicts.

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That's what I would -- that's how I would describe that.

I would not call it independence because it isn't independence; it's immaturity.

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1 Q Did she tell you --

2 Going to page 5, did she tell you in your
3 interview with her in 1971 -- oh, I guess it's about two-thirds
4 of the way down. It's not really a paragraph, but the first
5 block of writing.

6 In talking about Charlie Hanson:

7 "She says that Charlie was always kind
8 of the philosopher of the group, and she always
9 enjoyed listening to his songs and music and thought
10 he was talented. But she says that she was never
11 much into philosophy and intellectual things
12 like that. And though she listened she never got
13 that involved with it. Now, in retrospect she
14 thinks that Charlie was much more correct than
15 she could appreciate at the time. At this point
16 in the interview she related a number of events
17 and experiences she has had in jail, where she
18 has talked to Chicana and black women, and is even
19 more convinced of the polarization of society and
20 the possibility of revolution.

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Did she tell you that?

A And the next sentence, too.

Q (Reading)

"Leslie became animated and expressed fear and concern over the possibility of violent revolution although she anticipated that she would be put away, ironically, in a rather safe place."

A Yes.

Q By state prison.

She'd already --

By the way, when you interviewed her, she'd already been convicted of two counts of first degree murder and one count of conspiracy to commit murder; is that right?

A Yes.

Q And when you interviewed Susan Atkins, Susan Atkins had already been convicted of seven counts of first degree murder and one count of conspiracy to commit murder?

A Yes.

Q And when you interviewed Patricia Krenwinkel, she had also already been convicted of seven counts of first degree murder and one count of conspiracy to commit murder?

A Yes.

Q Now, on the LaBianca murders, what she told you about that, did she tell you that,

"After about 20 minutes she describes leaving the car and entering the house where she walked in upon a scene in which Mr. LaBianca

1 was sitting with his hands tied behind him
2 with his wife next to him with her hands free.

3 "She states that Mrs. LaBianca
4 was quite agitated and frightened which 'put
5 me on a bumper.' She said her initial reaction
6 to the scene was like, 'Oh, wow, what was going
7 on here.' At this point Mrs. LaBianca offered
8 to give them whatever they wanted."

9 Did she tell you that then?

10 A. Yes.

11 Q. And is that consistent with what she told you now?

12 A. Yes.

13 Q. Did she also tell you that, reading further down:

14 "But we went into the room with
15 her, and she began to show us all her fancy
16 clothes and expensive things. I was looking
17 at Mrs. LaBianca's clothes in the closet when
18 something suddenly flashed out of the corner of
19 my eye. I turned around, and I saw Mrs. LaBianca
20 about to hit me with a lamp. My initial reaction
21 was real anger. I thought, 'Okay, if you're
22 going to be that way, I'm going to be that way,
23 too.' Then she describes jumping on Mrs. LaBianca
24 and wrestling her to the floor. She does not
25 recall exactly how she did this but thinks she
26 had one knee in her neck and one in her stomach.
27 She grabbed a pillow, took off the pillowcase,
28 and jammed it over Mrs. LaBianca's head and

10-3

1 shoulders. She then ripped out the end seam."

2 Did she tell you that in 1971?

3 A Yes, she did.

4 Q And is that consistent with what she told you now?

5 A No, There are changes now, although I would have
6 to review my notes to be specific as to those changes.

7 When she talked about it now, she didn't go into
8 the detail of this.

9 And I might add that at the time, as I've stated
10 before, I was dubious about this narration. It didn't make
11 sense to me. Didn't seem to be workable the way it was
12 described.

13 Her, individually, wrestling the woman down,
14 getting a pillowcase over her head, tearing out an end seam
15 while the patient is struggling -- I mean the person's
16 struggling --

17 I'm hung up on patients, I guess, today.

18 Q I realize that.

19 A But at the time, I didn't fully accept that
20 explanation; didn't hold water to me.

21 Q All right.

22 She did tell you that?

23 A That's what she told me at the time.

24 Q Did she also tell you, going to page 5:

25 "She states that she remembers
26 little of what happened subsequently, except
27 that Mrs. LaBianca was overwhelmed with fear
28 and continued to repeat over and over again

1 that she wouldn't call the police and would
2 they just leave her alone and she promised she
3 wouldn't call the police. Leslie states that
4 it seems like all she could hear was the word
5 police, police, and that she in retrospect
6 thinks that Mrs. LaBianca's fear and terror
7 were seeping into her and filling her with the
8 same feelings."

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1 Did she tell you that then?

2 A Yes.

3 There is a whole paragraph there about what she
4 was feeling that I thought was very informative, particularly --

5 Q And is this consistent with what she told you
6 now?

7 A Yes.

8 Q Did she state to you then,

9 "She does not recall how it
10 happened, and the next she remembers is the
11 feel of the knife going into Mrs. LaBianca.
12 She states that she lost track of the number
13 of times that she stabbed her."

14 Did she tell you that then?

15 A Yes.

16 By the way, if I may change the answer to my
17 last question, I recall some inconsistencies.

18 I said it was consistent with what she told me
19 now, and I recall something that is not consistent with that.

20 In this story she left out -- In the original
21 1971 narration, she left out the presence of Watson telling
22 her to stab Mrs. LaBianca.

23 On this occasion she recalled fear of Tex.

24 Q Um-hmm.

25 A And that was not in the original story.

26 Q You are saying that when you talked to her now
27 she recalled fear of Tex?

28 A Yeah.

1 Q Now, assume that in this trial, let's see, we
2 have Linda Kasabian, Barbara Hoyt, Dianne Lake -- well, at
3 least those three -- assume that they testified in December
4 of 1969 that Mr. Watson and Miss Van Houten appeared to spend
5 almost all their time together; that they had a boyfriend-
6 girlfriend relationship.

7 Did you know that when you --

8 Well, of course, you interviewed her before you --

9 A No, I never heard anything about that either from
10 Watson or from her.

11 Q All right.

12 Well, assume that that was the testimony of at
13 least those three or four witnesses.

14 Doesn't that make you somewhat skeptical of her
15 saying that she had fear of Watson?

16 A No.

17 I think that there was fear present in all those
18 relationships out there, fear of disapproval, fear of rejection,
19 and I think specifically, as I think about her narration, Tex
20 runs in with this bayonet, a bloody bayonet or knife, I don't
21 recall which it is, tells her to do something, I don't recall
22 the exact words, you know, something to the effect of stabbing
23 Mrs. LaBianca.

24 She has a moment of hesitation about it. She
25 hasn't actually started to do it.

26 She described a fear of looking at this woman
27 lying there stabbed.

28 She alleged to me that she flashed on the idea

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1 that she'd better do it or that might be her, too, because
2 Tex was very much into doing what Charlie had instructed him
3 to do and to make it witchy.

4 And that's the moment at which -- that kind of
5 critical moment at which she decided, you know, that the flash
6 of doing it came into her mind, at which point she began to
7 stab.

8 And then we join back to the narration here.

9 Q Well, now, Doctor --

10 A That's what she told me, Mr. Kay.

11 Q And I take it you had a chance to read this tape
12 recording that she made with Marvin Part?

13 A I heard the tape, I have not --

14 Q You heard the tape?

15 A Yes.

16 Q All right.

17 A Yes.

18 Q All right.

19 And you remember the part where she was talking
20 about how even before they went out on the night of the
21 LaBianca murders, "I wanted to go; I was feeling kind of bad
22 because I didn't get to go," meaning on the Tate murders,
23 "and I was sure hoping that if we did it again I could -- I
24 could go."

25 Do you recall reading that?

26 A Yes. And she elaborated on that in my interviews.

27 Q Oh, I'm sure she did.

28 MR. KEITH: Oh, may that -- well --

1 Q BY MR. KAY: Now, Doctor, do you also recall,
2 after Leslie telling you about stabbing Mrs. LaBianca back
3 in 1971, that she told you that --

4 "At this point Leslie recalls
5 running to get a towel and beginning to wipe
6 down everything in sight. 'It was almost like
7 a TV show, or something. I began to flash
8 on thoughts like I've got to get the fingerprints,
9 I've got to get away from here, I can't get caught.'
10 She began to wipe down the walls and began to
11 wipe down individual rings that she had handled
12 of Mrs. LaBianca's jewelry."

1 Do you remember her telling you that then?

2 A Yes. I --

3 Q Did she tell you at the present time about handling --
4 and by "at the present time" I mean your interviews with her
5 this year -- about handling objects of Mrs. LaBianca's
6 jewelry?

7 A She didn't discuss that this time when we reviewed
8 the events.

9 As I stated yesterday, I didn't spend a great deal
10 of time reviewing her personal history or the actual events
11 at the LaBianca house with her in terms of --

12 Let me retract that. We didn't spend any time
13 with early childhood things. And I went over this with her
14 again I think it was the third or fourth day.

15 She was reluctant to listen to the tape, the '69
16 tape.

17 I finally played it for her, I think, on the fourth
18 day that I was interviewing her. We listened to it again
19 together.

20 And then we discussed it subsequently.

21 She was very upset to hear herself again at that
22 point.

23 Q Well, other than playing the tape, did you talk
24 about the events at the LaBianca house?

25 A Yes.

26 Q And did she tell you in the current interview you
27 had with her about her handling items of Mrs. LaBianca's
28 jewelry?

1 A I don't recall discussing the jewelry items,
2 whether she handled those this time. But it is in my 1971
3 report that she had gotten, in fact, tripped on wiping things
4 and spending long seconds wiping an individual ring.

5 "She said, 'I guess the vibrations
6 were so heavy in what was going on with
7 Mrs. LaBianca that Tex just must have reacted
8 spontaneously, like ESP or telepathy in the
9 other room.'"

10 Q Did she tell you in your current interview about
11 taking a small brown purse from the LaBianca residence?

12 A No. She told me about getting some milk and some
13 things to eat out of the refrigerator.

14 Q Did she tell you about taking some money from the
15 LaBianca residence?

16 A I vaguely remember something about some money,
17 some change or money, something about that.

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1 Q Well, there was something on the tape about that.
2 but other than the tape, did she herself tell you that?

3 A I think there was some reference to taking some
4 money before they hitchhiked back.

5 I don't recall exactly at this point.

6 Q On page 7 in your interview, Doctor, did you state --
7 and these are your conclusions, apparently, at the time of
8 your interview:

9 "Her speech is fluent, cogent, coherent
10 and she reaches her goal ideas with facility. She
11 occasionally will divert her conversation onto a
12 tangent of special consideration, but she always
13 returns effectively to her original goal idea.
14 Her memory for immediate and recent events seems
15 intact, and she is unquestionably oriented in
16 person, place, time and situation."

17 Were those your conclusions then?

18 A Yes, they were; those were part of my conclusions.

19 Q Did you say further down, the second
20 paragraph:

21 "Her thought process is at this time
22 totally unremarkable. There is no evidence of
23 hallucinations, delusions, though interjections"

24 By the way, what do you mean -- Well, let's start
25 over.

26 You say there is no evidence of hallucinations.
27 What do you mean by that term?

28 A What is a hallucination?

1 Q Or what do you mean by it when you put down,
2 "There was no evidence of hallucinations"?

3 A Well, a hallucination is a thought event, such
4 as a sound, a sight, a smell -- any one of the senses -- which
5 occurs without any real stimulus.

6 To hear a voice that isn't there, To see a little
7 person, a little green man that isn't there. Those are
8 hallucinations.

9 That was not present in my interview of her on that
10 first evening.

11 Q And then you state that there also was no
12 evidence of delusions.

13 What's a delusion? How would you define that?

14 A Goodness; we ought to understand that one at this
15 point.

16 A delusion --

17 THE COURT: Well, excuse me; we are getting into a
18 little difficulty here on commentaries one way or the other.

19 So when you are asked a question, just answer the
20 question, and then we will go to the next one.

21 THE WITNESS: Yes, Your Honor.

22 A delusion is a psychological state in which a
23 person has a system of belief which is unsubstantiated by
24 reality.

25 For instance, the delusion that the microwave
26 towers are putting thoughts and ideas into our minds.

27 The delusion that the world is about to come to
28 an end, and we must all repent; it's going to happen tomorrow.

1 The delusion that Helter Skelter is coming down,
2 and that it must be started.

3 Q BY MR. KAY: You also stated there is no evidence
4 of thought interjections.

5 What did you mean by the term "thought
6 interjections"?

7 A A thought interjection is -- a typical example
8 of that would be a patient is thinking about ordinary business
9 and suddenly he gets the idea -- he has a flash of his mother-
10 in-law lying on the floor with her throat cut, out of
11 nowhere.

12 He doesn't understand why it's there or how it
13 got there. He immediately calls a psychiatrist.

14 Q You say, further, that there was no evidence of
15 disruptions of thought processes or content.

16 What did you mean by that?

17 A Let's see.

18 Well, really, in the editing I would have added
19 "or other disruptions of thought processes or content," because
20 hallucinations, delusions, thought interjections are
21 disruptions of ordinary thought process.

22 Q Okay.

23 You went on further to state:

24 "I would state unequivocally that her
25 thought processes do not reveal any gross organic
26 brain damage or deficit, and indeed her capacity
27 to abstract is, on gross testing, is no wise
28 different from any of the control or chronic drug

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1 using subject that I have 'used' at UCLA."

2 A That should have been "interviewed."

3 Correct.

4 Q Further down did you say, in the second
5 paragraph:

6 "Leslie views the world as a corrupt,
7 hypocritical place in which man has turned his
8 back on himself, others and nature."

