

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

-VS-

CHARLES WATSON,

Defendant.

6036

No. A-253,156

REPORTERS' DAILY TRANSCRIPT

Tuesday, October 5, 1971

VOLUME 36

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APPEARANCES:

See Volume 1.

HAROLD E. COOK, C.S.R.
CLAIR VAN VLECK, C.S.R.
Official Reporters

COPY

1 LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 5, 1971, 9:30 A. M.

2 --oOo--

3 THE COURT: People against Watson. Let the record show
4 all jurors, all counsel and defendant are present.

5 You may proceed, Mr. Bugliosi.

6 MR. BUGLIOSI: Your Honor, defense counsel, Mr. Kay,
7 ladies and gentlemen of the jury: You know, as I was listening
8 to Mr. Bubrick and Mr. Keith address you folks, I thought to
9 myself that although they learned the law at their respective
10 law schools, they didn't learn how to be magicians.

11 They didn't learn how to pull a rabbit out of the
12 hat, when there wasn't any rabbit in the hat.

13 Based on the evidence that came from that witness
14 stand under oath, ladies and gentlemen, Mr. Bubrick and Mr.
15 Keith's client, Charles Tex Watson, is guilty of deliberate,
16 premeditated, first degree murder, and there is nothing they
17 can do about it.

18 Tex Watson could have been represented by the late
19 great Clarence Darrow and I don't see how twelve reasonable men
20 and women could come back into this courtroom with a verdict
21 below first degree murder.

22 I wonder if any of you folks have read Victor Hugo's
23 account of the cetopus. Mr. Hugo says that no one can appre-
24 ciate such a fish, unless he has seen it.

25 He says that it has an aspect of scurvy and gangrene.
26 He describes it as a disease embodied in monstrosities. The
27 sailor calls it the devil fish.

28 The octopus he says does not have a beak to defend
itself like a bird, or claws like a lion, or teeth like an

1 alligator, but it does have what one could call an ink bag and
2 then it is attacked, it lets out a dark fluid from this ink bag,
3 thus making all of the surrounding waters dark and murky, and
4 enabling the octopus to escape into the darkness.

5 Now, I ask you, folks, is there any similarity
6 between that description of the ink bag of the octopus and the
7 psychiatric hocus-pocus defense in this case of diminished
8 mental capacity?

9 Has Mr. Watson put on any real legitimate defense
10 to these murders, ladies and gentlemen, or has he sought to
11 employ the ink bag of the octopus and thereby attempt to escape
12 full responsibility for these murders?

13 The answer to that question I think is obvious,
14 ladies and gentlemen. He has sought to employ the ink bag of
15 the octopus for the simply reason that that is the only defense
16 he has to these murders.

17 The only problem for Mr. Watson, of course, is that
18 the ink bag is not a legally, recognized defense to murder.
19 There are some defenses to murder: Self-defense, prevention
20 of a felony, defense of others, but the ink bag hasn't yet
21 reached the status of the law books.

22 I think you wouldn't lose any money if you wagered
23 it never would. Stated another way, ladies and gentlemen, Mr.
24 Watson, by this psychiatric hocus-pocus defense, has sought to
25 create a smoke screen around the facts in this case.

26 His only hope is that you folks are going to be
27 unable to see through the smoke screen to the facts and come
28 back with a verdict of first degree murder.

He is hopeful that your vision of the facts is going

1 to be obscured by the smoke and by the ink.

2 We intend to penetrate that smoke screen and clear
3 up the water, which defense counsel have sought to muddy, so
4 that you folks can clearly see the evidence, the facts, the
5 issues in this case, so that you are going to be able to behold
6 the form of the retreating octopus and bring Charles Tex Watson
7 back to face justice.

8 The only problem I'm going to have in giving my
9 final summation is that there is so much evidence proving that
10 Mr. Watson is guilty of first degree murder, and it is obvious
11 he is guilty of first degree murder, that I have to actually
12 fight from becoming complacent and I have to state the obvious,
13 which human beings frequently do not want to concern themselves
14 with.

15 If I were just to get up here in my final summation
16 and say, "Mr. Watson is guilty of first-degree murder, so return
17 a verdict of first degree murder," this type of an approach,
18 without arguing in depth, might be rather arrogant.

19 You might thereby be influenced in your verdict by
20 this negative impression. So I am going to argue in depth. I
21 am going to state the obvious and I am not going to be complacent.

22 Incidentally, ladies and gentlemen, my final
23 summation may last two days. I saw some of you cringe when I
24 said that.

25 There are seven murders here and I simply cannot
26 deliver a final summation in a case of this magnitude in a
27 couple of hours.

28 I want to add that because I am going to argue

1 longer than the defense attorneys is no implied statement by
2 Judge Alexander that you are therefore to give my argument
3 any more weight than the argument of the defense attorneys.

4 I am sure that if they had wanted to argue longer,
5 Judge Alexander would have permitted them to do so.

6 In the last analysis, by and large the length of
7 an argument is dependent upon the decision of the individual
8 attorney. In the last trial, one defense lawyer argues seven
9 days. He was almost thrown out of court, of course, but he
10 went as long as his voice would hold up.

11 Fortunately, none of us lawyers are that long-winded,
12 even collectively.

13 I might also say, ladies and gentlemen, that just
14 as you took notes during the taking of testimony, it is perfectly
15 permissible and I would think advisable to also take notes
16 during final summation, just as you took notes during the
17 argument of the other three lawyers, because although what I
18 am saying does not constitute evidence, you certainly can use
19 the inferences which I draw from the evidence in helping you
20 reach a verdict.

21 Mr. Keith made reference in his argument to an
22 instruction that his Honor will give you, that if you have a
23 reasonable doubt that Mr. Watson deliberated and premeditated
24 these murders, and meaningfully and maturely reflected upon the
25 gravity of his contemplated act, you cannot find him guilty of
26 first degree murder.

27 Let's talk about this doctrine of reasonable
28 doubt a little bit. The word "beyond" in the term "beyond

1 reasonable doubt," is a rather confusing term, particularly to
2 lay people.

3 The principal definition of the word "beyond" in
4 the dictionary is "over, over and above, more than." That is
5 not the sense in which the term or the word "beyond" is used
6 in the term "beyond a reasonable doubt."

7 There is a secondary definition of the word "beyond"
8 in the dictionary, that is, "to the exclusion of."

9 This is the sense in which the word "beyond" is used in
10 the term "beyond a reasonable doubt."

11 The prosecution has the burden of proving that Mr.
12 Watson deliberated and premeditated these murders and maturely
13 and meaningfully reflected upon the gravity of his contemplated
14 act to the exclusion of all reasonable doubt, not all possible
15 doubt, just all reasonable doubt.

16 Of course, there is all the difference in the world
17 between a possible doubt and a reasonable doubt. So with this
18 in mind, ladies and gentlemen, we can completely eliminate the
19 word "beyond" from the term "beyond a reasonable doubt," and
20 come up with this: If you do not have a reasonable doubt that
21 Mr. Watson deliberated and premeditated these murders and
22 maturely and meaningfully reflected on the gravity of the con-
23 templated act, convict him of first degree murder.

24 If you do have a reasonable doubt, then convict him
25 of second degree murder.

26 We have eliminated the word "beyond" from the term
27 "beyond a reasonable doubt," and we still have a very accurate
28 statement and definition of the doctrine of reasonable doubt.

1 Obviously, ladies and gentlemen, the doctrine of
2 reasonable doubt does not place an insurmountable burden upon
3 the prosecution, because if it did, we would never be able to
4 get a conviction of first degree murder in any case.

5 As his Honor will instruct you, a reasonable doubt
6 is not a mere possible doubt, because everything related to
7 human affairs and dependant upon moral evidence is open to
8 some possible or imaginary doubt.

9 Judge Alexander will instruct you that the prosecu-
10 tion does not have the burden of offering that degree of proof
11 which excludes all possibility of error and produces absolute
12 certainty, because as he will instruct you, such degree of
13 proof is rarely, if ever, possible.

14 Only moral certainty is required, not absolute
15 certainty -- moral certainty, and Judge Alexander will instruct
16 you that moral certainty is simply that degree of proof which
17 produces conviction in an unprejudiced mind.

18 In summary, then, the prosecution does not, I
19 repeat, the prosecution does not have the burden of proving
20 that Mr. Watson had the required mental capacity for first
21 degree murder to the point where you are absolutely positive
22 and absolutely sure and absolutely certain that he had the
23 required mental capacity and have no doubt in your mind whatso-
24 ever.

25 That is not the law, because such degree of proof
26 is rarely, if possible. We only have the burden of proving
27 his guilt to the exclusion of all reasonable doubt, not to the
28 exclusion of all doubt.

So the fact that you may have some small doubt in

1 your mind back in that jury room during your deliberations as
2 to whether he had the required mental capacity -- and for the
3 life of me, I don't see how you could even have a small doubt --
4 but assuming you do have a small doubt, this does not mean
5 that you are thereby duty bound to come back into this court-
6 room with a verdict below first degree murder.

7 It is only that you have a reasonable doubt, and
8 you can define the word "reasonable" just as well as I can or
9 any other lawyer. It is a sound, sensible, logical doubt,
10 based upon the evidence.

11 Based upon the evidence in this case, ladies and
12 gentlemen, not only isn't there any reasonable doubt that Mr.
13 Watson is guilty of seven willful, deliberate, premeditated,
14 first degree murders, there is absolutely no doubt whatsoever.

15 Mr. Keith argued that in this trial we are only
16 involved with first and second degree murder-- first or second
17 degree murder, he said.

18 Now, although his Honor will instruct you on all
19 degrees of criminal homicides, first degree murder, second degree
20 murder, voluntary manslaughter, involuntary manslaughter --
21 voluntary and involuntary manslaughter obviously are not involved
22 in this case and second degree murder is not involved either,
23 ladies and gentlemen.

24 Charles Tex Watson is either guilty of first degree
25 murder or he is not guilty of anything at all. A verdict of
26 second degree murder would not be consistent and compatible with
27 the evidence that came from that witness stand

28 If a person can go out on two separate nights with

1 murder in his heart, his soul, his mind, and drive to two
2 separate residences and enter those residences in the middle
3 of the night and mercilously stab seven human beings to death,
4 and only be guilty of second degree murder, I say that is a
5 complete utter travesty and burlesque and perversion of justice.

6 Furthermore, if Charles Tex Watson were as mentally
7 incapacitated as Mr. Bubrick and Mr. Keith claim he was --
8 virtually having no mind at all -- he wouldn't be guilty of
9 any crime at all, because if he doesn't have any mind, if he
10 doesn't have any mind during these murders, he wouldn't be
11 able to perform criminal intent, which is a necessary element
12 of all crimes.

13 So I say that Watson is either guilty of first
14 degree murder or he is not guilty of anything at all and he
15 should get up from that table and walk out of this courtroom --
16 one way or the other.

17 Mr. Keith referred to the following instruction
18 on circumstantial evidence and he said it was favorable to
19 the defense.

20 Let's put this instruction under a microscope and
21 when we do, I think we will see that that instruction is not
22 favorable to the defense, but it is favorable to the prosecu-
23 tion.

24 The instruction which Judge Alexander will give you
25 is entitled "Sufficiency of circumstantial evidence to prove
26 specific intent," and it reads thusly:

27 "The specific intent with which an act is
28 done may be manifested by the circumstances

1 surrounding its commission, but you may not find
2 the defendant guilty of a willful, deliberate,
3 premeditated first degree murder, unless the
4 proved circumstances not only are consistent
5 with the hypothesis that he had the specific
6 intent to kill a human being with malice afore-
7 thought, which was the result of deliberation
8 and premeditation, as those terms are defined
9 elsewhere in these instructions, but are irrec-
10 onciable with any other rational conclusion."

11 Now, note the language of that instruction is not
12 "irreconcilable with any other conclusion."

13 It is "irreconcilable with any other rational con-
14 clusion," and I submit that the word "rational" is somewhat
15 synonymous with the word "reasonable."

16 So that the key word that I want you to underline
17 in your mind is the word "rational." "Irreconcilable with any
18 other rational conclusion."

19 Question: Besides the rational conclusion that
20 Tex Watson had a deliberate, premeditated intent to murder these
21 victims with malice aforethought, would another rational con-
22 clusion be that he did not have a deliberate, premeditated
23 intent to kill these victims with malice aforethought?

24 Would that be another rational conclusion, ladies
25 and gentlemen, or would that be one of these far-out-anything-
26 is-possible type conclusions?

27 I submit, ladies and gentlemen, that a conclusion
28 that Tex Watson did not have a deliberate, premeditated intent

1 to kill these people with malice aforethought would be
2 ridiculous.

3 Tex Watson admitted on that witness stand on the
4 night of the Tate murders he left for Terry Melcher's former
5 residence, left the Spahn Ranch for that residence for the
6 specific purpose of killing the occupants and his state of mind
7 the following night undoubtedly was the same.

8 So the only rational conclusion is that Tex Watson
9 did have a deliberate, premeditate intent to kill these people
10 with malice aforethought, and there is no other rational con-
11 clusion that he did not have. Therefore, that instruction is
12 favorable to the prosecution, not to the defense.

13 Of course, given any set of facts or circumstances,
14 people can reach as many conclusions as the power and the
15 fertility of their mind permits, but not all of these conclusions
16 are going to be rational and reasonable conclusions.

17 There is an additional paragraph to that instruc-
18 tion which Mr. Keith also read:

19 "Also, if the evidence as to such specific
20 intent is susceptible of two reasonable inter-
21 pretations, one of which points to the existence
22 thereof and the other to the absence thereof,
23 you must adopt that interpretation which points
24 to its absence.

25 "If, on the other hand, one interpretation
26 of the evidence as to such specific intent appears
27 to you to be reasonable and the other interpreta-
28 tion to be unreasonable, it would be your duty to

1 accept the reasonable interpretation and to reject
2 the unreasonable."

3 There is that word "reasonable" again, ladies and
4 gentlemen. It runs just like a thread throughout the law, not
5 just the criminal law, but throughout all areas of the law --
6 court law, criminal law.

7 Again, unquestionably, the most reasonable, the
8 most reasonable interpretation of the evidence is that Mr.
9 Watson did deliberate and premeditate the death of these human
10 beings with malice aforethought. An interpretation that he did
11 not, ladies and gentlemen, would not be reasonable. It would
12 be unreasonable.