9 A I'm sorry; I don't see that. Where are you?

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1 Q It starts off on the paragraph, the first two
2 words are "the thing," and then you go about two-thirds of
3 the way down.

4 Do you see "Leslie views the world as a corrupt,
5 hypocritical place. . . .?"

6 A Oh, I see it, yes.

7 Q That was one of your conclusions at the time?

8 A Yes.

9 Q Did you also put that:

10 "Leslie is a girl who is as totally
11 alienated as is possible within this society."

12 A Yes.

13 Q Did you put further, in your conclusions:

14 "To begin, if I had originally seen
15 Leslie prior to these murders, as one of my
16 subjects in the UCLA study"

17 And that was a marijuana study, as I recall?

18 A Chronic drug use; all varieties, particularly
19 cannabis.

20 Q Particularly what?

21 A Marijuana.

22 Q As a matter of fact, you wrote some papers or
23 a book on it, marijuana?

24 A A book and a bunch of papers,

25 Q (Reading.)

26 ". . . .I would not have found her
27 that remarkable or distinctive from any of the
28 others. She resembled the entire class of chronic

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drug user in her alienation, rejection of traditional beliefs and behavior, her now-oriented living and her willingness to be stimulus seeking."

Was that one of your conclusions?

A Yes.

Q And what do you mean by her willingness to be stimulus seeking?

A That refers back to the discussion we had earlier this morning on immaturity and impulse control.

That poor restraint or impulsiveness or seeking stimuli.

The difference between having a drink and having six. The stimulus of relaxation that you are seeking and having an after-work drink.

If you couldn't control that desire for that stimulus, that experience, and went on to drink six or eight drinks, then, that would be an example of stimulus seeking and poor impulse control.

Q Stimulus seeking -- in other words, another way to define that would be pleasure seeking?

A Could be. It could probably be most accurately understood as a defense against depression.

Q You put as a conclusion;

"I would have been struck, however, by her impatience with delay of gratification."

Is that the same thing that we have just been talking about, the stimulus seeking, or did you mean something else by that?

1 A I think I was referring to that immaturity
2 question, which is also reflected in the second half of that
3 sentence:

4 "And her intense, conscious desire to
5 avoid dependency on others."

6 Q You found at the time of your interview that
7 she had an intense, conscious desire to avoid dependency on
8 others?

9 A Consciously. The first interview was full of
10 this.

11 That she was on her own, and she was independent,
12 and Charlie hadn't influenced her, no one had influenced her,
13 not even Katie influenced her.

14 That she trusted no one; that no one could be
15 trusted.

16 That was all the conscious material.

17 Meanwhile, as I say, subsequently she was so
18 emotionally involved, dependently in this group that she was
19 totally distorting what had happened there in terms of
20 Helter Skelter, etcetera.

21 Q When you talk about your first interview, we are
22 talking about this in 1971.

23 Your second interview of course didn't occur until
24 this year.

25 Is that right?

26 A No; this is my third interview.

27 The second interview was the second night --

28 You know, I examined her, went to testify. That's

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why this thing is so full of typos; we had no time to review it.

I testified, and then went back to Sybil Brand, examined her again with another colleague of mine, and then I examined the other two girls the same evening.

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1 Q And then you came back and testified again?

2 A Came back and testified again.

3 Q Now, in your conclusions on page 9, after Mr. Keith
4 had you read your paragraph talking about the folie a deux,
5 which started off that,

6 "The first possibility is that the
7 murders were premeditated,"

8 the paragraph right below that, did you conclude, and I quote,

9 "If Charles Manson was influential
10 in initiating or maintaining such a view of
11 the world, then the power he had was volunteered
12 by his followers. Each, out of their own
13 neurotic needs, would have to place such
14 authority into him, for each had the human
15 potential to decide no, that they didn't agree."

16 Is that one of your conclusions right after where
17 you concluded that this could be a folie a deux or folie a
18 famile?

19 A Yes.

20 "In Leslie's case she already had
21 a tradition for investing magical powers and
22 worth into older males."

23 And there is a --

24 Q Well, I'm asking you, Doctor, was that your
25 conclusion?

26 A I'm qualifying what I concluded there by referring
27 to the material upon which I base that conclusion.

28 I spent a page and a half explaining in detail the

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1 dynamics of how that happened in my view and explaining what
2 I meant by Mr. Manson's influence, the potential for her saying
3 "No" was there.

4 The ability, in retrospect, putting it all together,
5 was not there, because of what I view her as her diminished
6 capacity.

7 Q But at the time, back in 1971, you concluded that
8 not only Miss Van Houten but the others had the human potential
9 to decide no?

10 A Yes. And then I spent a great deal of time
11 explaining why that potential wasn't realized.

12 It's one thing to have a potential; it's another
13 thing to realize one's potential.

14 THE COURT: Would this be an appropriate time to recess?

15 MR. KAY: Sure.

16 THE COURT: All right.

17 At this time, ladies and gentlemen, we will
18 recess in this matter until 1:30.

19 Ladies and gentlemen of the jury, you are not
20 to discuss this case amongst yourselves or with anyone else;
21 you are not to form any opinion concerning this matter or
22 express any opinion concerning this matter until the case is
23 finally given to you.

24 Furthermore, you must not allow yourselves to
25 read, see, or hear any news media accounts in this matter.

26 Court will be in recess until 1:30.

27 All jurors, defendant, counsel, and the witness
28 are ordered to return at that time.

Court's in recess. Thank you.
(At 12 noon a recess was taken until
1:30 p.m. of the same day.)

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LOS ANGELES, CALIFORNIA, THURSDAY, JUNE 2, 1977, 1:48 P.M.
DEPARTMENT NO. 130 HON. EDWARD A. MINZ, JR., JUDGE

(Appearances as heretofore noted.)

THE COURT: People versus Van Kouten.

Let the record show the defendant is present,
represented by counsel, the People are represented by counsel,
the jurors are in their assigned places.

You may resume, Mr. Kay.

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1 MR. KAY: Thank you, Your Honor.

2
3 JOEL SIMON HOCKMAN,

4 resumed the stand and testified further as follows:

5
6 CROSS-EXAMINATION (Resumed)

7 BY MR. KAY:

8 Q Dr. Hockman, I take it the way you got involved
9 in this case is that Mr. Keith contacted you; is that right?

10 A Yes.

11 Q Contacted you back in New Mexico?

12 A Yes.

13 Q Do you remember about when that was?

14 A I think that must have been around December. I'm
15 not really sure.

16 Q December of --

17 A '75.

18 Q Last December; right.

19 How many times would you estimate that you and
20 Mr. Keith --

21 Well, let me break it down.

22 First, by phone.

23 How many times would you estimate that you and
24 Mr. Keith have talked about this case over the telephone?

25 A Well, actually talked about the case in terms of
26 the substance of my findings or material of that nature?

27 Or are you talking about an appointment to be
28 here and discussing logistics?

1 Q How about just discussing the case?

2 A Oh, by the phone? Once or twice, and that
3 briefly.

4 Q All right.

5 And how many other phone conversations have you
6 had with him in New Mexico?

7 A From New Mexico, three or four. Mainly logistical
8 kinds of discussions.

9 Q All right.

10 Now, how many times have you had face-to-face
11 meetings with Mr. Keith where you talked about the case and
12 your -- well, just talked about the case?

13 A Let's see.

14 Where we sat down and talked about the case in a
15 formal sense? I'd say twice, perhaps three times.

16 Q And then --

17 A Those are mainly last week.

18 Q And other than, say, in a formal -- other than in
19 a formal sense, how many times have you discussed the case
20 with Mr. Keith?

21 A Well, I'm having trouble understanding.

22 For instance, I went to lunch with him today, and
23 we talked about a few things that I said and something you
24 said. It was kind of casual. And talked about his kids and
25 a variety of things.

26 If that constitutes talking about the case, then
27 I would say maybe a half-dozen times altogether.

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1 But in the sense of talking about specific
2 findings, my reasons, my data, that's only a couple of
3 three times altogether.

4 Q And that was in the period when you were out here
5 what, a couple of weeks?

6 A Well, I was here in February, the third week in
7 February.

8 And I talked to Max, I think -- well, really once --
9 and this was out at Sybil Brand, as I recall -- about the
10 case.

11 Q Now, you were, to your knowledge, you were the
12 first psychiatrist connected with this case to interview
13 Miss Van Houten this year; is that right?

14 A I believe I was.

15 Q And your period of interview lasted what, over a
16 period of five days?

17 A Yes.

18 Q And was there any particular reason --

19 Well, let me ask you this: Did you intentionally
20 want to be the first psychiatrist to interview her?

21 A No, I had made no plans to be the first. I just
22 happened to schedule it that way.

23 Q Now, you talked a little bit about LSD with
24 Mr. Keith yesterday.

25 Have you written any books on LSD?

26 A No.

27 Q Have you written any articles on LSD?
28

1 A Well, I have written two articles that concerned
2 LSD, as well as other drugs, other hallucinogens.

3 One was PCP, or angel dust.

4 Q Isn't angel dust some form of marijuana?

5 A No.

6 Q What is it?

7 A Angel dust is phencyclidine.

8 MR. KEITH: You're going to have to spell that.

9 THE WITNESS: P-h-e-n-c-y-c-l-i-n-e, p-h-e-n-c-y-c-l-i-n-e
10 no, p-h-e-n-c-y-c-l-i-n-e, PCP.

11 Q BY MR. KAY: Was the majority of the article
12 about angel dust? Did it mention LSD in the article?

13 A It was subjecting responses to both, dose
14 relationships, comparing dose strengths, factors in selecting
15 one over the other, comparative studies of their toxicity.

16 Q And what about the other article?

17 A Well, the other article was on the effects of
18 comparing LSD effects and marijuana effects as hallucinogens.

19 Q Now, I take it that you, through your experience,
20 have had occasion to see numerous people under the influence
21 of LSD?

22 A Numerous people.

23 Q And I take it that is not only -- that hasn't
24 just been in a clinical setting, so to speak.

25 A Well, to a psychiatrist all of life is one big
26 clinic.

27 So actually it's all kinds of clinical, but
28 many instances outside of the university or outside my

1 laboratory.

2 Q For instance, like at parties.

3 A Sure.

4 Q Let me ask you this:

5 Have you ever taken LSD yourself?

6 A Yes.

7 Q On about how many occasions?

8 A Six occasions over a ten-year period.

9 Q Over a what?

10 A Ten-year period.

11 Q And when was the first time that you took LSD?

12 A 1962.

13 Q And if it is over a ten-year period, I take it
14 the last time was 1972?

15 A '71, actually.

16 Q '71.

17 And this -- I'm trying to remember your
18 curriculum vitae that Mr. Keith went over yesterday.

19 But in 1962 you were in college?

20 A Medical school.

21 Q Medical school?

22 A I was paid to take LSD in a research project.

23 Q All right.

24 Let me ask you this: By your taking LSD on these
25 six occasions, did the LSD change your values at all?

26 A Well, I would say that certain of my experiences
27 with LSD, and one particular experience with peyote, I
28 believe did alter some of my ways of seeing things.

16-1
1 Q Well, let me -- let's just talk about LSD, not
2 peyote, but about the LSD.

3 Did LSD, say, alter your values?

4 A I would say fundamentally no; that the things I
5 basically believed in were not changed by any LSD experience
6 I've had.

7 But I think that certain other attitudes and
8 values I had toward myself and toward other people, my attitudes
9 towards social interactions, were affected by things I saw and
10 experienced when actively intoxicated with LSD.

11 Q Would you say that by your taking LSD that you
12 became more tolerant of other people who use LSD?

13 A Well, no.

14 I think, in fact, if anything, I became somewhat
15 more impatient with the dysfunction that people experienced
16 that I saw. The kind of silliness and inappropriateness that
17 happened.

18 On one occasion I think I became sort of intolerant
19 with -- what would I call it -- the sort of indiscriminate or
20 unthoughtful use of an agent that is so powerful; the
21 promiscuous use of a drug like that.

22 Q Let me ask you this about Miss Van Houten:

23 In your opinion, Doctor, in the period just before
24 the LaBianca murders, didn't Miss Van Houten realize that it
25 was wrong to kill another human being based on what she had
26 been taught in the past?

27 A Well, I find it difficult to answer that question
28 without going into the discussion again that we had yesterday

1 about what you mean by know; that they knew it was wrong.

2 Q Well, let me direct your attention to page 18
3 of the Marvin Part tape.

4 Do you have that transcript?

5 A No, I don't have a transcript of it.

6 Q All right.

7 May I approach the witness, Your Honor?

8 THE COURT: Yes, you may.

9 MR. KEITH: I can provide him with one, if it's easier.

10 MR. KAY: I have it right here.

11 You can see on the first page that this is the
12 transcription of a tape of Leslie Van Houten Interview - 1969.

13 And you remember in the tape Leslie Van Houten
14 describing Susan Atkins coming back from the murder of Gary
15 Hinman?

16 A Hinman.

17 Q Let me ask you this: Through the materials you
18 have studied in this case, did you learn that the Hinman
19 murder was less than two weeks before the Tate murder?

20 A Yes, I remember that.

21 Q All right. Now, did you --

22 Okay. Now, directing your attention to page 18 ---
23 Well, to keep it in context we'd better start on
24 page 17.

25 She said that,

26 "Sadie came in grinning saying, 'We
27 killed him.'

28 "And then I asked her what it was

1 like, you know; and she just said that it was
2 real weird and he made funny noises."