13 With respect to circumstantial evidence proving
14 intent, that is state of mind, I would like to point out that
15 in every criminal trial, state of mind by definition is always
16 proven by circumstantial evidence for the simple reason that
17 you can never prove state of mind by direct evidence.

18 There is no known way to see what is on a man's
19 mind. You have to look at his conduct, his statements, all of
20 these surrounding circumstances and from his conduct, from his
21 statements, from the surrounding circumstances, infer what was
22 on his mind at the time he engaged in the act in question.

23 In other words, the only way to prove state of
24 mind is by circumstantial evidence. Not only is circumstantial
25 evidence the only way to prove state of mind, ladies and gentle-
26 ment, but circumstantial evidence is the most common type of
27 evidence in a criminal trial. Even fingerprints and confessions
28 are circumstantial evidence.

1 With respect to circumstantial evidence, I have
2 heard it said by a few lawyers that circumstantial evidence was
3 like a chain of circumstances and if one link breaks, the
4 entire chain is broken.

5 Circumstantial evidence, ladies and gentlemen, is
6 not like a chain. It is not like a chain at all. If it were
7 like a chain, then you could have a chain extending the span
8 of the Atlantic Ocean from Nova Scotia to Bordeaux, France,
9 consisting of millions of links and one weak link and that chain
10 is broken.

11 Circumstantial evidence, ladies and gentlemen, is
12 like a rope, the type of rope that he carried with him up that
13 long, winding driveway on the night of the Tate murders.

14 It is like a rope and each fact is a strand of
15 that rope and as the prosecution piles one fact upon another,
16 one circumstance upon another, we add strands and we add
17 strength to that rope, until it is strong enough to bind this
18 defendant, Charles Tex Watson, to justice.

19 If one strand breaks -- and I am not conceding for
20 a moment that any strand has broken in this case -- but if one
21 strand breaks, that rope is not broken like a chain is broken
22 when one link breaks.

23 The rope isn't even weakened. It's strength hasn't
24 been diminished.

25 Why? Because there are so many other, so many
26 other strands of almost steel-like strength that that rope is
27 still strong enough to bind this man here to justice. That is
28 what circumstantial evidence is all about.

1 True, one isolated fact or circumstance might be
2 compatible with a conclusion that he did not have the requisite
3 state of mind, if you were to look at that isolated fact and
4 in a vacuum all by itself.

5 When you folks go back to that jury room, you are
6 not going to look at one isolated fact. You are going to look
7 at all of the facts, all of the circumstances, the total picture,
8 not just one isolated fact.

9 And when you do look at all of the evidence in the
10 composite, you are led to the irresistible conclusion that
11 Charles Tex Watson did deliberate and premeditate the death of
12 these human beings and, therefore, is guilty of first degree
13 murder.

14 Circumstantial evidence in this case is so powerful,
15 so massive, that the only rational conclusion, the only
16 reasonable interpretation is that he is guilty of first degree
17 murder.

18 Mr. Keith and Mr. Bubrick said that Mr. Watson is
19 not guilty of the crime of conspiracy to commit murder. As
20 you know, there are eight counts to this indictment: The
21 first seven counts are murder counts, five Tate murders, two
22 La Bianca murders. The eighth count is a crime of conspiracy
23 to commit murder.

24 Now, to some lay people the word "conspiracy"
25 conjurs up something mysterious and complex. Actually, ladies
26 and gentlemen, as Judge Alexander will instruct you, a con-
27 spiracy is nothing more than an agreement between two or more
28 people to commit a crime, followed by some overt act to carry

1 out the objects of that conspiracy.

2 To constitute the agreement element of conspiracy,
3 it must be shown that the parties had a meeting of the minds,
4 a common intent, a common objective.

5 However, to prove that there was an agreement, it
6 is not necessary to prove that the killers entered into any
7 formal contract, either oral or written.

8 When killers enter into a conspiracy to commit
9 murder, ladies and gentlemen, they don't sit down at a confer-
10 ence table with a stenographer present and if the prosecution
11 cannot offer into evidence that stenographic transcript of the
12 meeting, we are out of the ball game, nor is it necessary in
13 proving a conspiracy, for the prosecution to call a conspirator
14 to the stand and utter the magic words, "I entered into a con-
15 spiracy," with so and so.

16 As his Honor will instruct you at the end of this
17 case:

18 "It is not necessary in proving a conspiracy
19 to show a meeting of the alleged conspirators or
20 the making of an express or formal agreement. The
21 formation and existence of a conspiracy may be
22 inferred from all the circumstances tending to
23 show a common intent, and may be proved in the
24 same way as any other fact may be proved, either
25 by direct testimony of the fact or by circum-
26 stantial or by both direct and circumstantial
27 evidence."

28 Normally, you prove the existence of a conspiracy

1 by circumstantial evidence. You look at the conduct of the
2 parties involved and from their conduct, you infer that they
3 had entered into a conspiracy, since they seemed to be acting
4 together with a common intent.

5 Let me give you an example: A and B are charged
6 with committing a robbery of a bank -- let's call it the
7 Gotham Bank -- it brings me back to Batman and Robin.

8 The evidence of the trial shows that A and B were
9 seen by witnesses entering the bank together, armed with
10 weapons. They held up the bank together and they fled in the
11 same car together.

12 That is all the evidence^{that}/there is. No other
13 evidence. Now, under those facts to believe that A and B did
14 not even know each other and just coincidentally decided to
15 rob the same bank at the same time and found it convenient to
16 flee in the same car would not be reasonable.

17 Even though there is no evidence, no evidence what-
18 soever of any statement made by A to B or B to A, no evidence of
19 any preparation for this robbery, the inference is unavoidable,
20 unescapable that at some time prior to A and B entering that
21 bank, they must have gotten together and agreed to rob that
22 bank, i.e., they must have entered into an agreement or a con-
23 spiracy to commit robbery.

24 In other words, you prove it, you prove the
25 existence of the conspiracy by circumstantial evidence. They
26 were seen entering the bank, robbing the bank and leaving
27 together.

28 The prosecution would not have the burden or putting

1 on a witness who was with A and B one hour earlier at the Ajax
2 Poolhall and overheard A and B agreeing to rob the bank.

3 In this case, we have proved the existence of the
4 conspiracy to commit murder, not just by circumstantial evidence,
5 which is the typical way, but by direct evidence.

6 Linda Kasabian, ladies and gentlemen, was present
7 with Manson and Watson and these other people on these two
8 nights of murder and she testified to what Manson and Watson
9 and the others did and said. This is direct evidence.

10 Her testimony clearly showed that on the first
11 night, Manson, Watson and the others were acting together with
12 a common intent. They certainly were not acting at cross
13 purposes with each other, and on the second night Leslie Van
14 Houton joined this continuing conspiracy to commit murder and
15 she, too, acted in concert with them.

16 To say that on these two nights there wasn't a
17 meeting of the minds, to say that there was no common intent
18 among these people, is not sense, ladies and gentlemen -- it is
19 nonsense. Of course, there was a meeting of the minds. Of
20 course, there was a common objective.

21 On both nights, Manson and Watson and the others
22 entered into an agreement at Spahn Ranch to go out and kill
23 and both nights they were in the same car, armed with deadly
24 weapons.

25 They drove to the victims' residences. They got
26 out of the car together. They entered the residence together
27 and they killed these victims together.

28 Even Tex Watson's testimony, even his testimony

1 shows that there was a conspiracy to commit murder. The fact
2 that it was Manson's idea, ladies and gentlemen, to commit
3 these murders is totally irrelevant.

4 The fact that it was Manson's idea, as opposed to
5 Watson's idea, that is totally irrelevant.

6 Almost invariably, conspirators don't form the same
7 idea to commit a crime at the same time. That would be too
8 much of a coincidence.

9 One forms the idea, usually the leader, in this
10 case Manson, and the others agree to go along with the idea.
11 Here, even by Watson's testimony, Manson told him to go out and
12 kill and Tex, Sadie, Katie and Leslie unequivocally demonstrated
13 their acceptance of this idea by going out and killing.

14 The fact that Manson, Tex, Sadie and Katie and
15 Leslie didn't utter the words, "We are now in the process of
16 entering into a conspiracy," obviously does not mean that there
17 wasn't a conspiracy.

18 If those words have to be uttered by conspirators,
19 in order to constitute a conspiracy, there would never be a
20 conspiracy, since people who enter into a conspiracy to commit
21 robbery or murder, simply don't utter words like that. They
22 show their agreement by their conduct.

23 So, in summary then, since there was a meeting of
24 the minds and a common intent on these two nights of murder,
25 there was the agreement that they law of conspiracy speaks about.
26 The agreement element of conspiracy only requires a common
27 intent, a common objective.

28 Now, as I indicated earlier, in addition to the

1 criminal agreement, to constitute a conspiracy, one or more of
2 the parties has to commit some overt act to carry out the
3 object of the conspiracy. In this case here, the overt act
4 required by the law of conspiracy would be these murders them-
5 selves. No question about it.

6 In fact, the mere driving to the residences would
7 be an act to carry out the object of the conspiracy. So since
8 these people, Manson and the rest, entered into a criminal
9 agreement to commit murder, and since they carried out that
10 agreement by the overt acts of murder, there was a conspiracy
11 to commit murder.

12 To say that on these two nights, Manson, Tex, and
13 the others were not working together, to say that they were
14 acting independently of each other, at cross purposes with each
15 other, to say there was no common intent, no common objective,
16 is so ridiculous that it doesn't even rise to the dignity of
17 being absurd.

18 Tex was a member of this conspiracy to commit mur-
19 der, and as such, he is guilty of Count No. VIII of the indict-
20 ment, the count which charges him with the crime of conspiracy
21 to commit murder.

22 Mr. Keith argued that Watson and the others didn't
23 act cleverly on the night of the Tate murders. He said that
24 they did stupid things and this shows that they were completely
25 out of their minds.

26 They were so stupid, ladies and gentlemen, that
27 everything worked like clockwork. Nothing went wrong. They
28 murdered seven people and no one saw them do it. That is how

1 stupid they were.

2 That is how clumsy and awkward they were. Mr.
3 Keith said it was stupid for Mr. Watson to tell Linda to throw
4 the knives and the revolver out of the car, if the police stopped
5 them.

6 He said this would be throwing the knives and the
7 revolver out, right out on the street for the police to see.

8 Obviously, ladies and gentlemen, it goes without
9 saying that Watson never told Linda to wait until the police
10 had stopped their car and were right next to them and then
11 throw the knives and the revolver out on the street at their
12 feet.

13 It goes without saying that if she had an oppor-
14 tunity, Watson wanted Linda to throw the knives and the revolver
15 out of the car before the police stopped them.

16 It was dark. It was at night. Certainly if they
17 saw a police car approach, it wasn't beyond the realm of reason
18 that Linda could have disposed of the knives by throwing them
19 out of the car window onto some bushes.

20 I might add that it appears that Mr. Keith believed
21 Linda's version that Tex told her to do these things, because
22 Tex denied this on the witness stand. Yet, Mr. Keith in his
23 argument, treats it as a fact. Maybe he doesn't even believe
24 his own client. I don't know.

25 Then, Mr. Keith said that Tex, Sadie, Katie and
26 Linda marched up the hill toward the Tate residence, taking
27 incredible chances of being seen and clambored over the fence.

28 I don't know where he gets that these people

1 marched up that hill, ladies and gentlemen. They probably
2 slithered up that hill like snakes. Where did he get they
3 marched to the beat of a band? Where does he get that?

4 And when he said they clambored over the fence,
5 they probably undoubtedly creepy-crawled over that fence and
6 with respect to taking chances that they be seen -- well, this
7 is true of any crime. This is true of any crime.

8 In fact, these people took far more precautions
9 than the average killer. Among other things, no question about
10 it, they chose a residence which is very, very secluded, can't
11 be much more secluded than this residence here, not in the
12 overpopulated city of Los Angeles.

13 It is a very secluded residence, showing a very
14 secluded residence. They went there in the middle of the night,
15 middle of the night, when everyone is asleep except the goblins
16 and these people.

17 They dressed in black to blend in with the night
18 and Sadie, Katie, and Linda were even barefooted. They couldn't
19 have acted more surreptitiously.

20 He said if we had committed these murders, we
21 would have done a better job in advancing toward the residence.
22 I don't know what we could have done that they didn't do, unless
23 Mr. Keith is suggesting that perhaps they should have been trans-
24 ported to the residence by helicopter and dropped in through
25 the chimney.

26 They had to walk there. How else are they going to
27 get there? It was as clandestine as possible.

28 Mr. Keith went on to say that even if 100 people

1 were inside this residence, Watson and the others would have
2 tried to kill all of them, and this shows how completely crazy
3 and mad they were. And that is a bunch of hogwash.

4 If there had been a party at that Tate residence
5 with a large number of people, Tex Watson and the others
6 would have done a crisp about face and run away. Watson doesn't
7 like those type of odds, ladies and gentlemen.

8 Mr. Keith went on to say that Watson showed how
9 deranged and out of his mind he was by entering the Tate
10 residence without knowing who was inside.

11 He said that for all Watson knew, there may have
12 been an armed camp inside that residence with everyone armed
13 to the hilt.

14 I don't quite understand Mr. Keith's argument. His
15 argument would be true of a great number of burglary cases,
16 where a burglar enters a residence in the middle of the night,
17 not knowing who is there.

18 According to Mr. Keith's argument, I guess every
19 time a burglar enters a residence in the middle of the night,
20 not knowing who is there, this proves that he is completely out
21 of his mind and, therefore, he shouldn't be convicted of the
22 burglary. He has no mind. That seems to be what he is saying.

23 I might add that this armed camp argument is just
24 a shade -- if I might say, Max -- just a shade on the ridiculous
25 side. In 99-9/10 percent of the homes of this city, who lives
26 in the home? A family or a single person, perhaps, or a few
27 single people. There is no armed camp.

28 The chances of their being an armed camp would be

1 one out of a trillion and Watson was willing to take those
2 type of odds, but listening to the emphasis he put on the armed
3 camps, armed camps are rather common in the city.

4 I guess hereafter burglars should not only be on
5 the lookout for signs "Beware of Dog," but now "Beware of
6 Armed Camp," if we are to follow Mr. Keith's argument.