3 And then going over to page 18, starting at
4 line 5, she is talking about her reaction to that and the
5 others in the Family, and she said,

6 "And after that -- Well, we were
7 all almost fascinated by the thought of killing
8 people just because we'd been, you know, taught
9 to stay away from it, and nobody knows about
10 death, really, you know."

11 Doesn't that indicate to you, Doctor, that she
12 was aware of the fact that she had been taught not to kill?

13 A Well, I think that I wouldn't question that as
14 part of what she had been taught as a child. The values
15 that had been inculcated into her would include the value of
16 "Thou shalt not kill."

17 Q And that she realized that -- I mean, that she
18 hadn't forgotten that?

19 A I don't think that she had forgotten it. I think
20 it was part of her psychological content.

21 Q Let me ask you, on page 21 --

22 May I approach the witness again?

23 THE COURT: Yes, you may.

24 Q BY MR. KAY: -- of this same tape, the Part tape,
25 this is just -- she's been talking about the fact of Katie
26 had told her about the Tate murders, and then Leslie said
27 she was feeling bad because she did not get to go.

28 And then she talks here, at line 18,

1 "And I wanted to do it, because I
2 thought that if I could go out and kill someone
3 that I would -- you know -- it's not an easy
4 thing to do it."

5 Now, doesn't that show a realization on her part --
6 I mean, if this is -- if it is so right and perfect to kill
7 someone, why would she say it's not an easy thing to do it?

8 A Well, I think that that reflects that there was
9 a part of her for whom that was not correct behavior that did
10 believe that killing was wrong.

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1 Q Now, on page 26 --

2 May I approach the witness again, Your Honor?

3 THE COURT: Yes, you may.

4 Q BY MR. KAY: She's talking about being inside the
5 LaBianca house now and taking the woman to the bedroom.

6 She says,

7 "And we went in the kitchen and we
8 got the knives, some kitchen knives.

9 "And then we were supposed to go --
10 we were supposed to go take the woman into the
11 bedroom and put a hood on her and then wait for
12 him to do the same thing, and at the same time
13 we'd, you know, knock them both off so that they
14 wouldn't hear each other dying.

15 "And so the woman -- I was going to
16 hold the woman down, and because Katie had done
17 it before it would have been easier for her to
18 actually stab the woman because I was getting
19 kind of freaky about the whole thing."

20 Well, assuming this to be true, and you said that
21 you believed that she was telling the truth, if she thought on
22 the night of the murder that it was the perfect and right
23 thing to do, why would she say that she was getting kind of
24 freaky about it at that point?

25 A I think that the reason that she was getting kind
26 of freaky, quote end quote, is because she was in internal
27 conflict about what was happening; that part of her was
28 saying, "This is not something you should do," and another

1 part of her, which apparently was more powerful, was saying,
2 "This is something that you have to do to participate in the
3 change in world karma."

4 To demonstrate, I think the rest of that sentence
5 that reads -- the proof of her conviction -- she was feeling
6 kind of bad that she didn't get to go, and if they did it
7 again she wanted to go, and when asked why she would do that --

8 Q You are reading from which page, Doctor?

9 A That's -- I think that's page 19 of that trans-
10 cript.

11 Q 19, yes.

12 A Yes.

13 Why would she do it, I believe Part asked her.

14 These are some notes I have.

15 And her reply, "Because it had to be done to make
16 things complete."

17 She wanted to kill, quote, because it would be
18 giving in completely to what she believed. The completion of
19 a whole world karma depended upon this act being done. She
20 wanted to do it because killing was not an easy thing to do,
21 quote.

22 If she could do it, then she would be giving in
23 completely to what she believed, and paying the consequences
24 of it would be proof positive that she had given in, end
25 quote.

26 Q Well, let me ask you this, though:

27 Does not it show, from what we've just been talking
28 about, that even on the night -- even while she was inside the

1 LaBianca house -- she had an awareness?

2 And, you know, I'm not breaking it down into
3 percentages, but she had an awareness what she was doing
4 was wrong.

5 A There was some part of her aware that what she
6 was doing was not socially acceptable in that sense to society.

7 It was in conflict with another value system to
8 which she was subscribing.

9 Q And didn't she realize that under the laws of
10 society that if she killed someone and got caught, she would
11 be punished?

12 A I think she realized that.

13 And in her description to me, she even had a way
14 of incorporating that possibility in her belief system.

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1 As I mentioned earlier this morning, that would --
2 perhaps even they got caught -- would serve a purpose in
3 publicizing this world karma, this mission.

4 Q Well, you are referring to something that she
5 told Mr. Part after she had already been arrested and facing
6 trial; isn't that true?

7 A That, as well as comments I had from her in my
8 original interview in '71, as well as some comments in the
9 February interview of this year.

10 Q Let me ask you this:
11 By realizing that under the law of society, that
12 if she killed someone and got caught she would be punished,
13 doesn't this show that she realized she had a legal obligation
14 to obey the law of society or suffer the consequences if she
15 was caught?

16 A Again, I think there was a part of her which did
17 so realize this information; that that part of her was a
18 voice in the wilderness, psychologically speaking, compared to
19 the other voices and motivations, pressures, impulses inside
20 of her mind.

21 Q Well, I take it that what you are saying is that
22 although -- in your opinion, although the rightness of the
23 act of murder, participating in the murders of the LaBiancas
24 might have outweighed her awareness that it was against the
25 law and wrong, in the eyes of society to do that, that she
26 did still realize, there still was a part of her that realized
27 it was wrong and against the law of society to do what she
28 was doing.

17-2

1 A There was a part of her which probably had such
2 a realization.

3 It was obviously not powerful or competent to
4 dissuade her from acting on these other beliefs, which she
5 also felt I think psychotically were correct, to murder, to
6 kill, to initiate Helter Skelter.

7 Q But she did realize even on -- I mean at the
8 time of the murder that if she got caught she would be
9 punished.

10 A Well, I think theoretically speaking there was
11 a part of her that was aware of this.

12 I have no evidence other than her words there --
13 you know, it was a hard thing to do -- that she was in any
14 kind of psychological struggle about it. That's the only
15 evidence I have.

16 I have no evidence that it was a conscious
17 process.

18 Q Well --

19 A In fact, it seems to me the contrary; she wasn't
20 consciously thinking, "Well, we might get caught," or, "This
21 might happen. We should or shouldn't do it."

22 I think it was all a tumble of emotions she was
23 experiencing, a very low rational structure about it.

24 She wasn't asking rational questions of herself,
25 "Well, gee, should I do this, should I not do that."

26 There was no question she should do it in her
27 mind.

28 Q Well, speaking of evidence, Doctor, let's look at

17-3
1 some in answer to that question.

2 Now, assume that after the LaBianca murders
3 Leslie Van Houten brought up the subject of wiping
4 fingerprints off because she didn't want to get caught; that
5 she wiped fingerprints off;

6 That she hid in the bushes after leaving the
7 LaBianca residence;

8 That she went back to the Spahn Ranch, hitchhiked
9 back to the Spahn Ranch;

10 That when she got back there she burned certain
11 items of evidence, a brown purse and a rope --

12 Oh, that reminds me. Assume that Mr. Hanson,
13 when he came out to the car that Leslie and Tex and Patricia
14 Kronwinkel and Steve Grogan and Linda Kasabian and Charlie
15 Manson were in, in front of Harold True's home, after Manson
16 had already gone into the LaBianca residence, that he came
17 out and called Tex and Katie and Leslie outside the car and
18 told them some things.

19 One of the things he told them was that there was
20 a man and a woman up in the house and that he had tied their
21 hands.

22 And further assume that when Mrs. LaBianca was
23 found her hands were not tied.

24 So, now, besides burning this rope after she did
25 all that, she took off her own clothes and burned her own
26 clothes;

27 And that in between burning these things apparently
28 the man that gave her a ride came looking for her, and she

1 hid from him under the bed sheet and he didn't find her and
2 left.

3 Now, don't all these factors taken together show
4 that she had her wits about her and that she certainly was
5 acting like a person doing rational things not to get caught?

6 A It would be simple -- the answer is no; and my
7 explanation would be this:

8 It would be much simpler, it would be simpler
9 for me and for everyone if insanity were black and white:
10 That when someone is sane they are totally sane, and when they
11 are insane they are totally insane, because there is nothing
12 coherent, rational, purposeful or organized about their
13 behavior.

17-5
1 The fact of the matter is that that condition is
2 very rare.

3 In the vast majority of cases where persons
4 suffer severe mental illness, diminished capacity, they
5 present a mixture, a mixture to you of functioning.

6 In the example I cited yesterday of the attempted
7 murder I was involved with in court last week, the man clearly
8 had organized and purposeful behavior.

9 He loaded a gun, he carried a gun, he tracked down
10 his aunt.

11 He put the gun out, threw it out so they wouldn't
12 shoot him, thinking they were trying to shoot him.

13 He stood still. It was purposeful.

14 But it was organized and purposeful behavior. An
15 island, if you will, in the midst of a psychosis in terms of
16 what he is thinking.

17 It is the example of a case where a person is so
18 psychotic that every part of their behavior is disorganized.

19 The presence of organized behavior is not
20 unusual in a person who is also psychotic.

21 Q Well, Doctor, don't you agree that in determining
22 what a person's state of mind is at the time that they
23 committed a crime, that the most important things to look at
24 are what the person did or said immediately before, during
25 and immediately after the commission of the crime?

26 A That's only one level.

27 To a psychiatrist, Mr. Kay, that wouldn't be the
28 only level of information.

1 I wouldn't say, from my point of view, it would
2 be the most enlightening information about how this happened
3 and why it happened.

4 Q But doesn't that kind of give you some indication,
5 if the person is a thinking, functioning, apparently
6 well-organized person immediately after doing the act like we
7 have, the murders of the LaBiancas here, that that just might
8 give you some indication about what her state of mind was
9 at the actual time of the murder?

10 A I think you would certainly have to include that
11 information in trying to understand what happened.

12 I don't know if you saw the movie Taxi Driver,
13 however.

14 Q No, I didn't.

15 A Well, it is a beautiful literary example of a
16 paranoid psychosis, showing a man's --

17 Q Well, I think we are talking about the
18 LaBianca murders and not some movie.

19 A Well, I'm trying to exemplify my point here.
20 The point is, a person could be thoroughly
21 organized in his psychosis.

22 Charles Whitman was when he shot 19 people at
23 the University of Texas. Elaborate, organized plans,
24 schemes, equipage, drawings on how to get to the top of the
25 tower.

26 Well thought through. It just happened to be
27 totally psychotic.

28 Q Well, I'm not familiar with all the facts of that

1 case, so I'm not going to argue.

2 But we are not talking about a movie here,
3 Doctor; we are talking about something that actually happened
4 back on August 9th and 10th, 1969.

5 Now, let me ask you this:

6 The fact that a murder might be bizarre, that
7 doesn't mean in your opinion, does it, that it can't be a
8 deliberate, premeditated murder?

9 A You mean bizarre in the details of what happened,
10 or bizarre in the motivation or doing it?

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1 Q Well, bizarre in the details of what happened.

2 A Yes; I think a murder could be quite bizarre
3 in the details of what happened and not be motivated by
4 psychosis.

5 However, if the motivations are bizarre and
6 unbelievable and inappropriate and illogical and irrational,
7 then, I would say the motivation probably was psychotic.

8 Q Well, even if, say, the beliefs of the persons
9 were different, unusual, compared to, say, the normal,
10 average person in society,

11 In your opinion does that mean that a person
12 can't, acting within that framework, deliberate and
13 premeditate a murder?

14 A Well, there again, it's not simple.

15 It would relate to other findings in the
16 examination, such as the thought content, the kind of speech,
17 the other findings in the mental status examination.

18 Q Yes.

19 A I think that taking one set of findings in
20 isolation would be very risky, to attempt to generalize from
21 just one kind of finding that they did it bizarrely or they
22 thought something bizarre.

23 Many people hold idiosyncratic views, which by
24 themselves don't make them crazy.

25 It's only when those views become part of a
26 pervasive system of belief. It then begins to affect not only
27 their behavior and actions but also the way they perceive
28 things in reality, when these perceptions become distorted

and inappropriate.

It's only at that point that we begin to get into the area of psychotic diagnosis.

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1 Q Mr. Keith showed you a partial picture of
2 Mrs. LaBianca which Mr. Keith passed to the jury after
3 showing it to you. And you saw some stab wounds, and you
4 talked about -- that it was perseverative conduct. It
5 showed that.

6 That perseveration just means repeated, right?

7 A Yes.

8 Q So if you have -- like if I tap my pen like that
9 on this podium several times, that's perseverative conduct?

10 A Well, not technically.

11 Perseverative conduct requires that there be no
12 motivation or no consciousness involved, and that also the
13 behavior is somewhat driven and involuntary.

14 Q Well, now, Doctor, are you aware --

15 You said you had an interview with Mr. Watkins?

16 A Watkins?

17 Q Yes.

18 A Yes.

19 Q By the way, where was that interview?

20 A In the parking lot at Sybil Brand for about an
21 hour.

22 Q How did you and Mr. Watkins happen to meet in
23 the parking lot of Sybil Brand?

24 A He was coming out as I was going in. And I think
25 he was coming out in Mr. Keith's company. And Mr. Keith
26 introduced him to me, and I took that opportunity to interview
27 him.

28 Q Now, did he tell you or did you learn from your

1 preparation in the case that the plan, so to speak, of these
2 murders was to make them look bizarre and senseless and to
3 have the victims cut up and stabbed numerous times?

4 A I believe there was even some testimony by
5 Mr. Watkins that these murders fit rather closely some
6 discussions that he had had with Mr. Manson about what had
7 to happen to initiate Helter Skelter.

8 So there was a great resemblance.

9 Q And the reason that Miss Van Houten did the things
10 that I asked you about, like wiping the fingerprints and
11 burning her own clothes and burning the evidence and hiding
12 from the man that gave her the ride from Griffith Park, would
13 you agree that that was because she didn't want to get
14 detected?

15 A I would think that that was --

16 I would accept that as a avoidance behavior.

17 Q Would you agree that she didn't want to get
18 detected because she knew that she had broken the law of
19 society?

20 A I think that some part of her didn't want to be
21 punished, didn't want to be caught; that certainly she didn't
22 want to be taken from the family, to miss out on descent into
23 the pit, of being perfect, and becoming immortal, and raising
24 the children; and all those other delusions that she believed
25 in.

26 Q Let me ask you this: Do you think that Miss Van
27 Houten would have committed these murders if she thought a
28 policeman was watching?

1 A If she thought a policeman were watching?

2 Q Yes, at the time.

3 A I would presume that she probably would have been
4 cognizant of the policeman's presence and would have modified
5 her behavior.

6 I think that she was enough in contact with
7 reality to recognize a policeman.

8 If a police car had driven by, I think they would
9 have waited and then proceeded.

10 Q Now, Dr. Hockman, you are aware --

11 Let me ask you this: As part of your preparation
12 in this case, did Mr. Keith provide you with Miss Van Houten's
13 psychiatric records at Frontera?

14 A No.

15 Q Well, in your preparation of the case, did you
16 become aware that she had talked to a number of psychiatrists
17 up at Frontera?

18 A No, I --

19 MR. KEITH: Pardon me, would you read --

20 MR. KAY: I said, through his preparation in the case,
21 did he become aware that Miss Van Houten had talked to a number
22 of psychiatrists up at Frontera.

23 MR. KEITH: Excuse me. I thought that you said I had
24 talked to a number of psychiatrists.

25 MR. KAY: Oh, no.

26 THE WITNESS: No. I had heard only that she had talked
27 to two psychiatrists, one of whom was not employed as a
28 psychiatrist at the institution but was doing more general

1 medical work. And that she had become acquainted with him
2 and had a number of conversations on a, quote, nontherapeutic
3 basis, end quote, over the year, year and a half, I think.

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1 Q What do you mean "a nontherapeutic basis"?

2 A They weren't talking because they had an under-
3 standing that he was a doctor, she was a patient, they were
4 going to work toward her improvement, towards some change in
5 her.

6 It was more on an acquaintance level, not a
7 professional level, as I was told by Miss Van Houten.

8 Q Do you remember the name of this --

9 A I'm sorry, I don't.

10 I would recognize it, I think.

11 Q Dr. Coburn?

12 A I think that's right.

13 Q Now, do you agree that while Manson might have
14 directed Miss Van Houten and Watson and Miss Krenwinkel to
15 enter the LaBianca residence, that --

16 Well, strike that question.

17 THE COURT: Well, wait a minute. Would it be an
18 appropriate time to take just a short recess at this time?
19 I've got another matter.

20 MR. KEITH: Apparently it would be. I'm outnumbered.

21 THE COURT: I mean, I don't -- Don't be intimidated.

22 All right, ladies and gentlemen --

23 MR. KAY: He's bigger than I am.

24 THE COURT: -- at this time we are going to recess in
25 this matter.

26 We might as well take the afternoon recess. It
27 will be for 15 minutes.

28 Bear in mind during this recess you are not to

1 discuss this case amongst yourselves or with anyone else,
2 you are not to form any opinion concerning this case or
3 express any opinion concerning this case until the case is
4 finally given to you for your deliberation.

5 Furthermore, you must now allow yourselves to
6 read, see, or hear any news media accounts of this matter.

7 Court will be in recess until 20 minutes of 3:00.

8 All jurors, defendant, counsel, and the witness
9 are ordered to return at that time.

10 Thank you.

11 (Recess taken.)

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1 THE COURT: People versus Van Houten.

2 Let the record show the defendant is present,
3 represented by counsel, the People are represented by counsel,
4 the jurors are in their assigned places.

5 You may resume, Mr. Kay.

6 MR. KAY: Thank you, Your Honor.

7 Q Dr. Heckman, in your opinion did Miss Van Houten
8 have the -- and I'm talking about on the night of the
9 LaBianca murders -- before she left Spahn Ranch that night
10 did she have the intent to kill?

11 A Yes.

12 Q And during the course of the trip between Spahn
13 Ranch and the eventual arrival at the LaBianca residence,
14 did she also have the intent to kill?

15 A Yes.

16 Q And before she entered the LaBianca house did she
17 have the intent to kill?

18 A Yes.

19 Q All right.

20 Now, do you agree that while Manson might have
21 directed Leslie to enter the LaBianca house and kill those
22 inside, that the actual decision to kill came from within
23 Leslie herself?

24 A Well, by definition, the decision, mental
25 conclusion had to occur in her mental apparatus regardless of
26 what the influences were.

27 Q So your answer to that question is Yes?

28 A Yes.

10-2

1 Q Do you agree that someone can tell you to stab
2 someone but your decision to do that comes from inside of
3 you?

4 A In a mechanical sense, certainly.

5 Q So is what you are saying, the actual decision to
6 kill comes from within your own psychology?

7 A By definition the conclusion to act has to occur
8 in one's own neuroanatomical apparatus.

9 So in that sense, yes, the decision, if you can
10 call it that, was made in her mind.

11 Q So the other person you can say might act as a
12 stimulus -- and by "the other person" I'm saying somebody
13 like Manson, who said, "Go into the house," and, "You know,
14 don't let the people know you are going to kill them," meaning
15 to do just that, to kill them --

16 That somebody like that could act as a stimulus;
17 but the processing and eventual result, as far as the
18 decision to actually do that, remained inside the person,
19 such as Miss Van Houten in this case.

20 A Philosophically speaking, we are all ultimately
21 responsible for our own acts. Existentialism.

22 It's our plane and we fly it where we want to go.
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1 However, that point, philosophical point, should
2 not exclude the reality of other circumstances in influencing
3 what's going on inside your mind.

4 That, sure, the soldiers who made confessions in
5 the Korean conflict in captivity, they decided to do that;
6 but there were others who had established conditions on their
7 emotional environment which inevitably led to that consequence
8 or that decision.

9 So even there, philosophically, it would be
10 impossible to accurately separate what is happening inside
11 of someone from those influences upon them.

12 It is both true that they are deciding and that
13 someone else is responsible and responsively involved in what
14 they are deciding.

15 It isn't black and white again.

16 Q Well, isn't it true that if someone tells you to
17 take a knife and stab someone, and you stab someone, that you
18 are making a personal decision, you, being the person that is
19 doing the stabbing, to do the stabbing?

20 A Yes.

21 But I would be -- in that case, if I were involved,
22 that would be occurring within a context of decision-making
23 that had been largely shaped by another person in terms of
24 the values, the beliefs, the delusions in which I was
25 participating.

26 Q But it still boils down to an individual decision,
27 doesn't it?

28 A You can't act in a vacuum; you can't decide in a

1 vacuum; we don't decide anything in a vacuum.

2 We decide it, but we are obviously very much
3 influenced by all that which is going on around us, that which
4 has been put into us.

5 It is such a fine philosophical point.

6 My parents taught me that I shouldn't steal. So,
7 in a certain sense, they are responsible for my not stealing.

8 I also choose to listen to what I was taught, or
9 not to listen to what I was taught; therefore, I am also
10 involved.

11 It isn't one or the other, if you follow me.

12 Q Well, didn't Leslie, from what you heard on the
13 tape, make, in her own mind, a decision to kill even before
14 Manson asked her to kill?

15 I mean, wasn't she saying back at the ranch that
16 she hoped that if they went out again that she could go and
17 that she wanted to participate in that and kill?

18 Didn't she think about that and make her own
19 decision even before Manson asked her to kill?

20 A I don't think that the actual decision to kill,
21 if you wanted to call it a decision, occurred until the moment.

22 I think that she entertained participating,
23 surrendering to those things that everyone believed in, being
24 like Katie, being crazy like Charlie, being Charlie.

25 I think those things were on her mind prior to
26 the act.

27 The decision I would not say was rational, weighed,
28 deliberate, cogent, logical by any means.

1 I think it was a decision in a sense that it
2 was a result, not a decision.

3 A number of factors came together; something
4 happened.

5 It was not a logical train of thinking.

6 Q Well, you're talking about logic in a normal
7 person's way of thinking, aren't you?

8 A I'm trying to think in the terms that the law
9 describes what deliberate means.

10 And, as I understand what the law means by
11 deliberate, she was not deliberating.

12 Q Well, you understand that the law of murder, for
13 that to even apply, somebody has to kill somebody.

14 Do you understand that?

15 A I'm not sure I understand what you mean.

16 Q Well, in other words, you know when we're talking
17 about first degree murder that before anybody even has to
18 think about that law you have to have somebody that is
19 alleged to have killed another person?

20 A Yes.

21 Q And I would take it that you -- in your opinion,
22 the normal average person in society does not go around
23 killing other people.

24 A That's difficult, too.

25 How do we account for soldiers in killing?

26 Q I'm not talking about acts of war or killing a
27 burglar when he comes into your house, I'm talking about
28 the normal person doesn't deliberate and premeditate a murder

1 in your opinion, does he?

2 A I would agree with that. I don't believe a normal
3 person would deliberate and premeditate a murder.

4 However, I would not turn that around and say that
5 all people who do such things are psychotic.

6 I think it's possible to be abnormal and not
7 psychotic and deliberate and premeditate a murder.

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1 Severe character disturbances, such as your
2 professional killers would represent an example of that.

3 Q Speaking of psychotic, after examining Leslie
4 and Susan Atkins and Patricia Krenwinkel it was your opinion
5 back in 1971, after interviewing those three, that none of them
6 were psychotic; isn't that true?

7 A I explained that earlier,
8 I based my decision upon partial information at
9 that time.

10 Q I'm talking about after your interview of the
11 three girls. Wasn't that your opinion?

12 A It was my opinion after I had interviewed the
13 three girls but before I had any knowledge of their beliefs in
14 Walter Skolter, their previous actions, their convictions,
15 their attitudes; all part of that delusional system.

16 MR. KAY: May I have just a moment, Your Honor?

17 THE COURT: Yes.

18 (Brief pause.)

19 Q BY MR. KAY: Do you feel that, from your knowledge
20 of Miss Van Houten through your different interviews, do you
21 feel that Leslie Van Houten had a rage within her that came
22 to the surface on the night of the LaBianca murders?

23 A Yes.

24 I described that I felt that she had a long-
25 contained sense of anger and rage inside of her, dating back
26 many years.

27 Q Even before she joined the Family?

28 A I think so.

21-2

1 That in the events of that evening, that rage
2 was a factor, a force among many inside of her.

3 Q Would you agree that her own individual rage
4 and capability for violence was in tune with the action of
5 her participation in the LaLionca murders and provided her
6 with an immense sense of release?

7 A I discussed that earlier in that '71 report.
8 I think the word "concatination" has been used
9 here before.

10 Q That was Dr. Grinspoon's --

11 A Yes. A coming together of many forces,
12 I think there were many forces inside of her
13 operating that evening.

14 There was the emotional force, psychological
15 force of -- as I mentioned before -- intense needs, dependency
16 needs to belong, to be accepted.

17 Q Well, I'm asking you about the rage.

18 A I think the rage was one factor amongst a number
19 that were emerging, operating in those events.

20 Q Did you remember back in 1971 in talking to
21 Leslie, when you talked to her, that she professed love
22 for the world, acceptance of all things, acceptance of
23 everything within one's self?

24 Do you recall that?

25 A Yes.

26 Q And did you ask her how she could profess this
27 and still murder someone?

28 A Yes.

1 Q And do you remember ---

2 And did she answer that, "Well, that was something
3 inside me, too"?

4 A Yes.

5 Q Do you think that she was a very angry girl for
6 a long time, and the anger and rage was associated with
7 that?

8 A Yes, I do.

9 In fact, in that '71 trial -- I believe that we
10 discussed what she felt at the time that she was involved
11 with Mrs. LaDionce there.

12 And she expressed, as I recall, a surprise, an
13 emotional sense of surprise to find that inside of her, that
14 murderous feeling, that murderous impulse.

15 It took her by surprise.

16 Q In your opinion was Leslie Van Houten under the
17 influence of LSD at the time of the murders?

18 And by that I mean the acute influence, the
19 acute immediate influence of LSD.

20 A I would say no; that from what I know now, that
21 probably they were not actively intoxicated at the time.

22 Q By "they" you mean any of them.

23 A As far as I know, Mr. Watson may have been under
24 the influence of an amphetamine, from what I recall, but there
25 was no evidence of any acute intoxication of hallucinogens.

26 Q And by "the evidence" of Mr. Watson being under
27 the influence of something, are you referring to
28 Linda Kasabian's testimony that he took --

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A A white.

Q A white.

Which speeds you up, helped to keep him awake.

A An amphetamine, stimulant.

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1 Q Stimulant.

2 Psychologically speaking, can you describe for
3 us the thought processes that are involved in a person's
4 making a decision to kill?

5 MR. KEITH: Well, I would object to the question as
6 overbroad, Your Honor.

7 THE COURT: Well, the objection to the form of the
8 question is sustained.

9 Q BY MR. KAY: In psychoanalytical terms, you have
10 told us that you have been trained in psychoanalysis, you are
11 an eclectic.

12 In your terms, how would you describe the thought
13 processes that a person goes through in making a decision
14 to kill?