7 Mr. Keith argued that these murders were so savage
8 and gruesome and the victims were stabbed so many times, and
9 the murders were so bizarre and senseless, he said, he con-
10 cludes this quote simply and solely by reason of their conduct
11 on these two nights, they must have been crazy and mad and out
12 of their minds.

13 Then he says quote and totally incapable of
14 deliberating and premeditating these murders. In other words,
15 he looked at these murders and he said they were so gruesome,
16 so bizarre, so vicious that the killers must have been crazy.

17 Now, he seems to be implying, without directly
18 stating it, that if these murders had not been so savage and
19 bizarre, then perhaps a verdict of first degree murder would
20 be justified, but since Watson did commit savage, bizarre
21 murders, this shows that he must have been out of his mind and,
22 therefore, a verdict of first degree murder is not justifiable
23 at all.

24 In other words, Tex Watson deserves some type of
25 credit for the fact that these murders were savage and grue-
26 some. This appears to be, in all deference to Mr. Keith, an
27 extension of what I think is an illogical argument; in other
28 words, prospective murderers should be told, "Don't stab your

1 victim once or twice. Don't do that. The more you stab your
2 victims, the more vicious the murders, the more gruesome the
3 murder, the more bizarre the murder, the better chance you have
4 of not being convicted of first degree murder.

5 "Whenever you have an exceedingly bizarre and grue-
6 some murder, the killers must have been crazy so therefore
7 don't convict them of first degree murder."

8 Apparently, first degree murder is only reserved
9 for the common garden variety type of killer, the one who
10 only stabs his victims or shoots his victims once or twice.

11 Of course, this type of argument or reason wouldn't
12 make sense, but, as I say, Mr. Keith, although he didn't
13 expressly say this, in effect, this is what he was saying.

14 The fact that a murder is bizarre and gruesome, as
15 many murders are, in no way means that the killer didn't
16 deliberate and premeditate the murder.

17 If anything, I would say that the fact of bizarre-
18 ness is circumstantial evidence that the murder was planned and
19 deliberated and premeditated, because a spur of the moment
20 instantaneous decision to kill, normally, will not result in a
21 bizarre killing.

22 Look at Dr. Fort's testimony on this point:

23 "Most bizarre behavior and most things that
24 are antisocial and destructive occur for reasons
25 other than schizophrenia or the direct effect of
26 drugs and it is because of our desire to find a
27 simple explanation for complex behavior that we
28 often think that such a person who does such a

1 terrible thing must be either crazy, meaning
2 schizophrenic, or under the influence of a
3 particular drug and in most instances, they
4 are neither."

5 These murders were bizarre and gruesome, ladies
6 and gentlemen, because Manson and Watson wanted them to be.
7 That is why they were gruesome and bizarre.

8 Manson told Watson to make these murders as grue-
9 some as possible and that is exactly what he did. Certainly,
10 he doesn't deserve some type of credit for it, ladies and
11 gentlemen, by a conviction below first degree murder.

12 But, Mr. Keith said, "I don't think there is any
13 question that Watson had brain damage." And he feels that it
14 probably resulted from Mr. Watson's ingestion of LSD.

15 Well, we have to first note that even Dr. Walter
16 never concluded in his report that the brain damage was
17 traceable to the ingestion of LSD or any other drug, and we
18 have Dr. Fort's testimony that over a million people have
19 taken LSD throughout the years and there is no reported case
20 of LSD causing brain damage.

21 I think Dr. Fort testified that LSD completely
22 leaves the body 45 minutes after its ingestion. Even the
23 defense attorneys conceded that there has been no demonstrable
24 medical evidence that LSD causes brain damage.

25 Their conclusion that it does is pure unadulterated
26 speculation, but there is a further point to consider. Even
27 if LSD does cause brain damage, let's assume that it does
28 cause brain damage, there is no conclusive evidence that

1 Charles Tex Watson had any brain damage at all, period.

2 Although Dr. Walter testified that UCLA's EEG showed
3 brain damage, the Atascadero EEG showed no brain damage.
4 Moreover, Dr. Walter, the UCLA EEG expert, examined the
5 Atascadero tracings and he came to the conclusion that the
6 Atascadero -- he agreed with Dr. Sherman that the Atascadero
7 EEG did not show damage.

8 Dr. Sherman examined the UCLA EEG and said that that
9 did not show damage, brain damage either.

10 So I might add that the majority view as it were,
11 is that there is no brain damage.

12 There is a total of four possible opinions here.
13 We have two experts, Sherman and Walter, and two EEG's at
14 Atascadero and UCLA.

15 Walter says Atascadero, no brain damage. Sherman
16 says the Atascadero and UCLA are no brain damage.

17 Walter says UCLA is the brain damage. At least in
18 terms of numbers, three to one in terms of no brain damage.

19 Although the UCLA doctors concluded that Tex's
20 performance on the psychological test was evidence of brain
21 damage, Dr. Bramwell, in his report and Owre, concluded that
22 Watson's performance on the psychological test at Atascadero
23 showed no brain damage; and Dr. Bailey, a brain surgeon examined
24 Tex -- he is also a neurologist -- he said there was no evidence
25 of brain damage.

26 Dr. Fort also concluded no evidence of brain damage.
27 Dr. Eklund watched this man almost on a day-to-day basis and
28 his conclusion: No evidence of brain damage.

1 We have no way of knowing, we have no way of know-
2 ing for sure whether Tex Watson does or does not have brain
3 damage, but even assuming that he does, Dr. Walter concluded
4 that it was a mild abnormality.

5 Moreover, he testified that Watson's type of brain
6 damage, if it existed -- I am not conceding that for a moment --
7 was not the type to cause blackouts.

8 Several of the defense psychiatrists conceded that
9 they had no positive evidence there was any annexus, any
10 connection between the alleged damage and the commission of
11 these murders.

12 Dr. Bohr said certainly brain damage doesn't
13 necessarily impair one's judgment.

14 Further, keep two points in mind. No. 1, the UCLA
15 EEG was administered on April 9th, 1971, not at the time of
16 these murders, and Dr. Walter concluded that he has no way of
17 knowing what an EEG would have reflected if it had been given
18 to Mr. Watson at the time of these murders, August 8th, 9th and
19 10th. Furthermore, a final point, even if Watson did have
20 brain damage on the dates of these murders, which we don't know,
21 we don't know that, but even if he did, there is one thing we
22 do know, that it in no way prevented him from deliberating and
23 premeditating these murders with malice aforethought. The
24 evidence shows that.

25 Mr. Keith argued that anyone who would believe in
26 such a far out weird philosophy like helter-skelter must be
27 crazy and therefore suffering from diminished mental capacity.

28 I don't think that this is a valid argument, ladies

1 and gentlemen. There are literally thousands upon thousands
2 of religions, creeds, cults and sects in this world and many
3 of them have beliefs and tenets that are downright absurd,
4 they sound completely incomprehensible to the majority of
5 civilization.

6 These religions collectively have millions of
7 adherents who completely embrace all types of abstruse and
8 fantastic notions about the universe and the destiny of the
9 soul, mysterious spells and rites of magic, astrology, occultism,
10 superstitious incantations, all kinds of weird practices and
11 beliefs are incorporated into these religions.

12 But that doesn't mean that if a member of one of
13 these weird religions goes out and commits murder, that he is
14 incapable of committing first degree murder, that it has to
15 be second degree murder.

16 He is just as capable of committing first degree
17 murder as anyone else. The fact that a person has strange
18 beliefs, religious or otherwise, does not mean that they are
19 suffering from diminished mental capacity.

20 Dean Moorehouse testified, the self-ordained
21 minister testified that there is no such thing as death and
22 he said he has been on this earth for eons and eons of years.

23 Do you remember he said that, and Paul Watkins
24 testified that he, Manson, and several other members of the
25 family went out to the fount of the world near Spahn Ranch and
26 they met a religious group out there and that group told
27 Wakens that their leader, their guru, had hung on a cross for
28 three days. Apparently, that group thought that their leader

1 was Jesus Christ, just like some members of Manson's family
2 thought that he was Jesus Christ.

3 But if the members of the fount of the world drop
4 out, go out, ladies and gentlemen, and kill or if people like
5 Dean Moorehouse, with weird beliefs like Moorehouse, go out
6 and kill, they are just as capable of first degree murder as
7 anyone else.

8 Helter-skelter in the last analysis was a form of
9 a religion to Manson and his family. It was a religion of
10 death and destruction that they lived by.

11 Manson, of course, as Mr. Keith said was the evil
12 guru who founded this religion and his family were his faithful
13 followers and Mr. Keith concedes that helter-skelter was a
14 form of a religion.

15 This helter-skelter philosophy, in fact, ladies
16 and gentlemen -- I want to analogize it to some weird religions
17 or some weird aspects.

18 This helter-skelter philosophy is somewhat analogous
19 to a basic tenet of the Jehovah's Witnesses. The Jehovah's
20 Witnesses also believe in Armageddon, which is the last final
21 destructive war on the face of this earth among men.

22 In fact, Armageddon is referred to in Revelation
23 16, which is just a few pages and a few chapters after Revela-
24 tion 9, the chapter that Manson was so familiar with.

25 Jehovah's Witnesses believe that Armageddon will
26 occur in the year 2914. At that time satan, who the Jehovah's
27 Witnesses believe to have been imprisoned the previous 1000
28 years, will be set free to spread evil and destruction.

1 Those who survive Armageddon will be divided into
2 two classes: No. 1, the consecrated class, who will consist
3 of 144,000 people.

4 You remember Manson told his family that during
5 helter-skelter his family would grow to 144,000 people.

6 The 12 prides of Israel referred to in Revelation
7 is 7.

8 The Jehovah's Witnesses believe that these 144,000
9 people will rise like spirits into the upper air and live and
10 reign with God.

11 The second class will consist of all remaining
12 people who survive Armageddon. They will live on earth
13 eternally, will have everlasting peace, free from war,
14 oppression and death.

15 They will increase and multiply and populate the
16 earth. Now, what will result from a constant multiplication
17 of human beings with no one ever dying is left, of course, to
18 the imagination.

19 That is a pretty far out philosophy. That is a
20 pretty far out philosophy of the Jehovah's Witnesses and not
21 nearly as far out and strange as the tenets of many, many
22 other religions.

23 But I will tell you a little secret, ladies and
24 gentlemen, if a Jehovah Witness put a gun in his pocket and
25 drives across town and enters a home, or an apartment or a bar
26 and shoots someone to death, he is just as guilty of first
27 degree murder as anyone else.

28 Charles Tex Watson cannot hide behind this far out

1 philosophy of helter-skelter. It is a philosophy and a
2 religion that he voluntarily bought from its founder, Charles
3 Manson.

4 It is a religion that he lived by and in the early
5 morning hours of August the 9th and 10th, 1969, it is a
6 religion that he murdered by.

7 The fact that he believed in this far out philosophy
8 and religion, no more shields him from a conviction of first
9 degree murder than the mysterious occult beliefs of other
10 strange religion shields their followers.

11 Mr. Bubrick said that he couldn't see the relevance
12 of the testimony of Denise Mallett and Robert King and the
13 testimony of Paul Watkins, how he acted in Texas, up at the
14 county jail, and up at Atascadero.

15 The relevance and significance is simply this,
16 ladies and gentlemen: As Tex Watson sits before you right now,
17 he is not the best specimen of health.

18 For one thing, he is considerably underweight.
19 Now, looking at him for two months, ladies and gentlemen, as
20 you have had to do, could cause you to forget that this is not
21 the way he looked on these two dark, black nights of murder.

22 I show you these two photographs again. You have
23 already seen them, but I want to show them to you again, because
24 of their immense importance.

25 What is the expression? One picture is better than
26 a thousand words?

27 This picture, Exhibit 302, is the way Tex looked
28 in the summer of 1969 at the time of these murders. Here is

22f.

1 the way he looked, ladies and gentlemen, later in Texas,
2 People's Exhibit 306, November-December 1969, very healthy,
3 very robust.

4 Juan Flynn testified that Watson weighed 50 to 60
5 pounds more in the summer of 1969 than he does now.

6 Paul Crockett testified that in his opinion, Watson
7 weighed between 160 and 180 pounds and that he was strong and
8 well-coordinated and he said that if he saw Watson now on the
9 street, he wouldn't recognize him.

10 The fact that Watson doesn't look too healthy and
11 robust now, ladies and gentlemen, has absolutely no legal
12 relevance.

13 If the defendant's physical condition at the time
14 of trial had any relevance, then some evil person could bury
15 100 persons alive and just before his trial sever his legs and
16 arms and be brought into court in a basket and because of his
17 horrible physical condition, I guess, he would be entitled to
18 some type of a break.

19 In the summer of 1969 he looked good. After the
20 murders, he looked good. Back in Texas his intercourse with
21 Denise Mallett was very, very vigorous.

22 It is just that now -- it is just that now facing
23 a conviction of first degree murder, and the possibility of
24 the death penalty, he is physically, mentally, and emotionally
25 weakened, but this isn't unusual at all, ladies and gentlemen.

26 It is rather common for someone facing a death
27 penalty to fall apart. Even many of history's most brutal
28 murderers couldn't face the punishment that was coming to them.

1 The incredibly evil Satanic Adolph Hitler, whose
2 Third Reich wrote perhaps the darkest, ugliest chapter in human
3 history, when the Allies were closing in on him in April of
4 1945, in that bunker, he shot himself in the head. He couldn't
5 take a trial and the punishment that he knew he had coming.

6 Three of his bootlicking slaves took similar outs:
7 Joseph Goebbels shot himself in the head in the bunker, Heinrich
8 Himmler, whose job was to carry out Hitler's final solution,
9 the attempted genocide of the Jewish race, bit on a poison
10 tablet as his captors neared and Herman Goering, what did he
11 do?

12 He was in a jail cell like Tex Watson. He lost a
13 lot of weight and he couldn't take it any more and he hung
14 himself in the cell.

15 Tex Watson, like many other killers of the past,
16 ladies and gentlemen, has physically, mentally, and emotionally
17 fallen apart at the seams, because he is afraid of being con-
18 victed of first degree murder and a sentence of death, but
19 this has no relevance to any of the issues in this case.