15 MR. KEITH: I make the same objection because it doesn't
16 seem to be directed at any of the facts in this case.

17 THE COURT: Well, the objection is overruled.

18 The witness may answer.

19 THE WITNESS: I think I had some previous testimony on
20 that.

21 (Brief pause.)

22 Well, I would not attempt to answer that question
23 in general because I think it's too general a question for
24 me to give you any useful answer about the dynamics of all
25 murders, all decisions to murder.

26 I might -- I think I feel more comfortable
27 speculating about what might have been going on in this
28 person's mind.

1 I think that she was not thinking -- the process --
2 the decision-making process was not a rational, a coherent,
3 cogent, organized approach, weighing positive and negative
4 consequence and desire.

5 I don't think it was that kind of internal
6 dialog.

7 From what I can see the process appeared to be
8 largely going on at an emotional or unconscious level; that
9 the factors present motivating her unconsciously were, one,
10 a tremendous unfulfilled need to belong, to be valued, to
11 be loved and cherished, to be a member of something supportive,
12 reliable, supportive and reliable.

13 The desire to belong, to become, to prove
14 membership and total acceptance in Charlie and his beliefs,
15 in the Family's system of seeing and behaving towards the
16 world, that I think is one immense, powerful factor.

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1 I think another immensely powerful factor was
2 also her anger; a lifelong frustration -- frustrated anger.
3 That, I think, was also a powerful influence in what she did.

4 The two come together in this bizarre circumstance,
5 this bizarre coincidence, concordance.

6 I think also a very powerful force was this
7 desire to make real her fantasies about the world, about Helter
8 Skelter, about her role, a perfect immortal person.

9 It was a tremendous infantile level of emotional
10 need to make that real, to, in a fantasy way, reconstruct a
11 family -- a sense of family and security that she had never
12 adequately experienced as a child.

13 So those are three main factors that I think would
14 be present in that unconscious process out of which came an
15 action.

16 Q And as far as weighing and considering, Doctor,
17 didn't she, before she even decided to go out, according to this
18 Marvin Part tape, realize that she would have to pay the
19 consequences if, as she put it, "I would have to pay the
20 consequences if they were to come back," meaning on the next
21 page she explains that the police might try and come and get
22 her.

23 Didn't she weigh that possibility, that consequence,
24 in determining whether or not to participate in these murders?

25 A I don't think she had any real question about
26 participating in the murders.

27 She may have had some conflict. Once again, not
28 cognitive, not intellectual, not rational. But emotional,

22-2
1 gut level emotion.

2 I don't think there was any question about
3 participating in it. It was something that she had to do.

4 She describes it that way. Let's see,

5 She believed that she was an angel; that she was
6 one of God's messengers as spoken of in Revelations 9.

7 And she believes that despite that they are in
8 jail -- this is from the Part interview -- she believes that
9 they are in jail despite the fact that they are heavenly
10 messengers because of the publicity it provides as a way of
11 turning others on to the mission end, end quote.

12 She does not believe in coincidence. She believes
13 it is all preordained.

14 So preordained means it was ordained in front,
15 beforehand. It was going to happen. This was necessary for
16 world karma.

17 Just as that fellow had to kill his aunt because
18 she was a witch, and he was the devil's representative on
19 earth.

20 Had to be done.

21 Q Well, let me ask you this, Doctor:

22 Were you aware that Mr. Part, her attorney,
23 testified in this case, and he testified that he may well have
24 told her before even making this tape, that he was making the
25 tape to play for psychiatrists?

26 A No, I wasn't aware of that.

27 Q All right.

28 I take it you were aware that this was not -- this

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1 tape wasn't made to be turned over to the district attorney's
2 office or the Los Angeles Police Department.

3 A Well, now, I wouldn't have thought that.

4 I would presume that any material, as I've always
5 experienced, that any material that was prepared would have
6 to be disclosed to the prosecution.

7 So I wouldn't presume that he would tell her that
8 they were making a tape just for psychiatrists that no one
9 else would get a look at; because I don't think that's
10 possible.

11 Q Did you learn in your preparation for the case that
12 the first time that any law enforcement people saw this --
13 heard this tape or saw the transcript was about two weeks
14 ago?

15 A I didn't know the tape's existence myself until I
16 think toward January, in January.

17 Q And the tape, again, was made December 29th, 1969,
18 I believe?

19 A 28th or 29th.

20 Q By the way, Dr. Hockman, in your preparation for
21 the case, did Mr. Keith tell you that I had in my possession
22 a two-and-a-half-hour tape of Miss Van Houten that was
23 recorded before this tape, and that that tape was an interview
24 by a Los Angeles homicide officer, Sgt. Michael McGann?

25 A No. You didn't tell me either.

26 Q You never asked.

27 I take it, Doctor, that you didn't, speaking of
28 that, you didn't contact me concerning this case, any materials

1 I might have or anything like that? I

2 A No, I didn't make an effort to contact you.

3 Q As a matter of fact, you had a confidential
4 relationship with Mr. Keith on the case; in other words, you
5 were under an obligation not to tell anybody anything.

6 A No, I received no such instruction. And I don't
7 think I accepted any such, to not discuss the case with anyone.

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1 Q Well --

2 A Put your next question.

3 MR. KAY: All right.

4 Q But, in any event, you didn't contact me concerning
5 the case, is that correct?

6 A No, I did not.

7 Q Do you feel that a person can still deliberate
8 and premeditate an act, even if they don't come up with the
9 original idea for the act?

10 Instead of "act," let's change it to a murder.

11 Do you feel that a person can deliberate and
12 premeditate a murder, even though they don't come up with the
13 original idea for the murder?

14 A I think surely if someone is mentally competent
15 they could deliberate or consider anything, regardless of the
16 original source of the information or the idea.

17 Q Now, you have told us that your opinion was that
18 Miss Van Houten had the intent to kill on the night of the
19 LaBianca murders, at least from the time that they left the
20 Spahn Ranch.

21 From what happened that evening, from your knowledge
22 of it, do you feel that she reached her goal appropriately
23 and effectively?

24 A It's a strange question, an appropriate and
25 effective murder.

26 Well, there is no questioning that -- Well, as
27 far as murdering was concerned, she wasn't effective in that,
28 as far as I understand, because as far as I understand it,

1 she didn't murder anyone. She didn't cause the demise.

2 Q Well, according to whose version; you mean your
3 current interview?

4 A Yes.

5 Q All right.

6 A As far as -- let's see -- the first time --
7 Let's see. It was appropriate and effective?

8 Q Yes.

9 A Appropriate?

10 Yes, it was a terribly appropriate murder within
11 the context of their delusions.

12 Within social context of the larger society,
13 other than the society they were in, it was not appropriate.

14 Q I'm talking about her goals.

15 A Oh, yeah. It was perfectly appropriate for her
16 goals, her delusional goals.

17 Q Doctor, wouldn't you agree that knowing what you
18 know about LSD, it would be almost impossible for LSD, in
19 and of itself, to cause one to commit murder?

20 A I would say not impossible. I would say it is
21 most rare.

22 The literature contains cases of people committing
23 suicide on LSD but no homicides.

24 I would presume, though, if someone can be
25 organized enough to kill themselves in an LSD-activated
26 delusion, that they might be able to kill someone else
27 also in an LSD-activated delusion.

28 Q But there is nothing in the literature to that

1 effect?

2 A No, there is no instance of it.

3 Q Did you read, in preparation for this case, the
4 testimony of Linda Kasabian at the first trial --

5 A Oh --

6 Q -- or just at this trial?

7 A Just at this trial.

8 I had read her testimony at the first trial some-
9 time ago, three years ago I reviewed that.

10 Q Did you have a chance to compare them?

11 A Not recently.

12 Q Or --

13 A Not recently.

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1 Q Now, on the night of the LaBianca murders,
2 what evidence can you point to of what Miss Van Houten did
3 or said that shows you in your opinion that she could not
4 deliberate and premeditate these murders?

5 A Well, let's see if I can go back to the
6 definition of "deliberate,"

7 (Brief pause.)

8 As I understand it, to quote:

9 "To constitute a deliberate and
10 premeditated killing, the slayer must weigh
11 and consider the question of killing and the
12 reasons for and against such a choice, and
13 having in mind the consequences he decides to
14 and does kill."

15 I do not believe, based upon the information I
16 have, that such a process was going on.

17 There was no question of killing. There was the
18 imperative to kill.

19 There was no reason against such a choice. In
20 fact, there was a tremendous amount of unreason for such a
21 choice.

22 Q Wasn't the reason against the choices, that she
23 could get caught and be punished?

24 A No. I think there was, as I stated earlier,
25 there was a feeling level, "I oughtn't do this," but there
26 was no rational discussion, no deliberate discussion inside
27 of her.

28 A debate about whether she should kill or not or

23-222

1 whether the reasons were good or not, these were not all given.

2 Q When you talk about a debate in a person, how do
3 you know there wasn't any debate, other than what she told
4 you?

5 A Well, I don't know in an absolute sense. I haven't
6 got a tape recording from inside her mind at the time, but
7 I have --

8 Q Well, isn't --

9 A -- to take it within the context of all they
10 were doing, believing and saying.

11 Q But isn't a good indication about her awareness
12 of the consequences all the things that she did after the
13 murder?

14 Isn't that a pretty good indication of what her
15 state of mind was?

16 A Well, we got into this with your question as to
17 whether -- how I would address the question of deliberation
18 and premeditation.

19 And that's all I can go with in terms of trying
20 to understand what was going on inside of her mind.

21 As I said, and I'll say it again, I do not
22 believe there was any kind of a rational dialog.

23 This was acted out compulsively. She describes
24 that as "something that has to be done."

25 The conflict, if there were conflicts inside of
26 her about doing it, it's at an emotional level, a gut-level
27 feeling: "Well, I oughtn't do it but I know I have to."

28 Q Well, even what she says in the tape, though, is

23-3

1 that she was aware of the consequences even before she went
2 there, even before she went into the LaBlanca house.

3 A Uh-huh.

4 Q Isn't that right?

5 A Oh, she had a knowledge that she might be caught
6 and might be punished, but it was irrelevant to her; she had
7 a higher duty.

8 Q But she still had an awareness that it was against
9 the law.

10 A In the same sense that a soldier would have an
11 awareness he didn't want to serve in the Army as he is leaving
12 for boot camp.

13 He knows he doesn't want to do it, but so what?
14 That plus a quarter would buy him coffee.

15 He's going to go; he knows he has to do it.

16 Q Well, didn't she have the awareness --

17 Now, you know we are talking about awareness of
18 a legal obligation. I'm not even talking about a moral
19 obligation.

20 Now, when you're -- I take it that -- well, I'm
21 not sure; I haven't been there for a long time.

22 But do they have a speed limit in New Mexico?

23 A Sort of.

24 Q Well, what's the speed limit?

25 A Fifty-five.

26 Q All right.

27 You are driving down the highway, let's assume,
28 at 65 miles an hour; and all of a sudden you catch through

1 your rear view mirror, you see a state trooper over at the
2 side there,

3 And your foot lets up a little bit on the
4 accelerator; and you realize you are going 65, and you slow
5 down again to 55.

6 Now, you don't philosophize about being aware of
7 a legal duty. But doesn't your letting up on the accelerator
8 when you see the state trooper, doesn't that show that you
9 are aware of a legal duty, although you might not
10 consciously say, "Well, gee, I have a legal obligation not
11 to speed because I might hurt somebody"?

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1 Doesn't that show an awareness on your part, just
2 even letting up on the accelerator to slow down 10 miles an
3 hour?

4 A Oh, I think that would show an awareness on my
5 part that there was some consequence that I didn't want to
6 involve myself in.

7 The consequences could be many. It could be
8 fear.

9 Q Fear of getting a ticket; right?

10 A Fear of losing your license.

11 Q And didn't --

12 A It could be many types.

13 Q Didn't she, Miss Van Houten, before she even
14 participated in these murders, by just what she said in the
15 tape, have an awareness that if she broke the law she could
16 get arrested and punished?

17 A I'll say it again: I think that there was a
18 part of her which was aware that she shouldn't be doing what
19 she was doing.

20 I think that that part of her was overwhelmed,
21 immersed in a chaotic, psychological situation in which a
22 higher law obtained.

23 If I work with someone who is psychotic, it's
24 often possible for me to say to them, "Don't you realize that
25 what you are seeing isn't there?"

26 And they can agree, "Yes, you are probably
27 right, it isn't there."

28 But it is there for them.

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So that if you walk out of the room and come back five minutes later and look in the room you can see them (indicating), as they dodge these imaginary people attacking them.

It's there for them. They are aware it's not, but that's totally irrelevant in understanding what they are doing and what they are likely to do.

Q But even though --

You say that her awareness was overwhelmed. There still was an awareness?

A I think -- I don't -- I can't think of a case in which I have seen someone psychotic in where there was no part of them that was able to be aware or to have some rational element in their thinking.

It's always there.

In fact, that's treatment. That's how you initiate treatment, trying to establish a relationship with that still healthy part of a person.

Q Do you agree that Manson and other members of the Family reinforced many of the values that Leslie had already had before she even joined the Family?

A I think I stated in '71 that there was self-selection going on; that they met thousands of people, thousands of people contacted the Family but only a certain number of those sought decided to stay because of dynamics of their individual psychology.

Q Why did Leslie, so to speak, select herself to be a member of the Family?

1 A As I discussed in that report, I think that
2 Leslie has always had a father hangup, to quote an authority
3 on that subject.

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1 That emotionally speaking, Lenie had a
2 tremendous unresolved, unemotional problem being close to
3 a father, around having a female with whom she could invest
4 tremendous childhood trust and dependency.

5 I think these factors were probably very major
6 factors in selecting -- or in her selecting, participating
7 in that family experience.

8 If you have a key in a lock, it's an interaction
9 of the two that causes something to happen. You can't simply
10 look to one or the other.

11 Q Do you feel that Manson gave form and expression,
12 shall we say, to some attitudes that were already within
13 Miss Van Houten but may not have been verbalized or
14 conceptualized?

15 A I think that he gave direction, substance and
16 form to rather general motivations and needs inside of her.

17 I think that if someone other than a demonic
18 therapist had been involved with her she might have gone in
19 totally opposite directions with the same motivations.

20 Again, in treatment, this is what happens; that
21 that kind of an immense need for dependency in this example
22 would be met by someone upon whom she could rely to be
23 objective, fair, appropriate, reliable.

24 Then that is evoked inside of the person.

25 It's called "transference" in psychiatry,
26 Positive transference.

27 It would be the positive feelings that would be
28 met by the therapist; that then could be used to go in the

1 direction of changing attitudes, values and behaviors toward
2 a more functional kind of role in life with one's self.

3 The result of that then would be a therapeutic
4 success, a treatment success.

5 Q Well, do you agree that even before Leslie joined
6 the family she was, shall we say, alienated from society and
7 the establishment?

8 A Yes, I think that there is evidence, lots of
9 evidence that she was very terribly disillusioned and
10 frustrated and unsatisfied with what had been given her in
11 society, by society, in society.

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1 Q Besides being alienated from society before she
2 joined the Family, in your opinion, did she, once she joined
3 the Family, did she actively seek to further that alienation?

4 A Hmm. Actively. Did she do things in reality to
5 further that alienation.

6 Is that the question?

7 Q Well, I'm saying that, you know, you have agreed
8 that she was alienated from society and the establishment
9 before she joined the Family.

10 And my question is, once she joined the Family,
11 afterwards did she do things -- did she actively seek to further
12 her alienation from society?

13 A Well, I think, if I understand your question,
14 I would answer no.

15 I don't think that she set out intentionally,
16 consciously, rationally, reflectively, in state of awareness
17 to become more alienated.

18 I think that that didn't happen.

19 If anything happened, she was motivated largely
20 by emotions of which she was not very conscious or aware.

21 And the point, if anything, was not to further her
22 sense of alienation but to replace that very intolerable sense
23 of isolation, lack of trust, or not being able to trust anyone,
24 confusion about what to believe in.

25 She was trying to replace all that sense of
26 alienation with her new membership, with her new identity in
27 the Family.

28 So I would say the answer, then, was that she was

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1 motivated largely by an attempt to deal with alienation rather
2 than to further it.

3 Q Doctor, do you agree that Leslie used LSD on a
4 chronic basis because she wanted to change her values and
5 life style from what it was before she started taking the
6 drug?

7 A No.

8 I think again her use of LSD and other drugs was,
9 at the most basic level, an attempt to deal with emotions and
10 psychological contents which were not tolerable to her.

11 Q Doctor, do you agree with this, that it is -- and
12 did you so testify back on March 9th, 1971, page 26,107 --

13 "It is completely logical that
14 someone who does not want to alter his value
15 system, who is immovably opposed to altering
16 his value system, will never use the drug to
17 begin with, or likely never use it again after
18 initially experiencing it.

19 "So, in order for someone to
20 continually or chronically experience the drug,
21 they must be willing, their values must be
22 compatible with such experience or with under-
23 taking such a change in their life style or
24 behavior."

25 Do you agree with that?

26 A Yes, I agree with that. I said that.

27 And I think that that is not the same as saying
28 that one is taking the drug to actively with an express

24-3
1 purpose of changing values,

2 I think that to be compatible with one's values
3 to use a drug --

4 See if I can think of an example.

5 It would have to be compatible with my values to
6 take a drink. If I were a Jehovah's Witness, then that would
7 be incompatible.

8 So, on the one hand, I could take a drink, and that
9 would be compatible with my attitudes and values. That would
10 be quite different from my saying to myself, "Now, I want to
11 destroy my life, so I think I'll be an alcoholic."

12 See?

13 One is behavior directed toward an express goal;
14 the other is behavior which is compatible with values.

15 Do you understand the distinction?

16 A Well, don't you agree that for a person to get in
17 the stage where they'd want to use drugs, such as LSD, that
18 their value system would have to be, say, somewhat different
19 than the normal average person in society?

20 A Well, according to the latest data, approximately
21 27 percent of school kids, and this is nationwide, over the
22 age of 11 have tried LSD.

23 So then I would have to say, "Well, goodness, then
24 it must be behavior compatible with 20-some-odd percent of the
25 total school-age population of the United States."

26 So then at that point, to try to make pronouncements
27 about what their value system is, becomes a little dangerous.

28 I would say in general, however, that those kids

24-4

1 who were trying the drug must be in a situation in which their
2 values are at least not totally antipathetic to that behavior.

3 It may be that it was more social pressure, group
4 pressure -- you know, everybody's doing it -- than it was a
5 desire for the altered state of consciousness, a receptiveness
6 to changing one's mind or looking to experiencing things
7 differently.

8 So you have to look at the context of the decision.
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1 Obviously, though, there must be some compatibility
2 at some level in that one factor in the decision.

3 Q Well, it's clear, isn't it, Doctor, that Leslie
4 Van Houten took LSD because she liked taking it?

5 A Yes.

6 And whether the thing that she liked was to be
7 alienated -- in further alienation, or to be extremely high,
8 or to be a member of the group, be doing what everyone else
9 is doing, or to simply alter her thinking so radically that
10 she can no longer feel and think things which are terribly
11 uncomfortable and painful for her.

12 That's a decision we'd have to make with a careful
13 analysis of all the factors involved. That type.

14 Q Now, speaking of taking LSD, doesn't the effect
15 that LSD has on a person depend on that person's -- to a great
16 extent on the person's personality structure?

17 A Well, they say --

18 We say in pharmacology that there are a number of
19 factors that account for the effect of any drug.

20 One is the properties of that drug on the
21 physiology and the neurology of the individual.

22 Another factor is the setting, the emotional
23 setting, or the psychological setting, of the person who
24 takes the drug.

25 The third factor would be the psychological
26 expectations that person has.

27 This accounts for the fact that placebos work 40
28 percent of the time.

24-6

1 Q By "psychological expectation," you mean if the
2 person was expecting to have a good trip, they probably would
3 have a good trip?

4 A Probably.

5 But there again I've certainly seen the opposite.

6 That some kid I see in the emergency room dropped
7 LSD with the idea that, "Goodness, we are going to all have a
8 great time," and then a half-hour later he's in a paranoid
9 freakout, and he's convinced that the Martians are invading
10 his brain substance, and he had no intention whatever of
11 having that thing happen.

12 But something emerges from his psychology of which
13 he has no consciousness which then determines the totality
14 of what happens to him in the intoxication.

15 Q Well, assume that Miss Van Houten testified at
16 the penalty phase of her first trial that she was a chronic
17 user of LSD, and that she'd had about 300 trips but had never
18 had a bad trip.

19 And assume that Paul Watkins in this case testified
20 that while he was with the Family, and they had these group
21 sexual encounters, that people took LSD, and that some people
22 did appear to have some problems with it, but Miss Van Houten
23 didn't appear to have any problem with it; that she appeared
24 to be the most level-headed one there; that she never flipped
25 out, appeared to have any problem.

26 Now, what does that tell you about how -- what
27 effect LSD has on Leslie Van Houten, assuming those few
28 things?

24-7

1 A. Well, you could theorize several ways.

2 One, you could theorize that her psychological
3 defenses were very strong and very rigid; that the way she
4 was handling these conflicts, these unresolved, emotional
5 problems was rather efficient.

6 Classic example of that is, again, the paranoid
7 personality. They've got such a rigid bizarre way of under-
8 standing the world that it is very effective in keeping that
9 kind of crazy material under control most often.

10 So one way you could look at it would be that her
11 resistance and her defenses were extremely rigid and fixed
12 or effective.

13 Another way you could look at it would be to
14 say that this is a perfectly normal person who is so normal
15 that there is nothing crazy inside of him to emerge.

16 Some of the investigators used to say, you know,
17 there are no such things as bad molecules, there's just bad
18 heads.

19 So if you give a person LSD, and something terrible
20 happens, it isn't the molecule that was ultimately responsible
21 but what was inside the person's head.

22 So you could explain it several different ways.

23 Q Did, in your --

24 A Oh, I'm sorry, and the third explanation would
25 have to do with the circumstances.

26 If they are in warm, supportive, friendly,
27 familiar circumstances.

28 Maybe the circumstances were very supportive,

1 meeting her needs emotionally in this instance. Maybe that's
2 why she didn't have any bummers or bad trips.

3 Take the same person and put them in the middle
4 of a strange circumstance with frightening stimuli, and I think
5 the chances are very good they are going to have a very bad
6 experience with the LSD.

7 Q Did Miss Van Houten tell you, in your current
8 interviews with her, that she enjoyed taking LSD?

9 A Yes. She recalls taking the LSD and finding it a
10 very positive experience for her.

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1 I will say this, though, to amplify, if I may:
2 That when she told me originally what her pattern of usage
3 of LSD had been --

4 Q Now, what do you mean "originally"?

5 A In '71, when I talked to her.

6 Q '71.

7 A -- the history was that she took LSD for the
8 first time at 14, and very quickly after that established a
9 pattern of regular use, sometimes as much as two or three times
10 a week.

11 Now, to take LSD, the average person could take
12 LSD and have a eight or twelve hour intoxication, and usually
13 at least 12 hours of recovery time; and you're looking at
14 a day of your life shot.

15 It's really pretty hard to keep things together
16 in an ordinary routine when you are in the intoxication from
17 it.

18 So when you are talking about doing that two or
19 three times a week you are effectively eliminating ordinary
20 function for a whole week.

21 Q Now, did she --

22 A So I was struck by that.

23 I thought that was the pathological use of LSD,
24 and reflected the pathology in her that she was attempting
25 to cope with through the use of that intoxicant.

26 Q Let me ask you this;

27 In your current conversations with her did she
28 maintain that she took LSD that much during that period of

25-2
1 time?

2 A Yes; there were several hundred intoxications
3 in total in her experience with LSD.

4 Q Did she tell you that she took it that amount of
5 time with Bobby Mackey?

6 A That number of times with Bobby Mackey?

7 Q Yes.

8 A Well, I don't think we ever discussed the total
9 numbers of times she took it with Bobby Mackey.

10 She talked about a pattern of two or three times
11 a week; and would have taken it more, now that I recall, if
12 Bobby hadn't restrained her.

13 Q Did she maintain that currently, that Bobby had
14 to restrain her from --

15 A No; that was something she told me in '71.

16 Q And did you ask her again about that now?

17 A No.

18 Q In your original examination of Leslie did you
19 find what you felt was good evidence that Leslie historically
20 had difficulty with impulse control, in particular difficulty
21 with frustration?

22 A Yes. I think that she had failed to acquire
23 adequate means of dealing with those kinds of materials from
24 her parents.

25 Q Did you find that in your current interview with
26 her?

27 A No; that was a conclusion I had drawn up
28 originally, six years ago.

1 Q Did you change that conclusion?

2 A Looking back at Leslie Van Houten again,
3 historically I would say that that was still true about her;
4 That that would help explain why she had been
5 that way when I first saw her.

6 MR. KAY: May I have just a moment, Your Honor?

7 THE COURT: Yes.

8 (Brief pause.)

9 Q BY MR. KAY: When we talked about the rage that
10 you felt that Leslie had within her, do you feel that she
11 was less able to control the anger and rage in her than the
12 average individual?

13 A I'm talking now about back at the time of the
14 LaBianca murders.

15 A At the time of the murders?

16 I would say at that time she was -- she had less
17 capacity to contain her unconscious forces than the average
18 citizen at the time, at the time that she perhaps got into
19 all this originally, left home, et cetera.

20 I don't think that she was that terribly remarkably
21 different from large numbers of kids of that age.

22 Q You talk about conscious forces.

23 Do you think that her participation in these --
24 in the LaBianca murders were caused by unconscious forces?

25 A Yes, definitely.

26 I have been trying to make that point the last
27 two days.

28 Q And do you feel that Hanson influenced her on that

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level?

A I think the way -- he meshed quite beautifully with all that. Just perfect meshing of what was there in potential inside of her, her unconscious forces, and his ability to manipulate those in his own directions, for whatever reasons of his.

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1 Q Do you remember testifying at the first trial,
2 at page 26,146, talking about Manson's influence:

3 "The way I see it there are only two
4 basic possibilities, either he attempted to
5 consciously influence her or he did not. In either
6 instance her committing this act" -- meaning
7 participation in the Labianca murders --
8 "would have been motivated by unconscious impulses,
9 and I don't think, for instance, that Manson even
10 existed in that way in this activity,"

11 A Do I remember that?

12 Q Yes.

13 A Yes -- well, I'm looking at it. I now remember
14 saying it.

15 MR. HAY: May I have just a moment, Your Honor?

16 THE COURT: Yes.

17 (Brief pause.)

18 Q BY MR. HAY: Did you in your initial interview
19 with Leslie back in 1971 find her thought processes to be
20 unusual in any fashion?

21 A In my original report, as was discussed earlier
22 this morning, I did not see -- I had no knowledge of a
23 delusional system.