20 When Watson returned to Texas in October and
21 November of 1969, as People's 306 shows, he looked good.

22 Denise Mallett said that Tex looked great, the guy
23 looked great. She said I noticed nothing wrong with him at
24 all, except he had lost a little weight and he had some new
25 ideas.

26 Even had the same personality, but she said other
27 than that, it was the same old Tex. Apparently, Manson and
28 drugs didn't have that much effect upon him when he wasn't in

1 custody.

2 Before he came out to California, she said he was
3 a lot of fun and she had a good time with him. When he comes
4 back from California, she said he is still a lot of fun and she
5 had a good time with him.

6 This severe depression that all of these psychia-
7 trists are talking about, ladies and gentlemen, that is a
8 result of his being in custody and on trial for his life.

9 He certainly wasn't depressed that one week in
10 Texas with Denise, when they were going to the Holiday Inn and
11 other places like that.

12 Even when he was incarcerated in Texas, Robert
13 King, the jailer, testified that he was a model prisoner,
14 clean, well-shaven, orderly, never gave anyone any trouble, but
15 that was because he was close to his parents.

16 They were bringing him the food that he wanted.
17 He had a television in his cell and his incarceration was
18 relatively pleasant.

19 Even at Atascadero he was described by Dr. Owre as
20 being a model patient, didn't give anyone any trouble, but
21 again there they were concentrating on his nutrition.

22 He put on 14 pounds, 111 to 124. He had been
23 removed from the Los Angeles area where his trial was scheduled
24 to take place and this was a temporary reprieve for him, as it
25 were, and he responded very well.

26 To show how well he responded, one week before they
27 sent him up to Atascadero, he was being tube fed. He gets up
28 there and the first day, not necessary to tube feed him and he

1 eats a very hearty meal.

2 Now, in October of '70, when he is in Los Angeles,
3 he is in custody in the same city where the trial is going to
4 take place, he is in jail, not a hospital, and he is not
5 getting the food and the treatment that he wants, so he did
6 all of these crazy things described by Dr. Abe.

7 So when he is getting what he wants, he is a model
8 prisoner. When he is not getting what he wants, he couldn't
9 be a worse prisoner.

10 Watson himself admitted, he admitted this, that
11 his physical deterioration at the Los Angeles County Jail was
12 in direct response to the treatment he got.

13 "Q But you, I take it that your conduct
14 at the Los Angeles County Jail, Mr. Watson,
15 when you wouldn't talk to anyone, or you wouldn't
16 eat, you had to be tube fed, when you relieved
17 yourself on the floor and things like that, this
18 was in direct response to the way they were
19 treating you here at the Los Angeles County Jail?

20 "A I believe so, yes."

21 So his catatonia, his great loss of weight, his
22 being mute and uncommunicative, his expectorating was directly
23 related to the nature of his incarceration here in Los Angeles.

24 So, in answer to Mr. Bubrick's question, the
25 significance of all of this testimony of Mallett and King, et
26 cetera, is to show that his present anemic condition has nothing
27 to do with mental illness, nothing to do with mental illness.

28 It results from his being in custody and facing

1 trial.

2 Mr. Keith did point out to this photograph,
3 People's -- or I think it is a defendant's exhibit -- and he
4 says that Tex looks pretty bad here in this photo. This was
5 taken in April 1969, ladies and gentlemen.

6 Now, I think that Tex looks rather healthy and
7 strong right here, but he does look a little spaced out and
8 that is because of something that Mr. Keith didn't tell you.
9 This was taken at the Van Nuys jail in April 1969 when he was
10 arrested for being under the influence of drugs. The drug
11 was what? Belladonna.

12 So if he looks a little spaced out in this photo-
13 graph, it is because he was under the influence of belladonna.

14 Mr. Bubrick said:

15 "We haven't made any effort to contend that
16 Tex wasn't involved in these killings. Mr. Watson
17 admitted this. The only issue is his state of
18 mind."

19 With respect to Watson admitting, ladies and
20 gentlemen, that he killed these victims, I would like to dis-
21 cuss a point with you, which is somewhat of a trap, in that it
22 is easy for a human being to fall into this trap without even
23 realizing it.

24 I think it is human nature for people to be
25 inclined to think that whenever someone makes a concession,
26 giving up something, that they don't have to give up, the person
27 making that concession is going halfway and therefore he is
28 more apt to be correct about that which he has not conceded.

1 As applied to the situation here, in all murder
2 trials, the prosecution has to prove two things: That defendant
3 committed the act of murder, is responsible for the murders,
4 under the theory of aiding and abetting a conspiracy; and,
5 No. 2, that the defendant has the requisite state of mind, in
6 other words, act plus intent.

7 In this case, Mr. Watson, ladies and gentlemen, has
8 readily admitted the first element, that he committed these
9 murders.

10 Now, I certainly hope that none of you folks feel
11 that just because Mr. Watson has made a concession as to the
12 act of killing, the fact that he has not conceded that he has
13 a requisite state of mind, necessarily means that his defense
14 of diminished mental capacity must have some merit, that since
15 he has conceded something he didn't have to concede, he and
16 his attorneys are being reasonable and have a point, when they
17 don't concede that he had a requisite state of mind.

18 Mr. Watson hasn't conceded anything, ladies and
19 gentlemen, nothing. Although from a legal standpoint he has
20 conceded something he didn't have to concede, for all intents
21 and purposes he hasn't conceded anything.

22 Linda Kasabian was with this man on these two dark
23 nights of murder and she offered eyewitness testimony, direct
24 evidence, she even saw him shoot Steven Parent to death and
25 mercilessly stab Wojciech Frykowski on the front lawn of that
26 Tate residence.

27 His fingerprints were found on the outside of that
28 door at the Tate residence and no two people on the face of

1 this earth have the same identical fingerprints.

2 When you leave your fingerprints at the scene of a
3 murder, that is like leaving your calling card, your name, your
4 age, height, weight, color of eyes, and hair, Social Security
5 number, and every other identifying characteristic. It is
6 the end of the ball game.

7 With all of this overwhelming evidence, with
8 Linda's testimony, the fingerprint testimony, is he supposed
9 to get up on that witness stand and say, "I wasn't involved in
10 these murders, wasn't there"?

11 It would have been laughable. So he has to admit
12 these killings and try to squeeze out of the first degree mur-
13 der conviction some other way.

14 Please don't think, ladies and gentlemen, that
15 because he has admitted the act of killing that his contention
16 with respect to state of mind must have some merit. It has
17 no merit at all.

18 The fact that he admitted these killings does not
19 give it any merit, it doesn't have in the first place. You
20 might ask yourself this question back in that jury room: If
21 the prosecution never had Linda Kasabian's testimony and his
22 fingerprints weren't found on the outside of that front door of
23 the Tate residence, you ask yourself whether this man would
24 have taken that witness stand and admitted these seven killings.

25 It seemed that a majority of Mr. Bubrick's argument
26 concerned itself with an attack on Linda Kasabian. Not only
27 did he question her truthfulness on the witness stand but he
28 made what I think is an incredible statement that Linda

1 Kasabian, of all people -- of all people he chose -- he said
2 that she was Manson's chief lieutenant.

3 She was in charge of the group once they left
4 Spahn Ranch. Suffice it to say, ladies and gentlemen, that
5 there is not one small submicroscopic speck of evidence that
6 Linda was in charge of that group once it left Spahn Ranch.

7 Not only doesn't Linda testify anything from which
8 anyone could draw this inference that she was in charge, but
9 Mr. Bubrick's own client, Tex Watson, when he took the witness
10 stand never even remotely suggested that Linda was in charge.
11 So where he gets this, I don't know.

12 That conclusion is not based on anything that came
13 from this witness stand. His assertion is just a bald, naked
14 declaration that is not predicated on the evidence.

15 I will discuss later on how we know that Linda
16 Kasabian told the truth on that witness stand and how we know
17 that Tex Watson was in charge of that group, once it left Spahn
18 Ranch.

19 I almost got the impression from Mr. Bubrick's
20 argument that Linda, not Tex Watson, was the one who was on
21 trial for these murders.

22 He repeatedly attacked her character and he said
23 that Linda is tough and she has a heart of stone.

24 His client put seven people in a pine box six feet
25 under the ground and all he says about him is that he is a
26 little country hick who fell into the clutches of Charles
27 Manson, but Linda, who didn't kill anyone at all, she has got
28 a heart of stone and she is tough.

1 Now, that topsy-turvy reasoning, I don't understand,
2 ladies and gentlemen.

3 Linda, we all know, she is no angel and she would
4 be the first one to admit that, certainly was cut out of
5 different cloth than Manson, Watson, and these three girls,
6 ladies and gentlemen.

7 She was the only one of the group, the only one of
8 the group who never entered either the Tate or the La Bianca
9 residences and the only girl who did not do any stabbing what-
10 soever.

11 In fact, on the night of the La Bianca murders, she
12 saved a human life by deliberately knocking on the wrong door.
13 Although she did not physically participate in these murders,
14 she was so aghast at these murders, that three days after the
15 murders, she left Manson and the family. The rest of them
16 stayed with Manson almost to the very end.

17 The family was arrested up in Barker Ranch, a
18 desolate, secluded rock strewn hideout from civilization in the
19 outer perimeters of Death Valley in Inyo County, California.

20 Incidentally, Mr. Bubrick said that Linda decided
21 to tell her story only after Susan Atkins retracted her story,
22 which in March of 1970.

23 Now, that is not the evidence that came from that
24 witness stand. Linda was extradited back to California from
25 New Hampshire on December the 3rd, 1969, and she testified on
26 that witness stand that from the moment she arrived in Los
27 Angeles, which was four months before Susan Atkins retracted
28 her story, she wanted to tell the authorities everything that

1 she knew about these murders, but her attorney, Gary Fleischman,
2 did not permit her to do so.

3 Mr. Bubrick said that prior to these murders, Linda
4 had gone on creepy-crawling missions into homes. Again, I
5 don't know where he got that.

6 Linda didn't have to admit that she had ever gone
7 on any creepy-crawl mission, if she didn't want to, but she
8 said she did on one occasion. She and Sadie entered a car,
9 took some credit cards.

10 She said she never had entered a home. Mr. Bubrick
11 argued that Manson most likely ordered Watson to wash the blood
12 off their bodies after these murders and dispose of their
13 clothing and, of course, Tex testified to this on the witness
14 stand, but isn't it strange, ladies and gentlemen, that out
15 of a whole batch of psychiatrists who examined Mr. Watson, and
16 interrogated him on what instructions Manson gave him, he never
17 told one single, solitary psychiatrist that Manson told him to
18 wash the blood off his body and the other bodies and dispose of
19 the clothing.

20 We heard it for the first time when Watson took
21 that witness stand.

22 Would the Court like to take a recess?

23 THE COURT: Ladies and gentlemen, we will have our morn-
24 ing recess at this time and once again, please heed the usual
25 admonition.

26 (Recess.)

27 THE COURT: People against Watson.

28 Let the record show all jurors are present, all

1 counsel and the defendant are present.

2 Mr. Bugliosi, you may proceed.

3 MR. BUGLIOSI: You know, when you come right down to
4 it, separate the wheat from the chaff, and the diamonds from
5 the rhinestones, one of the principal thrusts of the defense
6 in this case -- you might almost say it is the principal con-
7 tention of the defense -- is that Charles Manson is totally
8 responsible for what Tex Watson did.

9 In fact, I would say that in 90 percent of Mr.
10 Keith's argument, 90 percent of his argument, he spoke about
11 what a nice person Mr. Watson was before he met Mr. Manson,
12 and Mr. Manson, with the help of drugs, converted Watson into
13 a killer.

14 He said Charles Watson was a smalltown high school
15 hero. He did well in high school. He worked hard in the onion
16 factory. He never engaged in violence. Everyone said he was
17 a nice guy.

18 But then he went on to say that Watson then met
19 Manson, a very evil man, a devil, and Manson and drugs changed
20 him, he said. Mr. Bubrick argued essentially the same thing.

21 I want to respond to this and I am going to respond
22 in considerable depth because I think this is, if it is not
23 the heart of the defense's case, it certainly is one of the
24 principal thrusts of their case.

25 Ladies and gentlemen of the jury, if one were to
26 check the background and history of every killer, of every
27 murderer, one would find some reason for, some reason why they
28 became a killer.

1 The reason might be their rearing. It could be
2 their environment. It could be the influence of a third party
3 upon them, some congenital disposition toward violence, a
4 combination of two or more of these reasons or some other
5 reasons, but whatever the reason, there is always a reason why
6 a person develops into a murderer.

7 When Mr. Keith says that Mr. Watson was a small-
8 town high school hero, and he did well in high school and
9 worked hard in the onion factory and everyone liked him, all
10 he is saying is that Charles Watson wasn't always a murderer.

11 We are not contending that he was. No murderer was
12 always a murderer. Check the background of any vicious murderer
13 and you will probably find him playing in a sandpile and going
14 fishing with his father, maybe playing in the school band.

15 Killers don't emerge from their mother's womb fully
16 ripe and cold-blooded murderers wielding knives and guns. Of
17 course not.

18 They develop into murderers and the reasons why
19 they develop into murderers are multifold and varied, but
20 whatever the reason, there is always a reason.

21 All Mr. Keith and Mr. Bubrick are telling you is
22 that some of the reasons why Mr. Watson became a killer are
23 Charles Manson and drugs.

24 So what? Every killer has a reason for becoming a
25 killer.

26 Mr. Keith's and Mr. Bubrick's statement about
27 Manson's influence and drugs is just an explanation, and a
28 partial one at that, why Charles Watson became a murderer, but

1 that explanation in no way justifies a verdict below first
2 degree murder.

3 Now, true, Mr. Watson got some new values and new
4 beliefs from Mr. Manson, although it appears that he was pick-
5 ing up these values and beliefs from Dean Moorehouse before he
6 even met Charles Manson, but even assuming that Manson gave
7 Watson these new beliefs and values, Manson didn't force these
8 beliefs and values upon Watson.

9 He accepted them voluntarily. Why? Because they
10 appealed to him.

11 Certainly Manson's sick philosophies on life did
12 not appeal to everyone, but they did appeal to Charles Watson.
13 Moreover, I think it is very, very common for people to change
14 their beliefs and values during their lifetime.

15 One of the principal reasons for doing so is their
16 interaction with other people and the influence that these
17 other people have upon them.

18 Sometimes these people are good influences. Some-
19 times they are bad influences.

20 Charles Manson was a bad influence, but how does
21 the fact that Manson gave Watson some new beliefs and values,
22 and was a bad influence upon him, have anything under the stars
23 to do with Watson's criminal responsibility for these murders.

24 Say that Tex Watson had these beliefs and values
25 before he even met Manson -- such as it is not wrong to kill a
26 fellow human being, would he then be fully responsible for
27 these murders?

28 But since he got these ideas from Nanson, he is not

1 fully responsible? Would that make sense?

2 Going back to Hitler again, his followers were
3 fanatical disciples of him and they believed that Hitler was
4 serving some noble purpose by ridding the Third Reich of Jews,
5 and these same fanatical followers of Hitler murdered the Jews
6 at places like Auschwitz, Buchenwald, Treblinka, Belsen, to
7 carry out Hitler's attempted genocide of the human race.

8 But because these fanatical followers of Hitler
9 were totally subject and subservient to him, and he had con-
10 vinced him that it was all right to kill Jews, in no way makes
11 them less responsible for the horrible murders they committed.

12 The reason I use this Hitler analogy is that Mr.
13 Bubrick, and I think Mr. Keith, analogized Manson to Hitler
14 and, of course, he was incredibly Satanic in what he did, so
15 the example is a clear one.

16 It is not necessary to use the Hitler example, not
17 even necessary to use murder. There are many, many other
18 common examples where one person comes under the control of
19 another person, as the defense alleges that Watson came under
20 the control of Manson.

21 You can even take a woman -- take a woman. She
22 gets married to a man and lo and behold it turns out that this
23 man is a burglar and a robber.

24 She doesn't know that at the time she married him.
25 She falls completely under his domination and he talks her into
26 committing burglaries and robberies with him.

27 She starts believing in theft as a way of life and
28 she becomes a confirmed burglary and robber.

1 One day they get caught. Can she be heard to say
2 in a court of law, "I was a good person before I met my husband.
3 I never even stole a grape in a grocery store. He is the guy
4 who changed me. If it weren't for him, I would never have
5 committed these burglaries or robberies. Therefore, I am not
6 guilty of these burglaries or robberies or I am not fully
7 responsible."

8 She is just as responsible for these burglaries
9 and robberies as if she would be if she did these things com-
10 pletely on her own.

23f. 11 Not only is there always a reason why a person
12 becomes a murderer, but as with ^{the} robbery example, there is a
13 reason why every criminal becomes a criminal.

14 Take some pathetic heroin addict who lives in a
15 flea bag hotel room and spends the little money he has not on
16 milk and bread and other food, but on the terrible drug,
17 heroin.

18 Many heroin addicts come from better backgrounds
19 than this man right here, Charles Tex Watson. Many of them
20 were formerly professional men.

21 And the stories about how they destroyed their
22 lives and ended up in that flea bag hotel room very frequently
23 are real tear jerkers, but does that mean that they are there-
24 fore exempt from the heroin statutes?

25 No. They are convicted for possession of heroin
26 just like anyone else.

27 Watson just didn't use drugs, ladies and gentlemen,
28 he murdered seven precious human beings, yet he wants some type

1 of a break, because of the influence that Manson had upon him.

2 I repeat, this is very important and I'm going to
3 dwell on this in depth: There is always some reason why a
4 killer becomes a killer and in every court of law, in every
5 criminal case, you can find some psychiatrist who take that
6 witness stand and tell the jury or the judge no particular
7 reason why a particular defendant committed murder.

8 I am sure Charles Manson -- I am sure Charles
9 Manson became the human monster that he is, because of some
10 reasons also, ladies and gentlemen, but those reasons, no matter
11 what they were, no more exempt Charles Manson from a conviction
12 of first degree murder than Manson's influence over this man,
13 and his ingestion of drugs, exempt him from a conviction of
14 first degree murder.

15 I can't help but think that one of the reasons why
16 the defense put on all of this evidence of Watson's background,
17 putting the mother on the stand, the employer in the onion
18 factory, was to get you to feel sympathetic with him.

19 At one point in Mr. Keith's argument, he actually
20 referred to Mr. Watson as "Poor Mr. Watson."

21 At another point he said, "No matter how many
22 persons were inside the Tate residence, these poor people --"
23 referring to Watson and the others -- "would have tried to kill
24 them all." Incredible. Absolutely incredible.

25 He murdered seven human beings and we are supposed
26 to feel sorry for this man. Well, No. 1, it is just a little
27 bit incongruous to feel sorry for someone who murdered seven
28 people; and, No. 2, and much more importantly, ladies and

1 gentlemen, Judge Alexander will give you the following instruc-
2 tion which prohibits you from letting sympathy enter into your
3 verdict. He will give you this instruction:

4 "In determining whether the defendant is
5 guilty or not guilty, you must be governed
6 solely by the evidence received in this trial
7 and the law as stated to you by the Court.

8 "You must not be governed by mere
9 sentiment, conjecture, sympathy, passion,
10 prejudice, public opinion or public feeling.

11 "Both the People and the Defendant have a
12 right to expect that you will conscientiously
13 consider and weigh the evidence and apply the law
14 of the case and that you will reach a just verdict
15 regardless of what the consequences of such ver-
16 dict may be."

17 Mr. Bubrick and Mr. Keith tried to lead you to
18 believe that Tex Watson was a completely docile puppy who
19 never told anyone to do anything, that he did whatever they told
20 him to do.

21 That impression they tried to create, ladies and
22 gentlemen, simply is not consistent with evidence that came from
23 that witness stand.

24 Although there is no question that Charles Manson
25 was the head of that family, no question about that, and that
26 Charles Watson was his obedient follower, was one of his
27 obedient followers, in a figurative sense a robot, but by robot
28 I simply mean an obedient follower -- there is also no question

1 that he was not a complete puppy dog that Mr. Bubrick and Mr.
2 Keith want you to believe him to be.

3 During and after these murders, he was capable of
4 independent thought and he exercised independent thought.

5 Mrs. Watson testified that her son was independent
6 in high school and college, took the courses he wanted, played
7 the sports he wanted.

8 Mr. Bubrick said that Mrs. Watson never permitted
9 Tex to go out with the girls whom he wanted to go out with,
10 that he had to get her approval.

11 I don't know where he got that. I don't recall
12 either Tex or Mrs. Watson testifying to that.

13 David Neale testified that Watson was an independent
14 person. He was a co-partner in a wig business with Watson.

15 Watson left Texas for California after his junior
16 year at North Texas State -- a completely independent act,
17 particularly inasmuch as he did this in opposition to the desire
18 of his parents.

19 When Linda first joined the family, it was Watson
20 who first had sexual intercourse with her and it was Watson who
21 encouraged her to steal that money.

22 Several witnesses testified that Watson would tell
23 the girls in the family to do things -- "Get me a cup of coffee."
24 "Clean this tool or part." "Camouflage that dune buggy," et
25 cetera.

26 Paul Watkins tells of the incident in the summer of
27 1969 where Watson led Watkins and several other members of the
28 family all around the Devil's Canyon area near Spahn Ranch.

1 Watson was leading the other members of the family
2 up and down the hills.

3 Linda Kasabian testified that in July 1969, Kathryn
4 Gillis, a female member of the family, went down to the beach
5 one day without permission. When she came home, Watson told
6 her, "You don't leave this ranch any more without permission.
7 The next time you do it, I'm going to kill you, because your
8 life doesn't mean anything to me."

9 Of course, on the night of the Tate murders, once
10 the group left Spahn Ranch, he was completely in charge of the
11 girls.

12 He left Manson on October the 1st, 1969. He left
13 Manson in November 1968 -- completely independent acts.

14 These are just some of the things that prove that
15 although Charles Tex Watson is not the forceful leader type,
16 and we will stipulate to that, he is not the completely docile
17 puppy that the defense claim he is.

18 I would like to add one further point concerning
19 Watson's leaving Manson on October the 1st, 1969. Mr. Bubrick
20 argued that Mr. Watson was insecure and totally dependent on
21 Charles Manson.

22 Now, if Watson were as insecure and dependent upon
23 Charles Manson as the defendant claims he was, and thought
24 Manson was Jesus Christ, these murders would have made him even
25 more insecure and more dependent upon his leader, Charles
26 Manson.

27 Instead, it had the converse effect. He left
28 Manson and let's examine the circumstances surrounding his

1 leaving, ladies and gentlemen. Let's examine the circumstances:

2 "Q Did something happen? Did you leave
3 the Goler Wash area?

4 "A Yes. After about two or three days
5 when I was there the last time.

6 "Q Did something happen to make you
7 leave the Wash?

8 "A I know we saw a highway patrolman
9 up there and a forest ranger. We were just kind
10 of camping out on the desert and quite a ways
11 from the ranch part and Charlie took me over to
12 the ranch part one night and told me to stay
13 there and left a shotgun with me and he some way,
14 he thought the forest ranger and highway patrol
15 would come over and he told me to kill them when
16 they came over.

17 "Q So you now were left by yourself on
18 this ranch; is that correct?

19 "A That is correct.

20 "Q How far distant was that from the main
21 encampment at Goler Wash?

22 "A Where they were?

23 "Q Yes, where they were at the time.

24 "A I don't know. It is quite a ways,
25 though.

26 "Q What did you do?

27 "A I went to sleep that night and I woke
28 up the next morning and I left.

1 "Q Where did you go when you left?

2 "A I went back to Texas."

3 Ask yourself this question: Could it be that not
4 only does his leaving Manson, ladies and gentlemen, on October
5 the 1st, 1969 show that he was not as dependent upon Manson as
6 the defense is alleging that he was, but that he left Manson
7 at this particular point in time, ladies and gentlemen, because
8 he was afraid to have a shootout with that forest ranger and
9 highway patrolman.

10 He knew they would be armed and there was a distinct
11 possibility that he would be shot to death.

12 You see, Tex apparently doesn't mind going into
13 people's homes in the middle of the night, ladies and gentlemen,
14 with a sharp knife and stabbing them to death. He likes those
15 type of odds.

16 But the thought of facing two members of law enforce-
17 ment who are armed, where there is a possibility he might be
18 killed, Tex wants no part of those odds.

19 Getting back to the defense claim that Watson was
20 the follower and Manson was the leader -- although as I said,
21 Charles Manson was the unquestioned leader of the family, the
22 king, the maharaja -- based on the evidence that came from that
23 witness stand during this trial, he was not the total and
24 complete ruler that the defense claims he was.

25 Watson testified that Manson told him he put
26 personal property such as cars in the names of the girls,
27 because Manson told Watson, he said, "The men I can't count on.
28 They are always running out on me."

1 Paul Watkins and Brooks Poston both testified that
2 Bruce Davis, a member of the family, was not completely sub-
3 servient to Charles Manson and was always competing with
4 Charles Manson.

5 Poston also testified that another member of Manson's
6 family, Bill Vance, was not completely subservient to Charles
7 Manson.

8 Of course, Tex left Manson in November of '68 and
9 October '69. Paul Watkins left Manson May 1969.

10 Even the girls left Manson. Linda Kasabian left
11 him. Barbara Hoyt and several other girls left him.

12 Watson also testified that Manson had trouble
13 controlling Susan Atkins.

14 So, although Charles Manson was the unquestioned
15 leader and king of his domain, there is no question about that
16 he wasn't the absolute, the absolute leader that the defense
17 has depicted him as being.

18 Mr. Keith says that the only reason Tex Watson
19 committed these murders is that Charles Manson told him to do
20 so.

21 Well, let's assume that this is so. Let's assume
22 that the only reason under the stars why Watson killed these
23 people is because Charlie told him to. Let's assume that.
24 So what?

25 Mr. Keith seems to imply, without directly stating
26 it, he seems to imply that if one person commits a murder under
27 orders from another, somehow and in some vague fashion, legally,
28 this is a mitigating circumstance.

1 Well, it is so obvious that it is not, I am almost
2 embarrassed to have to state such an obvious fact.

3 There is no section in the California Penal Code
4 that says if one person commits a murder under orders from
5 another, that he cannot be convicted of first degree murder.

6 Committing murders at another person's command is
7 extremely common. Six million Jews were murdered at Hitler's
8 command.

9 Look at the thousands upon thousands of Russians
10 that were murdered at Stalin's command and there are countless
11 other examples in history.

12 Every group of criminals has its leader. Watson
13 was a member of the family. Manson was the leader.

14 Even small bands of hoodlums have their leaders.
15 Even motorcycle groups have their leaders.

16 But when the leaders of these groups tell their
17 followers or their robots, to go out and commit crimes, like
18 burglary and robbery, those followers can't hide behind their
19 leaders, ladies and gentlemen.

20 Under the law, they are just as responsible as if
21 they committed these crimes completely on their own.

22 When Al Capone had his thugs go out and murder some
23 competitors, these henchmen of Capone couldn't escape culpa-
24 bility for those murders by hiding behind Capone.

25 As I said, this is such an obvious fact, that it
26 goes without saying, yet Mr. Keith says this is the only reason
27 that he did it -- Manson told him to do so. Somehow give the
28 guy a break. He is not responsible because he did it at

1 someone else's order.

2 Now, if killing at another person's command were
3 an excuse to murder, or even a partial defense, henchmen would
4 have a built-in immunity.

5 They could go out and savagely murder someone and
6 say, "Well, my boss told me to do so."

7 It is not quite that easy to circumvent the law,
8 ladies and gentlemen.

9 The fact that Watson committed these murders because
10 Manson told him to, had absolutely no legal relevance.

11 He is just as guilty of these murders as he would
12 be as if he committed them entirely on his own.

13 But, Mr. Keith goes on to say that Watson thought
14 Manson was Jesus Christ and certainly how in the world can
15 you disobey Jesus Christ?

16 Well, in the first place, ladies and gentlemen,
17 although we know that Watson looked up to Manson, we cannot be
18 sure that Charles Tex Watson thought Manson was Jesus Christ.

19 If you meet Jesus Christ, or if you think you are
20 meeting him, ladies and gentlemen, that has got to be the high
21 water mark in anyone's life.

22 Yet, he never told one single psychiatrist that he
23 thought Manson was Christ. We heard it for the first time on
24 that witness stand.