24 In fact, if anything, it was hidden from me.

25 So based upon not seeing that information and
26 not having access to those findings, I found nothing -- I
27 didn't find those findings, obviously in her thoughts, in her
28 thought process.

1 I didn't know she believed she was an angel.

2 I didn't know she believed she was perfect and
3 going to be immortal.

4 Q And I take it the only way you knew that now
5 is because she told you that?

6 A No; a variety of people shared those same feelings,
7 and it's been testified, people have testified that everyone
8 believed that.

9 Q Who testified that they believed they were
10 angels?

11 A Well, let's see; I believe that Dianne Lake
12 testified that she --

13 Wasn't she the lady who talked about she believed
14 that there were 12 kinds of fruit trees in the bottomless
15 pit and a place of milk and honey?

16 Q She testified, I believe, that Gypsy was the one
17 that invented the story of the bottomless pit, and might have
18 described something to that effect but didn't say anything
19 about being an angel.

20 As a matter of fact, you could presume that
21 Linda Kasabian testified, under Mr. Keith's cross-examination,
22 that she never heard anybody the whole time she was with the
23 Family talk about being an angel, or anything.

24 A Well, in Volume 17, I think 2612 is the page
25 reference, Linda talks about believing in Helter Skelter and
26 the pit.

27 On page 2609 she talks about looking for a
28 beautiful man and finding him in Charlie and believing that

1 maybe he was Jesus.

2 Q We are talking about an angel.

3 A Well, I gave that as an example of the beliefs
4 that were shared of delusion.

5 Q Yes; and you said somebody had testified to that.

6 And I'm ---

7 A Okay; in that case ---

8 Q --- and I'm questioning your answer there.

9 A All right. Let me restate that, then.

10 There were many people who believed in the
11 delusions that Miss Van Kouten also believed in.

12 And a number of people confirmed their belief
13 in various aspects of these delusions. And these were
14 examples of it.

15 Now, if I said that she believed she was an angel
16 when in fact she didn't, she believed in other aspects of the
17 delusion, then, I stand corrected.

18 But in my mind there is no question that numbers
19 of the individuals that are involved believed in various
20 aspects of it.

21 In fact, I think on 2598 there is the point that
22 only after a month with the Family Linda states that she
23 believed in Kelter Skelter.

24 And that's rather rapid acquisition of a crazy
25 belief.

26 Q But Linda also testified that she had never heard
27 anybody refer to themselves as an angel or talk about being
28 an angel.

1 A Yes. Again, I gave that as an example of the
2 beliefs that were shared.

3 She may not have believed that, but certainly
4 there were lots of other parts of the delusion that she states
5 that she did believe in and rather rapidly after joining the
6 family.

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1 Q Now --

2 THE COURT: Just a minute.

3 Will counsel approach the bench, please.

4 MR. KAY: I think I can finish by 4:00, if that's what --

5 THE COURT: Well, I'd like to have counsel come forward,
6 please.

7 (Bench conference held, not reported.)

8 Q BY MR. KAY: Doctor, yesterday you were telling
9 us about Mr. Manson's manipulation of the people, and you said
10 that they -- one of the factors you took into consideration
11 was that they had no private places to go.

12 Did Leslie tell you in your interviews with her
13 about her relationship with motorcycle gang members that would
14 frequent Spahn Ranch?

15 A I'm a little vague as to the details of specific
16 instances in which she encountered people from motorcycle
17 gangs.

18 I recall the testimony that because she was in
19 the second circle, not the inner circle, the very privileged
20 girls who were with Charlie, that because she was in the
21 second circle, she and the other girls had to handle those
22 guys, those kinds of people.

23 Q Did she tell you that she used to take trips with
24 them when they'd go to a mountain resort and places like that?

25 A I don't think I discussed any specific trip that
26 she made with any of those people.

27 Q All right.

28 Well, assume at the penalty phase of the first trial

26-2
1 that she testified that she did so, that she took trips with
2 the motorcycle gang members.

3 That shows that she wasn't always at Spahn Ranch,
4 doesn't it?

5 A I presume.

6 Q And you said that, talking about no private places
7 to go to, if a person was a loner, so to speak, wouldn't that
8 person have, say, private places to go to because they'd be
9 by themselves a lot?

10 A I think that we shouldn't confuse geography with
11 psychology.

12 Q Well, I'm talking about a psychological loner.

13 A Psychologically speaking, we are talking about a
14 sense of psychological privacy, a place that psychologically
15 is yours, and no one else can influence; that you don't --
16 that you don't let that be influenced by the people, or that
17 it is something that is not going to be susceptible to change
18 by someone else.

19 Something you believe in, for instance, that you
20 will not surrender.

21 That's what I meant by psychological privacy.

22 Q Well, did you take into consideration that Dianne
23 Lake testified in this case that Leslie Van Houten, while she
24 knew her -- and Dianne Lake was there as a member of the Family
25 before Leslie was -- that Leslie appeared to be cold and aloof,
26 appeared to do what she wanted to do;

27 And that Barbara Hoyt testified that Leslie was
28 a loner, didn't appear to be a warm person;

26-3

1 Brooks Poston testified that he was a member of
2 the Family before Leslie was, and that they were together for
3 a period of about six months, and they never even had a
4 conversation with each other.

5 Doesn't that kind of indicate to you that Leslie
6 was somewhat of a loner and maybe didn't join in with people
7 as much as some of the other people there in the Family?

8 A I would say that that would indicate that she was
9 not as socially involved as others might have been.

10 But to draw from that the conclusion that she was
11 an emotionally intact, independent, autonomous, matured person,
12 who had a sense of self, that was not going to be -- she was
13 not going to allow that to be invaded or manipulated by others,
14 that would be quite a leap -- a conclusion that I wouldn't
15 arrive at.

16 In fact, now that I think about it, they were all
17 alienated, disaffected, alone, wandering, cut loose.

18 And though on the surface that would look like,
19 you know, they are aloof people who are very private, the fact
20 of the matter is that their emotional needs were so immensely
21 powerful that they got into this whole business and adopted
22 this whole crazy concept of what the world is and should be.

23 So apparently they weren't so aloof and emotionally
24 independent.

25 Q Well, you are talking about a group.

26 A Talking about individuals in that group.

27 Q Well, do you realize that --

28 Did you take into consideration that there were

1 individuals in the group that --

2 For example, Linda Kasabian. That Charlie asked
3 Linda Kasabian to kill, to kill an actor, and she said, "No,
4 I'm not you, Charlie. I can't kill anyone." And she didn't.

5 She told him that right to his face.

6 A. Yes, I remember that.

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1 Q And she did not.

2 A I remember also that there was something quite
3 different about her experience. She was gone from the Family
4 six or seven times, the testimony was, during her membership.

5 She had left the Family and visited her home,
6 for instance, six or seven times.

7 Q Oh, I don't recall any such --

8 THE COURT: Well, let's put your next question.

9 THE WITNESS: I can find that for you.

10 Q BY MR. KAY: You are saying that Linda Kasabian
11 testified that she left six or seven times to visit her home?

12 A Am I talking about Linda or Dianne?

13 I think I was talking about Dianne.

14 Q I'm talking about Linda Kasabian.

15 A I'm sorry. I was thinking of Dianne when I said
16 that.

17 Q I believe she testified --

18 THE COURT: All right. Let's put your next question.

19 MR. KAY: All right.

20 Q You talked about Manson having the ability to
21 manipulate.

22 In your opinion, does Leslie have the ability to
23 manipulate, more specifically in 1971 did she have the ability
24 to manipulate?

25 A I think everyone has some ability to manipulate.
26 To your question, I'd have to answer it yes, I'm
27 sure that she had some ability to manipulate.

28 Q Well, from what you've told us in court today,

1 didn't she manipulate you back in 1971?

2 A I think that all three of the girls cooperated with
3 Mr. Manson to manipulate me in 1971, yes.

4 MR. KAY: I don't have any further questions.

5 THE COURT: Mr. Keith?

6
7 REDIRECT EXAMINATION

8 BY MR. KEITH:

9 Q Doctor, did you discover any evidence that Leslie
10 could be described as a bad seed, bad from Day 1, and never
11 has changed?

12 A I don't subscribe to that theory of human behavior
13 that intrinsic evil makes people bad.

14 I have no evidence that Leslie was a born bad
15 person.

16 Q Have you discovered any evidence as a result of
17 your interviews and other materials supplied to you indicating
18 that Leslie acquired a liking for violence at an early age?

19 A No.

20 I would not say that she acquired any unusual
21 liking for violence.

22 I think, if anything happened, it was the opposite
23 side of the coin; that she failed to learn how to adequately
24 handle emotional material that is present in all people.

25 Q There was reported to you a certain rivalry between
26 herself and her Korean sister Betsy, I gather?

27 A Well, in fact, what she consciously reported was
28 that her relationship with her siblings, these adopted children,

26-7

1 was beautiful; that there was no anger; that it was all love;
2 and that everything was wonderful and perfect; and that she
3 was in no way resentful as a young child when these two other
4 children suddenly arrived to displace her from position of
5 princess.

6 Q I was referring to hitting Betsy with a shoe, or
7 whatever little kids do.

8 A Well, that's fairly common impulsive material.

9 Q Now, you spoke, Doctor, that an unconscious rage,
10 anger and frustration, was a factor in producing the end result
11 that there is a reason why we are here today.

12 Do all of us, or most of us, at least, have some
13 unconscious frustration and rage and anger within us?

14 A Absolutely.

15 Q And when you say "unconscious," does that mean that
16 you and I aren't -- if we have that -- are not aware of it?

17 A By definition, if we haven't the ability to be
18 aware of it consciously, then it is in the realm of the
19 unconscious operations of the mind.

20 Q And is this rage and anger and frustration within
21 us manifested at certain times and places as a result of
22 stimuli?

23 A Oh, definitely. It's very common.

24 I think that the afternoon drink after work is an
25 institution designed unconsciously to manage a lot of that
26 frustration and hostility at the end of a day, for instance,
27 a working day.

28 Q Most of us are able to control it by one mechanism

1 or another?

2 A Exactly.

3 That's the purpose of psychological mechanism of
4 defense, to control such material.
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1 Q And sometimes the frustration emerges?

2 A Sometimes.

3 Q And you spoke of a murderous impulse in Leslie.
4 Is that an example of what you mean when it
5 emerges?

6 A Yes.

7 Q And did it emerge on that occasion because of
8 forces beyond Leslie's control, in your opinion?

9 A Yes, I would --

10 To give an example, I think that that impulse
11 could be understood within the total context of what was
12 happening there, the mechanism involved, similarly to the way
13 we would see a spring involved in the firing mechanism of a
14 pistol.

15 That spring has to be there to move the hammer.
16 But the forces to cock it, to pull the trigger, to place a
17 bullet in it, or point it in some direction, must also be
18 examined, too, outside -- beyond just that one factor of a
19 spring or an impulse or a rage.

20 Q Now, Doctor, you spoke of Leslie being alienated.
21 Was that not at that time in the middle and late
22 '60s a virtual epidemic of young people being alienated from
23 our institutions, as most of us here in court know them and
24 understand them?

25 A Yes.

26 Specifically, as I stated, in '71 her values, her
27 behaviors, sexual behaviors, for instance, when compared to
28 the same attitudes and behaviors of a random and representative

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selected sample of all the UCLA student body for four years,
was not distinguishably different.

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1 The experimentation, the casualness on the
2 sexuality, the lack of concern for herself in such
3 liaisons, that was very, very common.

4 And in fact, if not so dramatic, nowadays it's
5 probably more common than it was then.

6 Q Doctor, you apparently testified in 1971 that
7 you didn't think Manson existed in explaining this activity,
8 referring to the homicides, the Lallanca homicides, or
9 Leslie's participation therein.

10 Do you have an explanation now for that
11 testimony?

12 I'm paraphrasing it. I'm not giving your
13 testimony precisely. It's just from my notes here.

14 MR. KAY: He said, "On an unconscious level."

15 THE WITNESS: Where is that, what page?

16 MR. KAY: "That's at an unconscious level."

17 You were talking about that he didn't exist
18 on an unconscious level.

19 THE WITNESS: I had difficulty understanding that
20 when I read the transcript. I didn't really know what that
21 meant.

22 So if you could give me a reference to that
23 quotation again, I would like to look at the actual words.

24 I'm not sure that might not be a transcribing
25 error because it didn't make syntactical sense.

26 Q BY MR. KEITH: While he is looking, I will ask
27 you another question so we can close this examination.

28 There seems to be some question about whether

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1 Leslie was telling you the truth and Marvin Part the truth
2 on that tape concerning her precise activities within the
3 LaBianca residence, vis-a-vis, her actual participation in
4 the death of Rosemary LaBianca.

5 Now, did you attempt to reconcile various
6 versions of Leslie's activities within the LaBianca residence?

7 A Well, I read all the materials several times.

8 Q Did you take into consideration --

9 You told us you believed Leslie's comments on
10 the tape made with Marvin Part, her first attorney.

11 A Oh, I felt that the material on the first tape
12 was extremely reliable.

13 Q All right.

14 A That she was still very much caught up in the
15 pressure, the emotional pressure, the psychological demands
16 of that.

17 Q All right.

18 And you believed what she told you during your
19 interviews this year, in February of 1977, concerning her
20 activities within the LaBianca residence.

21 A Yes.

22 Q And they were -- her report to you this year was
23 consistent, was it not, with the tape?

24 A Yes.

25 Q And had she reported to you her activities within
26 the LaBianca residence this year, during your interviews this
27 year, before you played the tape for her?