25 When Mr. Watson went back to Texas, was talking to
26 his girl friend, Denise Mallett, he said that he and another
27 man were the head of this group.

28 If this other man was Jesus Christ in his mind,

1 don't you think he would have told her so?

2 Don't you think he would have said, "I met Jesus
3 Christ in California"? No.

4 The first time we hear about Jesus Christ is from
5 that witness stand. So don't be too sure that this man thought
6 that Manson was some type of a supernatural being.

7 Even assuming that he did, even assuming that he
8 did, it is absolutely irrelevant.

9 Many of the killers who murdered for Hitler and
10 Stalin and other tyrants and despots of history thought that
11 men like Hitler and Stalin were some type of a supernatural
12 being and their zeal and their devotion and their blind
13 dedication to these despots of history was akin to religious
14 fanaticism.

15 Manson was a mini despot, of sorts, a toy tyrant.
16 If he would have had an opportunity, he most likely would have
17 attempted to expand his sphere of influence and power as far
18 as he could.

19 So Watson thought Manson was Jesus Christ. It
20 doesn't appear that he did. Let's assume he did. So what?
21 It certainly doesn't mean anything.

22 If it had any legal relevance, Judge Alexander in-
23 structing you would tell you, if you find this man thought
24 Manson was Jesus Christ, you cannot convict him of first degree
25 murder, or if you find that he committed these murders because
26 Manson told him to, you cannot convict him of first degree
27 murder -- you are not going to hear those words being uttered
28 by Judge Alexander. Although I am not a gambling man, I will

1 wager on that one.

2 The only issue is not whether Watson thought Manson
3 was Christ and not whether he committed these murders because
4 Manson told him to; the only issue is did he deliberate and
5 premeditate these murders with malice aforethought and his
6 thinking that Manson was Christ, assuming that that was the
7 case, in no way whatsoever prevented him from deliberating and
8 premeditating these murders.

9 The issue in this case -- the issue in this trial
10 is: Did Watson deliberate and premeditate these murders. Did
11 he do so -- not the reasons why.

12 Now, Mr. Keith wants you to focus on the reasons
13 why. In fact, he said this, "You should primarily be concerned
14 with why Mr. Watson did these things."

15 That is not the issue. The issue is: Did he do
16 it. Not why did he do it.

17 A further point, and I think this is very important:
18 There was no evidence that came from that witness stand that
19 Tex Watson, as well as Susan Atkins, Patricia Krenwinkel, Leslie
20 Van Houton, had to kill for Charles Manson.

21 There was no evidence that came from that witness
22 stand that Manson forced Watson or anyone else to commit these
23 murders.

24 On the night of the La Bianca murders down in Venice,
25 Linda Kasabian told Charles Manson right to his face that she
26 would not kill for him, and there is no evidence that he tried
27 to kill her or threaten to kill her for not killing for him.

28 As Dianne Lake testified, at Olancho, California

1 when Watson confessed to murdering Sharon Tate, Watson said,
2 "Charlie asked me to kill these people," and she was positive
3 that the word that Watson used was "asked" not "ordered" or
4 "told."

5 Tex Watson and these girls committed these murders
6 because they wanted to, ladies and gentlemen. The point I am
7 trying to make is that apart from Charles Manson, and independent
8 of Charles Manson, murder ran through the blood of Charles Tex
9 Watson and these three girls.

10 Manson's domination and the use of drugs, certainly,
11 admittedly, contributed toward this man going out and committing
12 these killings, but they were only contributing factors. They
13 were not the sole factors.

14 Beside Manson and drugs, independent of Manson and
15 drugs, he had the capacity within him to kill.

16 You might say to yourself that we are all capable
17 of killing. Well, that might be true, but there is a big
18 difference, ladies and gentlemen, between killing and murder --
19 justifiable homicide like self-defense, defense of others,
20 prevention of felony, these are killings but they are not mur-
21 der.

22 It takes a special type of person to do what Tex
23 Watson and the three girls did. It takes a special type of
24 person to commit murder.

25 The defense wants you to believe that this man would
26 never have committed murder in a million years if it weren't
27 for Charles Manson.

28 Well, as the saying goes, it takes all types of

1 people to make up the world, ladies and gentlemen. Unfortunately,
2 some people are murderers.

3 Charles Watson is a murderer. How do we know he is
4 a murderer? Because he murdered seven human beings. That is
5 how we know he is a murderer.

6 So he wasn't always a murderer. No murderer was
7 always a murderer.

8 Even to this very day, even to this very day, the
9 thought of murdering someone excites this man. He told Dr.
10 Fort these people were running around like chickens with their
11 heads cut off and when he told Dr. Fort that, a smile creased
12 his face.

13 Somewhere deep within Charles Watson, deep down and
14 totally independent of Charles Manson, there just had to be a
15 suppressed rage, a f u r y, homicidal tendency, if you will.

16 Manson simply was the catalyst that brought this
17 rage and fury to the surface and gave it form by his sick
18 philosophies on life.

19 Apart from Manson, within Charles Watson himself,
20 there were factors that were inherent and an innate part of
21 him that caused Charles Watson to commit these murders.

22 Let's see what some of these factors could be. I
23 am dwelling on this, ladies and gentlemen, for the obvious
24 reason that this appears to be almost the heart of the defense's
25 case.

26 Dr. Frank: "Q You certainly agree that when
27 Mr. Watson was inside the Tate-La Bianca residences,
28 he was acting in a homicidal fashion. You will
certainly agree with that?

1 "A Yes.

2 "Q Then will you agree, referring to
3 the homicidal tendency of Charles Watson, that
4 completely apart from Charles Manson and com-
5 pletely apart from drugs, is it your opinion
6 that he was less able to handle this homicidal
7 tendency than other people?

8 "A Yes, I would say so."

9 Look at Dr. Bohr's testimony:

10 "Q In your opinion, are there any
11 factors, in addition to drugs and Charles
12 Manson, totally independent of drugs and
13 Manson, that may have contributed to Mr.
14 Watson's committing these killings?

15 "A As I said previously, it is my opinion
16 that of the many people that I have seen that have
17 taken drugs excessively, that all of these have
18 been disturbed individuals, prior to getting
19 really heavily strung out on drugs and having
20 the entity called schizophrenia.

21 "Q Before you go any further, let's
22 talk about that one little point. You do
23 believe then that even before Mr. Watson met Mr.
24 Manson, there is a distinct possibility that he
25 was a very significantly disturbed individual?

26 "A Yes. This is speculative, but it
27 is based on a large number of people I have seen.

28 "Q And when you say significantly

1 disturbed, you are talking about mentally and
2 emotionally?

3 "A. Right.

4 "Q Do you feel that this schizophrenia
5 not only predated Charles Manson, but also pre-
6 dated his ingestion of drugs?

7 "A. Yes. There is a type of szhizo-
8 phrenia called latent, deep within, which means
9 that it is there but it has not surfaced, but
10 when you take drugs, and it lowers the defenses,
11 it may emerge.

12 "Q In addition to the schizophrenia
13 and also his being significantly disturbed, are
14 you aware of any other factors that may have
15 contributed to Charles Watson committing these
16 murders?

17 "A. He is a passive -- he was a passive
18 person, not a follower. I think that this might
19 be one thing. People of this makeup sometimes
20 harbor a lot of anger inside of themselves.

21 "Q Do you feel there were any indica-
22 tions to you that Mr. Watson was that type of
23 individual that had any type of a suppressed
24 fury or rage within him?

25 "A. I know he was passive and I know that
26 he obeyed his mother, but once he broke away, he
27 sharply broke away from her form of life and
28 didn't even write to her, I think that this might

1 indicate that he had at least anger towards his
2 mother, but whether it was rage, this I don't
3 know.

4 "Q Do you feel that this anger toward
5 his mother, this suppressed hostility, may have
6 been a factor contributing toward his committing
7 these murders?

8 "A He did have anger directed toward
9 his mother and this anger would be within him-
10 self and would emerge one way or the other
11 probably.

12 "Q When you say one way or the other, one
13 of the ways could be homicide; is that correct?

14 "A Yes."

15 I am not going to read Dr. Bailey's testimony. It
16 is a couple of pages, but you remember Dr. Bailey surmised that
17 Watson had a very deep intense hatred for himself, and he was
18 releasing this hatred and enmity upon the people whom he
19 stabbed to death.

20 Dr. Tweed said that Watson was a very unhappy per-
21 son before he even came to California. Certainly, people who
22 are very, very unhappy frequently have suppressed hostility
23 within them and I suggest that Mr. Watson was releasing those
24 hostilities on these two nights of murder.

25 But whether any of these psychiatrists are right
26 or wrong, no one knows. They could be completely wrong about
27 the particular thing about Charles Watson that made him a
28 murderer, but one thing is fairly obvious: There was deep

1 within him, there had to be, there just absolutely had to be
2 a rage and a fury, the homicidal tendency.

3 We don't know how it got there, but it was there.
4 Manson brought it to the surface, ladies and gentlemen.

5 You know, the fact that Watson has no history of
6 violence, as Mr. Bubrick points out, and that he was, apparently,
7 a relatively easygoing person is immaterial. It is common
8 knowledge that some of your most vicious criminals, ladies and
9 gentlemen, are people with no prior criminal history at all.

10 The Humphrey Milktoast types, who lead very, very
11 quiet, uneventful lives, and all of a sudden they go out and
12 in an explosion of violence they murder several people and
13 everyone is shocked. Friends can't believe it. Must have the
14 wrong man, they say.

15 You might ask yourself this question also -- we
16 have a pretty good idea why Manson, a pretty good idea why
17 Manson asked Linda to go along on these two nights of murder.
18 Linda testified that among the girls in the family, only she
19 and Mary Bruner had driver's licenses and Mary Bruner was not
20 at the ranch on August the 8th, 1969. She was in jail.

21 Linda Kasabian testified that the day after these
22 murders, Manson sent her down to the jail to see Mary Bruner,
23 Bobby Beausoleil, and a girl named Sandy.

24 So on these two nights of murder, apparently, Linda
25 was the only female member of the family that had a driver's
26 license and he asked her to get her driver's license on both
27 nights and we think that, on both nights, by her own admission,
28 she did drive.

1 But ask yourself this question, ladies and gentle-
2 ment, ask yourself this question back in the jury room: Out
3 of the 20 or so men in Charles Manson's family, why did Manson
4 select Watson and these three girls to do his murderous bidding
5 for him?

6 It is pretty obvious why, ladies and gentlemen.
7 Manson lived with his family, unquestionably knew each and
8 every one of them very well. He wanted his mission of murder
9 to be successful.

10 He looked around and he ended up picking Charles
11 Watson. Why? Because he obviously felt that Watson had
12 murder within him and Manson couldn't have made a better choice,
13 could he, ladies and gentlemen?

14 Mr. Keith argued that, "There was no one else
15 around that Manson could send out other than Watson."

16 What about Steve Grogan, also known as Clem Tufts?
17 How come he didn't pick him the first night? What about Bruce
18 Davis? What about Bill Vance? What about T. J. Wallerman?
19 What about Danny DeCarlo?

20 How come he didn't pick those people? Why did he
21 pick Tex?

22 Juan Flynn testified that one night Manson, he,
23 Grogan and Tex stopped in front of a home and Manson told them
24 to go inside and murder, and Flynn, DeCarlo and Grogan stayed
25 inside the car, i.e., they disobeyed Manson.

26 Watson is the only one that got out of that car
27 and approached that residence.

28 Manson absolutely felt, and correctly so, that

1 Watson was capable of murder. That is why out of his entire
2 family, Watson was one of the four people whom he selected to
3 kill.

4 He was right when he picked Watson and because he
5 was right, that is why we are in this courtroom right now.

6 Although it was Charles Manson -- although it was
7 Charles Manson who made the decision to commit the seven Tate-
8 La Bianca murders, and although it was Charles Manson who
9 selected Watson and the three girls to commit these murders for
10 him, and although it was Manson who sent these people out to
11 kill, when Watson, Atkins, Krenwinkel, and Van Houton plunged
12 their knives into the bodies of the victims, it was their will,
13 not Charles Manson's will, that directed their hands to thrust
14 that knife downward into the bodies of the helpless victims.

15 In other words, ladies and gentlemen, although
16 Manson selected these people and sent them out, the last and
17 final decision to kill was theirs and theirs alone.

18 Dr. Bailey testified that Watson was exercising his
19 own free will when he stabbed these victims.

20 Dr. Hochman testified that despite the fact that
21 Manson told Watson to kill, Watson himself also independently
22 made the decision to kill.

23 This is Dr. Fort's testimony on this point. You
24 might wonder why it takes me a couple of seconds to find the
25 page. You might wonder why I don't put a piece of paper in
26 there. I did, but I have about six or seven pieces of paper
27 and I don't know which one to pick.

28 Here is Dr. Fort:

1 "Q So that at the time of the homicides,
2 Mr. Watson, wouldn't you say was incapable of
3 reacting critically to anything that Mr. Manson
4 told him or reacting with any insight?

5 "A I would not say he was incapable. I
6 think he still retained the capacity of making an
7 independent decision on killing.

8 "Q Would you say that it would be diffi-
9 cult for him to make an independent decision?

10 "A I would say that he had some impair-
11 ment of the ability to make a fully independent
12 decision, but he still had it to a significant
13 extent -- still had that capacity or ability."

14 Manson told these people to kill. These people
15 told themselves to stab.

16 Manson could have told Watson and these other
17 people to kill these poor victims from now until doomsday. If
18 they did not want to do it, they never would have done it.

19 Simply by way of illustration, I think an analogy
20 can be drawn to hypnotism. When a person is hypnotized,
21 certainly, he is under the influence, supposedly of the
22 hypnotist.

23 Yet, it is very well know, ladies and gentlemen,
24 that a person under the influence of hypnosis will not go out
25 and commit any antisocial or criminal acts under the direction
26 of the hypnotist, that he would not otherwise have committed
27 if he were not under the direction of the hypnotist.

28 In other words, the hypnotist can no more corrupt

1 the moral senses of a person under hypnosis than he can instill
2 morality and integrity into the individual.

3 For a person under hypnosis to affirmatively respond
4 to a suggestion by the hypnotist that he go out and commit some
5 criminal, antisocial act, there has to be a predilection in
6 the direction of that act.