28 A Yes.

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1 To reiterate, she told me that she had not --
2 we discussed that '69 tape; and I asked her how she'd feel
3 about my playing it for her so that we could talk --

4 The point was so we could talk about how she
5 sounded then and what she thought of that.

6 And she was very reluctant to listen to that
7 tape because it was upsetting to her to hear her as she was
8 then.

9 So when I played the tape for her -- I think on
10 Thursday of the week that I was examining her -- as far as I
11 knew that was the first time she had heard that tape since
12 1969.

13 Q All right.

14 Now, did you also consider, in determining
15 whether or not in your mind Leslie was truthful on the tape
16 and truthful to you during your 1977 interviews, the autopsy
17 surgeon's report showing there were a number of postmortem
18 stab wounds in the upper buttocks of Mrs. Labianca?

19 A Yes.

20 Q And did you also consider Dianne Lake's testimony,
21 not on cross-examination but on the direct examination by
22 Mr. Kay, that Leslie told her, Dianne Lake, before she,
23 Leslie, was arrested, or any of them were arrested in the
24 desert, that she, Leslie, had stabbed a dead body a number
25 of times and it was either "fun" or "all right," depending
26 on which trials you hear?

27 A Yes, I remember that.

28 DR. KRITIK: Were you able to find that?

27-4

1 MR. KAY: Do.

2 I have to listen to you; I can't --

3 MR. KEITH: All right; excuse me.

4 Could you take a look for that particular
5 testimony you read to --

6 MR. KAY: If you won't ask any questions.

7 MR. KEITH: No, I'm not going to, because I have got
8 three more minutes.

9 (Brief pause.)

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1 MR. KEITH: I will give you one minute to find it.

2 MR. HAY: That's kind of you.

3 (Brief pause.)

4 THE COURT: Do you have the transcript there, Doctor?
5 Could I take a quick look at it?

6 THE WITNESS: Sure.

7 (Witness hands transcript to the Court.)

8 (Brief pause.)

9 MR. HAY: I think I have it. It's 26,146.

10 THE COURT: Yes; that's the page I have in my notes.

11 MR. KEITH: May I approach the witness, Your Honor?

12 THE COURT: Yes.

13 (Mr. Keith confers with the witness.)

14 Q BY MR. KEITH: Apparently, Doctor, you testified
15 at the penalty phase of Leslie's first trial:

16 " . . . her committing this act would
17 have been motivated by unconscious impulses, and
18 I don't think, for instance, that Hanson even
19 existed in that way in this activity," referring
20 to the actual stabbing, I presume.

21 Are you able to explain that testimony now in
22 retrospect, or does it mystify you?

23 A I wonder if there was a stenographer error on
24 that, because it doesn't make -- I don't understand what I
25 mean there, "he existed in that way in this activity."

26 And I don't know whether I was talking about the
27 murder or her conscience, or what exactly that is.

28 MR. HAY: He explains it in the next sentence, because

1 he is asked what did he mean.

2 Q BY MR. KEITH: Well, either myself or somebody
3 also asked:

4 "What do you mean, motivated by
5 unconscious impulses?"

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

9 "Q Why do you determine that an
10 unconscious impulse? You maintain that that is
11 the case with Leslie or with anybody?"

12 "A In her circumstance she could have
13 consciously made the decision to go along with
14 that, if that is the actual explanation why they
15 were there. But the actual event itself is
16 emotional, it is emotionally determined. It is like
17 the iceberg, only a tenth of that is in your
18 unconscious mind.

19 "Q You will have to repeat that.

20 "A It is like the iceberg, the emotional
21 aspect of any of your actions is only a portion, only
22 a small portion of that is conscious on your part;
23 most of the determinants are unconsciously determined."

24 You are speaking, apparently, Doctor --

25 Do you remember that testimony?

26 A Um-um.

27 Q You are speaking, Doctor, apparently of the
28 unconscious impulses you spoke of today.

1 A Yes.

2 Q In being a motivating factor.

3 A Yes.

4 Q And today you believe they were a concatenation
5 of factors in which this unconscious impulse or anger was
6 one.

7 A Yes.

8 You know, at the time I was trying to understand
9 why this had happened, and I didn't have information about
10 the delusion.

11 I didn't understand that they were -- they were
12 trying to protect Charlie still, even after conviction for
13 murders.

14 I didn't understand the belief in Helter Skelter.
15 I didn't understand the depth of the compulsiveness of those
16 beliefs.

17 Therefore, now when I look back I have to have an
18 understanding that incorporates that data.

19 At the time, as far as she was telling me, this
20 was something she strictly had done on her own.

21 So then I'm looking to her unconscious structures
22 to understand why that would be.

23 Q Without being aware of the concatenation, if I
24 may use that term, of other forces that created the result
25 that we are litigating today.

26 A Yes.

27 MR. KEITH: All right; thank you.

28 I have nothing further.

1 THE COURT: Anything further?

2 MR. KAY: Nothing further, Your Honor.

3 THE COURT: All right.

4 Any objection to excusing the doctor?

5 MR. KEIGHT: No, Your Honor.

6 MR. KAY: No.

7 THE COURT: All right; you are excused.

8 Thank you.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury, at this
11 time we will recess this matter until Monday morning, June 6,
12 10:00 a.m.

13 Bear in mind during this recess you are not to
14 discuss this case amongst yourselves or with anyone else,
15 and you are not to form any opinion concerning this matter
16 or express any opinion concerning this matter until the case
17 is finally given to you.

18 Furthermore, you must not allow yourselves to read,
19 see or hear any news media accounts of this matter.

20 Have a good weekend. We will see you Monday
21 morning.

22 Counsel to be present on Monday morning at 9:30
23 for the matter outside the presence of the jury.

24 MR. KAY: Yes, I wonder if we could stay on the record
25 outside the jury's presence for a brief motion.

26 THE COURT: All right.

27 You are excused, ladies and gentlemen.

28 Thank you.

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(The jury was excused and the following proceedings were held:)

THE COURT: Let the record show we are all present and meeting in the absence of the jury.

All right, Mr. Kay.

MR. HAY: Yes, Your Honor.

At this point the People are going to make a motion under I believe it is Section 723 of the Evidence Code.

We have had four psychiatrists testify for Mr. Keith. Now, Dr. Roberts of course is coming back on Wednesday.

28f

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28-1
1 It appears that the testimony is becoming somewhat
2 cumulative.

3 We would make a motion to -- And, of course, the
4 court does have the power to limit the number of experts called.

5 If they were saying something new, it would be one
6 thing; but it doesn't appear that any of them really have
7 anything that new to say.

8 It is getting rather laborious and taking up time
9 of the court, of the trial.

10 He has called four experts, and I'd ask, under 723,
11 that the court limit defense counsel in calling further
12 psychiatrists.

13 THE COURT: All right, Mr. Keith.

14 MR. KEITH: Well, in answer to that, may the court please,
15 each of the psychiatrists attacks the issues from a different
16 viewpoint.

17 You will notice Dr. Ditman's expertise was primarily
18 in drugs.

19 Dr. Roberts appears to be a psychiatrist having a
20 more general background.

21 Dr. Grinspoon was a Freudian psychoanalyst.

22 Dr. Hockman, who also has considerable experience
23 in the drug field, feels he's an eclectic psychoanalyst drawing
24 from many fields.

25 I have two more doctors, Dr. Coburn and Dr. Solomon.
26 I can't really describe their specialties.

27 Dr. Solomon does have, I believe, some expertise
28 in the field of attitudinal change or enforced learning.

1 Dr. Coburn would probably be considered a more
2 general psychiatrist. I know he's on the -- he's done much
3 work for the superior court, a USC graduate.

4 I'm not sure whether his discipline is different.
5 By "discipline," I mean almost a subspecialty, different from
6 any of the others.

7 But I feel all of these views are important,
8 particularly, Your Honor, -- and I would beg Your Honor not to
9 grant Mr. Kay's request -- if this were a normal case, a run-
10 of-the-mill case, I would say yes; Mr. Kay is right,

11 But we have an uphill battle here. We've got
12 publicity, notoriety, a previous conviction of first degree
13 murder, a previous sentence to death, a new trial granted.

14 This in itself is going to weigh on the jury's
15 mind.

16 Of course, he's got rebuttal psychiatrists. They
17 are very good. I feel it is important to create any kind of
18 a reasonable doubt in the minds of the jury. I've got to have
19 the benefit of perhaps more psychiatrists than you might see
20 in the ordinary case because of the unusual features of this
21 case.

22 Your Honor's --

23 THE COURT: Well, let me interrupt to this extent:

24 We've had four psychiatrists on behalf of the
25 defense. I understand from what you have said here that you
26 anticipate calling two additional psychiatrists.

27 MR. KEITH: Yes.

28 THE COURT: There's some indication that what one of them

28-3
1 may testify to will be similar to what some already have
2 testified to.

3 And if it's going to be the same type of thing
4 over again, that's one thing.

5 Now, if you've got an expert in some other area,
6 then that may be a different matter, and I think the court
7 should be fully informed as to that before ruling on it.

8 In other words, I think that if you are going to
9 have an expert who is going to say, in essence, what the four
10 have already said, that it will not do anybody any good,
11 including you and your client, to have a fifth psychiatrist
12 testify, in essence, to what four of them already testified to.

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1 MR. KEITH: Well, take Dr. Coburn, for instance.

2 He actually examined her at Frontera in 1971 and
3 formed certain conclusions actually, in a sense, adverse to
4 Miss Van Houten.

5 I think --

6 THE COURT: I'm not worrying right now, or even want to
7 consider, whether they are adverse or --

8 All I'm considering now is whether it is going to
9 be the same type of thing or not.

10 And you are the one to tell me that.

11 I'm not passing any judgment on which way
12 psychiatrists testify or how they get to the conclusions they
13 do. That's not my function. I just want to be sure that we
14 are not going to be reiterating things that we have already
15 gone into.

16 I mean, almost every psychiatrist talked about the
17 delusional state and the factors of drugs, sex, and so forth.

18 And we've had the conclusions that she could not
19 premeditate, deliberate, she couldn't meaningfully and --

20 MR. KEITH: She didn't have an awareness of her duty
21 toward the law.

22 THE COURT: -- she didn't have an awareness of the duty.
23 We've gone into that.

24 Mr. Kay has cross-examined on the same testimony
25 out of the Part transcript, and it is becoming extremely
26 repetitious.

27 Now, I will, however, since we are going to be
28 here Monday morning at 9:30 on the motion regarding the subpoena

1 duces tecum, put this over until that time and give you an
2 opportunity to check or get ready to make an offer of proof
3 of how these particular psychiatrists might differ.

4 Now, if Dr. Coburn examined her in 1971, that's
5 a factor I ought to know about.

6 MR. KEITH: Yes, he did. He examined her at Frontera.

7 THE COURT: That makes a difference.

8 Now, I don't know about Dr. Solomon.

9 MR. KEITH: I will have to speak with Dr. Solomon, and
10 Dr. Solomon would not be coming out here anyway until, in
11 all probability, the week after next.

12 I did have him scheduled for next Wednesday, but
13 Dr. Roberts was ordered back.

14 THE COURT: So let's put this over until Monday morning
15 at 9:30, and we'll take this up after the subpoena duces tecum.

16 And at that time you will have an opportunity to
17 talk with Dr. Solomon, I take it, and Dr. Coburn on the offer
18 of proof.

19 MR. KEITH: I'll try.

20 THE COURT: Because I do not want to foreclose you from
21 presenting something that might be different, but if it is
22 just going to be, in essence --

23 MR. KEITH: Well, he's going to bring in Dr. Fort, though,
24 and he's a dynamite witness.

25 I feel I've got to have all the power I can to
26 overcome Dr. Fort.

27 I wouldn't express my beliefs in his competency
28 on the record, but, nonetheless, I think it's important for

1 me to have all the power I can to overcome what I want to
2 overcome in this case, and that's the unusual publicity and
3 notoriety attendant.

4 If this were the ordinary case, I wouldn't argue
5 with the court; but I want everybody that I feel is a fine
6 and good and competent psychiatrist to be here, no matter
7 what it costs, for her.

8 And I'll be ready Monday.

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1 THE COURT: Well, the cost is not entering into the
2 court's decision.

3 But I think you should have an offer of proof,
4 you know, under --

5 What you are telling me now is that we are talking
6 now between the difference between four and six. Under what
7 you are telling me, it would apply for 22.

8 At some time we reach a point where we can't go
9 on endlessly.

10 MR. KEITH: I recognize that, and I didn't think six
11 were too many.

12 THE COURT: There are hundreds of good psychiatrists in
13 this country, and at some point you reach a point where you
14 say, well, the numbers are such that we've just got to cut
15 it off.

16 MR. KEITH: Well, I think it would be gross error to
17 cut me off, gross error in the light of the circumstances of
18 this case.

19 THE COURT: Well, I'm not indicating I'm going to. All
20 I'm saying is it is something we ought to inquire into.

21 And, as you indicated, you most certainly will.
22 You will have an indication for me on Monday as to why the
23 two additional should be called, and I'll be glad to take it
24 up at that time.

25 I've not made up my mind one way or another. As
26 I indicated when you first started out, I do not have
27 sufficient facts to make that determination at this time.

28 So we'll come in on Monday with an open mind on

1 the subject and be glad to hear from both counsel on the
2 matter.

3 MR. KAY: Thank you, Your Honor.

4 THE COURT: All right. 9:30, then, on Monday.

5 Thank you.

6 (At 4:20 p.m. an adjournment was taken
7 until Monday, June 6, 1977, at 9:30 a.m.)
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