7 In the summer of 1969 Manson told Juan Flynn to
8 go inside his relative's home and kill his relatives. Juan
9 Flynn said no. Why? Because he said, "I didnot want to
10 kill."

11 Manson told Brooks Poston in September of 1969 at
12 Barker Ranch to go into Shoshonee and murder the sheriff and
13 even gave him a knife. Poston didn't do it.

14 Why? Because he said, "I don't want to kill."

15 Mr. Keith argued that in September 1969 Poston had
16 already started to slip away from Manson and this is why he
17 never went out and killed, but let's look at Paul Watkins.
18 Let's look at Paul Watkins.

19 In late May 1969, before Watkins even met Paul
20 Crockett, when Watkins learned that murder was in the wind out
21 at Spahn Ranch, he took off.

22 "Q So in the spring of 1969 at Gresham
23 in Canoga Park, Manson said somebody is going to
24 have to show blackie how to do it, is that correct?

25 "A Yes.

26 "Q And then in late May at Spahn Ranch
27 Charlie said, 'We are going to have to show blackie
28 how to do it'?

1 "A. Yes.

2 "Q. Now, when Manson said this, what effect
3 did it have on you?

4 "A. Had a heck of an effect, because I
5 already knew how he had said it was supposed to
6 be done and I didn't want to kill anybody. I
7 didn't want to show him how to do it.

8 "Q. So what did you do?

9 "A. I left, left the family and went to
10 the desert.

11 "Q. How long after Manson told you that
12 we -- apparently referring to the family -- were
13 going to have to do it did you leave?

14 "A. That day.

15 "Q. You went up to the Barker Ranch?

16 "A. Yes.

17 "Q. You didn't want to have anything to
18 do with helter-skelter?

19 "A. No, I didn't.

20 "Q. Because you knew this would involve
21 killing?

22 "A. I suspected such.

23 "Q. You didn't want to kill anyone?

24 "A. Correct."

25 At the time of that incident, Watkins had not yet
26 met Paul Crockett. He met him later on up at the Barker Ranch.

27 At the time of that incident, Watson had ingested
28 LSD 150 to 200 times, belladonna 20 times, every other drug

1 imaginable.

2 He thought Manson was Jesus Christ. He was willing
3 to give up his life for Manson by hanging on the cross, but he
4 would not kill for Charles Manson.

5 When he found out that Manson was going to start
6 helter-skelter, he took off like a big fanny bird for Barker
7 Ranch. Why? Because he did not want to kill -- a classic
8 example, and the reason it is so perfect is that the context
9 in which it arose is identical to the context in which this
10 man committed these killings.

11 A perfect example that the final decision to
12 kill is a personal one is Linda Kasabian, ladies and gentlemen.
13 Linda Kasabian -- Linda has ingested just about every type of
14 drug imaginable, totally under the spell and control of Manson,
15 thought he was Jesus Christ.

16 Moreover, Linda is a girl. She is not a man, and
17 she is a small girl at that.

18 I think it was very obvious, ladies and gentlemen,
19 to you that before Linda arrived at Spahn Ranch she was like
20 a leaf in the wind. She had been to just about every hippie
21 commune there was. You name it and she was there -- Haight-
22 Asbury, Greenwich Village, Taos.

23 Ultimately it was her destiny, ladies and gentlemen,
24 that her path led to Spahn Ranch and Charles Manson and two
25 horrifying nights of murder.

26 I think it was equally obvious to all of you that
27 Linda is a docile, submissive, unresisting type girl. You
28 observed her for a day and a half on that witness stand and

1 Mr. Keith argued quote Manson had captured Linda's mind, too,
2 but on the night of the La Bianca murders, in view of all this,
3 when Charlie told her to kill that actor in his apartment, she
4 said, "Charlie, I cannot kill anybody," and she did not kill
5 for Charles Manson.

6 Why? Because she made the personal decision not
7 to kill. Why? Because she is not a murderer.

8 Charles Manson ordered and masterminded the seven
9 Tate-La Bianca murders, but Watson, Atkins, Krenwinkel and Van
10 Houton committed these murders, because they wanted to. Make
11 no mistake about that.

12 If Tex Watson didn't want to kill these people, all
13 he had to do was not to do it. I repeat that obvious fact: If
14 he didn't want to kill these people, all he had to do was not
15 to do it.

16 If Watson didn't want to kill for Manson, he had it
17 within himself to refuse.

18 How do we know that? How do we know he had it
19 within himself to refuse his leader?

20 Because a month to a month and a half after these
21 murders when Manson told him to kill Crockett and the forest
22 ranger and the highway patrolman, he refused to commit those
23 murders for Manson, didn't he?

24 So he had it within him. Another fact which proves
25 that Watson and the girls wanted to commit these murders, and
26 totally independent of Manson, violence and murder ran in their
27 own blood and they were very willing participants in these mur-
28 ders, is the great number of stab wounds -- the Tate victims

1 102 stab wounds; Leno and Rosemary 67, a total of 169 stab
2 wounds.

3 Absolutely incredible. The multiplicity of stab
4 wounds show that Watson and the others were very willing
5 participants in these murders.

6 This is not a situation where Manson sent Watson out
7 to commit murder and he is violently opposed to it and when he
8 does kill these people he is repulsed by it.

9 This is a situation where Watson murders with
10 relish, with gusto, as it were. He enjoys killing these people.

11 Tells Dianne Lake it was a lot of fun. He also
12 tells his mother on August the 20th, "I am having a great time,"
13 just a week after these murders.

14 And after these murders, Tex Watson still didn't
15 have his fill of murder. He still didn't have his fill -- still
16 doesn't have his fill.

17 Barbara Hoyt:

18 "Q While you were at the Barker Ranch,
19 did Mr. Watson ever show you anything that was
20 unusual?

21 "A Yes.

22 "Q What did he show you?

23 "A He was telling us how to stab some-
24 body.

25 "Q When you say us, who was present
26 besides yourself and Mr. Watson?

27 "A Ouish and Sherry and Kitty was there.

28 "Q That is Kitty Lutesinger?

1 "A Yes.

2 "Q Ouish is Ruth Moorehouse. Who was
3 the other one?

4 "A Sherry.

5 "Q Is this Simi Valley Sherry?

6 "A Yes.

7 "Q What did Mr. Watson do and say?

8 What did the others in the group do and say?

9 "A They were talking about how they
10 would have to kill, when it came down to it and
11 so Tex told us that when you stab somebody, you
12 don't put the knife straight in like that. You
13 put it in and then turn it up and all that stuff.

14 "Q Did he say why you stab people that
15 way?

16 "A To cut up more stuff.

17 "Q What else did Mr. Watson say during
18 this conversation?

19 "A He said that, I can't remember his
20 exact words -- well, he said that it would either
21 be them or us, so that we would have to do it to
22 them first.

23 "Q Who was them?

24 "A The pigs.

25 "Q Who are the pigs?

26 "A People who weren't in the family.

27 "Q Did anyone make any comments as to
28 what Mr. Watson said?

1 "A Sherry said something about that she
2 didn't think she could do it and Ouish said that
3 she couldn't wait for her first one, for her first
4 pig."

5 You know, I hate to resort to trite expressions,
6 but sometimes there is profound truth in them and I think one
7 of them is that, "Birds of a feather flock together."

8 In other words, Tex Watson, along with the other
9 hard-core members of Manson's family attached himself to Manson
10 because he found Manson's virulent and venomous attitude towards
11 society palatable to him.

12 If Watson did not agree with what Charles Manson was
13 saying, he could have left. He could have left Manson.

14 Mr. Bubrick argued that Watson and the others were
15 isolated from the rest of society and, therefore, they had no
16 opportunity to discuss Manson or his values with other people.

17 They were isolated from the rest of society because
18 they wanted to become, ladies and gentlemen. Manson never
19 forced them to stay with him.

20 You know, there have been, and presently are, many
21 groups of criminals whose members are so in fear of their
22 leader, they are afraid to leave for fear of being killed.

23 Based on the evidence that came from that witness
24 stand, no such situation like that existed in Charles Manson's
25 family.

26 This is Barbara Hoyt's testimony:

27 "A If somebody wanted to go, there wasn't
28 all that much you could do about it.

1 "Q All that who could do about it?

2 "A Charlie.

3 "Q You mean he couldn't stop them?

4 "A That is right.

5 "Q Anybody who wanted to go would just
6 leave?

7 "A Well, like when one of the girls maybe
8 would want to go, I heard that he --

9 "Q Not what you heard, what you know of
10 your own knowledge.

11 "A Well, he tried to talk you out of it,
12 or whatever."

13 She went on to say that when she finally did decide
14 to leave Manson up at Barker Ranch, he tried to dissuade her
15 from going, and when he was unsuccessful, he gave her \$20 to
16 help her when she got to the city.

17 THE COURT: Excuse me. We will have to have our recess
18 at this time.

19 MR. BUGLIOSI: I have two more pages to go. Could I
20 finish?

21 THE COURT: Go ahead.

22 MR. BUGLIOSI: In May of 1969, when Manson told Paul
23 Watkins that there was going to be some murders, he up and left.

24 Tex Watson himself testified, these are his words:

25 "A You could always leave."

26 Those are Tex Watson's words from that witness
27 stand and Tex did leave, without any trouble at all, ladies and
28 gentlemen, in November of '68 and October of 1969, and Manson

1 didn't pursue him.

2 Watson was the one that called Manson. When they
3 got on the phone, Manson talked him into coming back, but he
4 didn't threaten Watson.

5 Several other witnesses, like Dianne Lake, testi-
6 fied that people would come and go at Spahn Ranch. Those that
7 stayed, like Watson and the others, stayed because they liked
8 the brand of black-hearted, diabolical medicine that Manson
9 was peddling.

10 They like it, because it struck a responsive chord
11 within them.

12 The point I am trying to make, ladies and gentlemen,
13 is that if you go to a convent, if you go to a convent, you are
14 going to find nuns. If you go to the Hell's Angel motorcycle
15 group, you are going to find a different type of person. Just
16 as water seeks its own level, each group seeks its own kind.

17 Manson, Watson, and the other members of the family
18 gravitated towards each other and they lived together because
19 they wanted to. They liked each other.

20 And the relationship that they entered into with
21 Manson was not a unilateral relationship in which they gave
22 everything to Manson and got nothing in return. It was a
23 bilateral relationship.

24 There was a quid pro quo, as they say in Latin:
25 each got something from the other.

26 Watson, among other things, got a ready supply of
27 drugs, free sex, no obligations or responsibilities. He
28 voluntarily entered into that relationship without coercion.

1 Dr. Hochman's testimony on this point is very
2 illuminating.

3 "Q What did you say, Doctor, as a result
4 of everything that you learned that the girls and
5 Watson considered Mr. Manson to be the real leader
6 of this helter-skelter world?

7 "A Yes. And that gets to the point you
8 asked me awhile ago about my previous testimony
9 on this, and I would obviously say that in their
10 awareness, Manson was a significant figure, but
11 they were largely unaware of their own emotional
12 need that invested him with that power to appear
13 significant -- their expectations, their fancies,
14 their imaginations about him. This was their
15 part of the formula.

16 "Manson was just a man. Thousands of
17 individuals confronted him and encountered him as
18 he traveled up and down California, but only 30
19 or 40, or maybe 60 selected themselves out to be
20 a member of his family. So, there was Manson as
21 a factor and their own psychodynamics or emotional
22 need as the additional factor --"

23 THE COURT: Excuse me, Mr. Bugliosi. I have got to go.

24 Ladies and gentlemen of the jury, we will recess
25 at this time.

26 I must attend a funeral which is quite a distance
27 from here. I will do everything I can in my power to be back
28 here at 2:15 this afternoon.

1 Please heed the usual admonition. Thank you.

2 (A luncheon recess was taken until 2:15 p.m.,
3 of the same day.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 5, 1971, 2:30 P. M.

2 --oOo--

3 (The following proceedings were had in
4 chambers, outside the presence of the jury:)

5 MR. BUGLIOSI: I am going to get into rebuttal on the
6 psychiatrists. I think the defense argued that their testimony
7 was reasonable and should be respected, their opinions, and I
8 want to attack the basis for their opinions and I was wondering
9 -- I can't see any possible way to keep out Susan Atkins'
10 testimony.

11 THE COURT: I am going to keep it out.

12 MR. BUGLIOSI: It is part of the evidence.

13 THE COURT: It was just in for one reason.

14 MR. BUGLIOSI: As a basis for Dr. Frank.

15 THE COURT: As a basis for the opinion.

16 MR. BUGLIOSI: As a basis for Frank.

17 THE COURT: Yes. You see, at the time it was read, I
18 didn't think it should have been read.

19 MR. BUGLIOSI: I agree. But it came in without objection
20 then.

21 THE COURT: I knew it came in without objection.

22 MR. BUGLIOSI: And it is in the transcript.

23 THE COURT: I appreciate it is in the transcript and I
24 appreciate it was in there just for one reason alone, and while
25 you may say you want to use it only as a basis for his opinion,
26 you know what it is going to do to this jury. You know that as
27 well as I do.

28 MR. BUGLIOSI: I can't argue with you. You won't let me.

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

3 THE COURT: Sorry I am late, ladies and gentlemen.

4 People against Watson. Let the record show all
5 jurors, all counsel and the defendant are present.

6 You may proceed, Mr. Bugliosi:

7 MR. BUGLIOSI: I was just about to conclude a final
8 observation of the fact that this man has it within him deep-
9 down to kill and not every person has that capacity.

10 Manson pulled the trigger. That activated Watson,
11 Atkins, Krenwinkel and Van Houton, but the bullets that came
12 out of that chamber: Watson, Atkins, Krenwinkel and Van
13 Houton. They committed these murders because they already
14 had murder within them.

15 Even before Watson met Manson, he just had to have
16 homicidal tendencies. Manson was simply the one who brought
17 these homicidal tendencies to the surface.

18 Brooks Poston, Paul Watkins and Linda Kasabian never
19 had these homicidal tendencies. That is why, even though they
20 were slavishly obedient to Charles Manson and would to anything
21 he told them to do, they stopped short of murder.

22 Why did they stop short of murder? Because they
23 are not murderers.

24 Charles Tex Watson did not stop short of murder.
25 Why? Because he is a murderer and I don't think it is anymore
26 complicated than that.

27 Obviously, ladies and gentlemen, one of the hearts,
28 perhaps the principal heart of this whole trial has been

1 Mr. Watson's state of mind at the time of these murders.

2 Before I discuss this issue, I want to repeat a
3 point that has already been stated ad nauseam, but because of
4 its importance, it cannot be emphasized enough and that is
5 simply this: Even assuming that Mr. Watson is mentally ill
6 and suffering from diminished capacity -- and I am not
7 stipulating to that, I'm just saying -- even assuming that --
8 it is completely and totally irrelevant to any of the issues
9 in this case.

10 The only issue was his state of mind at the time of
11 these murders. Let's talk a little bit about the psychiatrists
12 in this case.

13 I wonder if any of you folks have heard the story
14 of the psychiatrist who passed his neighbor on the street one
15 fine morning and the neighbor said, "Good morning," to the
16 psychiatrist.

17 And the psychiatrist, walking on, shook his head
18 and said to himself, "I wonder what he meant by that?"

19 I am sure, ladies and gentlemen, I am sure that
20 psychiatrists have their place in our society. I am sure of
21 that, but based upon what we saw from that witness stand, and
22 based upon what Dr. Suarez himself wrote in his article, "A
23 Critique of the Psychiatrist's Role as an Expert Witness," that
24 place does not appear to be in a court of law.

25 Psychiatry, ladies and gentlemen, is not a science
26 like mathematics or chemistry; it is an art. In other words,
27 it is not uncommon for several psychiatrists to examine the
28 same person and come up with completely diametrically opposed

1 opinions. That is what happened in this case.

2 The prosecution and the defense psychiatrists dis-
3 agreed on whether Mr. Watson had the requisite state of mind at
4 the time of the murders.

5 If psychiatry were a science, by definition, they
6 all would have reached the same conclusion.

7 Science is objective and testable, but an art like
8 psychiatry is subjective, not objective, and it is not testable.

9 When I say that science is testable, I say that
10 science can test its knowledge.

11 For example, Chemical A mixed with Chemical B always
12 ends up with Chemical C. It works out every single time. This
13 can be tested over and over again.

14 Engineers can tell you the precise exact amount
15 of weight or stress that a bridge can take before it will
16 collapse. All engineers will agree on this.

17 All chemists will agree that Chemical A plus B
18 equals C.

19 All mathematicians agree that if you multiply 367
20 times 472, you will always get 133,224. It never comes out to
21 225, never.

22 Psychiatry is not like that, ladies and gentlemen.
23 It is not a science and because it is not a science, to get a
24 group of psychiatrists to agree on anything is more difficult
25 than stopping rain from falling. It just can't be done.

26 The psychiatrists who examined Tex Watson, predict-
27 ably enough -- predictably enough disagree with each other on
28 whether he had the required mental capacity to commit these

1 murders.

2 Drs. Bailey and Fort said that he did have the
3 required mental capacity to commit these murders.

4 Dr. Hochman said he could harbor malice afore-
5 thought and could deliberate and premeditate, but he had no
6 opinion from a legal standpoint whether Mr. Watson could
7 maturely and meaningfully reflect upon the gravity of the con-
8 templated act, although he did say from a psychiatric stand-
9 point, he did not feel that belladonna could do so.

10 Drs. Tweed, Bohr, Ditman and Dr. Markham said that
11 Mr. Watson did not have the required mental capacity. Drs.
12 Frank and Suarez did not render any opinions on this issue,
13 although they did say they felt he was psychotic at the time
14 of these murders.

15 Now, these psychiatrists testified during this
16 trial on the issue of Watson's state of mind at the time of
17 these murders, but deliberation, premeditation, malice afore-
18 thought, et cetera, are legal terms and concepts. They are
19 not medical psychiatric terms or concepts.

20 Since psychiatrists are not trained in the law, ladies
21 and gentlemen, it just stands to reason that it is very, very
22 difficult for them to render opinions on legal issues when
23 they use a psychiatric framework of reference.

24 I will be perfectly frank with you. I don't think
25 the prosecution psychiatrists would have been any more quali-
26 fied than the defense psychiatrists to render any opinion in
27 this case about Mr. Watson's state of mind at the time of
28 these murders, if they hadn't looked at all of the evidence and

1 the circumstances surrounding these murders.

2 The prosecution psychiatrists at least did that.
3 The defense psychiatrists did not do that.

4 Now, we start off with the proposition that there
5 is no physical system in the world as complicated, as complex,
6 as intricate as the human mind, the human brain.

7 To immeasurably compound that problem, none of
8 the psychiatrists examined Mr. Watson at the time of these
9 murders. They examined him almost two years later, then tried
10 to figure out what was on his mind on August 8th, 9th and
11 10th, 1969.

12 It just stands to reason, ladies and gentlemen,
13 that no psychiatrists can even begin to form a valid opinion
14 about this man's state of mind at the time of these murders,
15 without becoming thoroughly familiar and acquainted with all
16 of the facts and circumstances surrounding these murders.

17 Drs. Bailey, Fort, and Hochman did that. All of
18 them read Linda Kasabian's testimony, Susan Atkins' testimony,
19 Rudolf Weber's testimony and the testimony of several other
20 witnesses, before they reached their conclusion.

21 They read Linda's extremely detailed account of
22 what each conspirator did on these two nights of murder,
23 including what Tex Watson did.

24 Unbelievably enough, Dr. Suarez, Frank, Bohr,
25 Ditman and Markham did not read Linda Kasabian's testimony
26 before they reached their conclusions.

27 They did talk to Tex Watson, however, and it
28 appears they believed every single thing he told them. Their

1 naivete and gullibility is not only surprising; it is down-
2 right shocking and astonishing.

3 I say this, ladies and gentlemen, that not only
4 is the field of psychiatry not a science, an art, I say that
5 the defense psychiatrists were very poor artists, at that.

6 To illustrate how incredible these defense
7 psychiatrists were, compare yourselves with them. Compare
8 yourself.

9 You folks have the responsibility of determining
10 whether Mr. Watson had the required state of mind at the time
11 of these murders.

12 Now, if the prosecution never called Linda
13 Kasabian to that witness stand, and the only version you heard
14 about these murders came from Mr. Watson, would you feel
15 satisfied?

16 Would you feel that you were in a position to
17 render an opinion on his state of mind? Of course not. You
18 would be flabbergasted.

19 You would say, "We have only heard his side of
20 the story. Before we reach any conclusion, we want to hear
21 what Linda Kasabian has to say."

22 Well, unbelievably enough, the defense psychiatrists,
23 with the sole exception of Dr. Tweed, weren't interested
24 apparently in Linda Kasabian's version of what happened.

25 They weren't even interested in trying to get
26 her testimony.

27 Moreover, it is very obvious, ladies and gentlemen,
28 that not only didn't they familiarize themselves with all the

1 facts and circumstances surrounding these murders, but it
2 couldn't possibly be any clearer that Tex Watson, the person
3 from whom they got most of their information, was a very,
4 very biased, prejudiced source. He is not a good source.

5 Who could possibly be more biased and prejudiced
6 about what happened on these two nights of murder than Tex
7 Watson?

8 Isn't there all the difference in the world between
9 a law abiding citizen walking into a psychiatrist's office,
10 trying to get help for his emotional problems, as opposed to
11 a person charged with murder, who is sent to the psychiatrist
12 by the court or the defense attorneys?

13 In the former, the patient obviously wants to tell
14 the truth. It serves his purpose to tell the truth. He wants
15 help.

16 He is willing to voluntarily seek that help and
17 pay a substantial fee for it, so it serves his purpose to tell
18 the truth.

19 In the latter case, the case of the murderer,
20 isn't it obvious that the primary thought in that man's mind
21 is not to solve any mental problems, but to solve his legal
22 problems.

23 With this in mind, is he likely to tell the truth
24 to the doctor? Obviously not. The truth is harmful to him,
25 particularly when he knows, like Mr. Watson knew, that every-
26 thing he told the psychiatrist would be used as a basis for
27 the psychiatrist's opinion and could be used against him in
28 court.

1 Watson wasn't about to tell these psychiatrists
2 that he knew exactly what was going on on these two nights
3 of murder and that he was in charge of the girls at the scene
4 and told Linda to wipe fingerprints off the knives, et cetera.
5 He wasn't about to say those things. He made his statements
6 as self-serving as possible.

7 Based on the evidence that came from that witness
8 stand, ladies and gentlemen, Watson's version of what happened
9 during these murders is so obviously a lie, I think that a
10 child, a child could see it.

11 I think a child could, a 10, 11-year-old child
12 would say, "That is a lie. That is ridiculous."

13 Yet, it appears, ladies and gentlemen, it appears
14 that these defense psychiatrists believed every single thing
15 that that man told them.

16 Mr. Kay and I couldn't get one defense psychiatrist
17 to say that there was one single thing that Watson told them
18 that they did not believe -- nothing.

19 I think if Watson told these defense psychiatrists
20 that he saw an alligator do the polka or heard a cow speak
21 the Spanish language, I think they would have believed that,
22 too.

23 Mr. Bubrick defended the defense psychiatrists for
24 their not going to sources other than Tex and he said that
25 the integrity of these men should not be questioned.

26 He called the UCLA doctors, quote, terribly right,
27 unquote.

28 He also praised Dr. Tweed, Ditman, Markham, and

1 Bohr. He said they all reached the same conclusions about
2 Tex and their conclusions were reasonable. He also said they
3 were not naive.

4 Mr. Keith said, "Don't demean the psychiatrists
5 who testified that Watson couldn't deliberate and premeditate
6 these murders. They are top people who are very educated.
7 You should respect their opinions."

8 Well, ladies and gentlemen, an opinion by anyone
9 -- I don't care who that person is -- I don't care if he has
10 got so many credentials he can't even store them in his house
11 -- an opinion by anyone, no matter who it is, is no better
12 than the reasons upon which it is based.

13 Let's very briefly look at the testimony of the
14 prosecution psychiatrists, whose conclusions that Mr. Bubrick
15 and Mr. Keith did not accept and then let's very briefly look
16 at the testimony of the defense psychiatrists and see if their
17 opinions are reasonable and worthy of respect, as they urge
18 you to do.

19 With respect to Dr. Bailey, there is no question
20 that he was the most experienced of all the psychiatrists who
21 testified on that witness stand and also put in by far the
22 most time and research into Mr. Watson's state of mind at
23 the time of these murders.

24 With respect to experience, he has been on the
25 court appointed list of psychiatrists for 35 years, ladies and
26 gentlemen, and he and Dr. Fort were the only psychiatrists
27 appointed by Judge Alexander to examine Mr. Watson.

28 Dr. Bailey in his career has examined between

1 five and six hundred defendants charged with murder and on
2 two hundred of those occasions, he testified in a court of
3 law as to a defendant's state of mind at the time of the mur-
4 ders.

5 So when he examined Mr. Watson, he had a vast
6 background, a tremendous background of experience and he is
7 not a perennial prosecution psychiatrist. He testified that
8 75 percent of the time he testifies for the defense.

9 He said he put in about 300 hours on this case,
10 took a couple hundred pages of notes and prepared a 54-page
11 report.

12 He examined Watson on five separate occasions and
13 before he reached his conclusions, he read Linda Kasabian's
14 testimony, Atkins' testimony, Weber's testimony, Denise
15 Mallett's testimony, Robert King's testimony and the testimony
16 of several other witnesses.

17 His conclusion, of course, that Watson could
18 deliberate and premeditate and maturely and meaningfully
19 reflect, et cetera, was diametrically opposed to the con-
20 clusions reached by the defense psychiatrists.

21 He did say that Watson was psychotic, but he said
22 this did not prevent him from premeditating and deliberating,
23 et cetera.

24 He said in his experience it is very common for
25 a person to be psychotic and still be able to deliberate and
26 premeditate a murder.

27 With reference to this folie a deux diagnosis,
28 Dr. Bailey's psychiatric report is the only report that

1 contained any reference to that folie a deux diagnosis.

2 The defense psychiatrists, they made reference to
3 that during their testimony and they apparently accepted it.
4 Apparently they got it from Dr. Bailey.

5 Dr. Bailey also said in his opinion Watson was
6 malingering when he interviewed him.

7 Mr. Bubrick said, "I wonder if Tex is the type of
8 person who could deceive the psychiatrists up at Atascadero."

9 Well, the answer, ladies and gentlemen, is that
10 he tried to do so, but he was unsuccessful.

11 The significance of Dr. Owre's testimony is simply
12 this -- I am not saying he is the most brilliant doctor that
13 took that witness stand during this trial -- I am not saying
14 that at all, but the significance of his testimony is this,
15 ladies and gentlemen: Here is a psychiatrist who is responsible
16 for the psychiatric treatment of one half of the patients that
17 come from Los Angeles and Ventura Counties.

18 He has examined over 2,000 criminal defendants.
19 All the defense psychiatrists put together probably have not
20 examined as many criminal defendants as that man has.

21 He sees criminal defendants, ladies and gentlemen,
22 who are either mentally ill or who are claiming mental illness
23 on a day-to-day basis. That is his job.

24 Now, don't you think that a person like that,
25 ladies and gentlemen, can spot a phony the moment they see
26 them? Don't you think they can spot a phony the moment the
27 phony is coming down the plank, as it were?

28 Don't you think they develop a sixth sense with

1 respect to people who are mentally ill or claiming mental
2 illness? That is their job. This is what they do day in and
3 day out.

4 Dr. Owre, with his vast experience, said that
5 Watson was a malingerer who was feigning mental illness and
6 gave phony answers on that psychological test.

7 Watson put on a Mortimer Snerd act, with his
8 mouth open and when Watson didn't know he was being observed,
9 the mouth closes and he is perfectly normal.

10 Owre testified that when a psychiatrist has an
11 opportunity, as he did, to observe a person over an extended
12 period of time, the person cannot fool the psychiatrist.

13 Watson was up there for 111 days and during a
14 considerable portion of that time, Owre was his psychiatrist.

15 Owre concluded that other than depression, he and
16 his staff, including the chief psychologist at Atascadero,
17 Dr. Bramwell, could find no mental disorder in this man at all.

18 This is not a psychiatrist who is looking at Tex
19 Watson as the first criminal defendant he has ever seen, who
20 is claiming mental illness.

21 This is someone who sees these people day in and
22 day out. They can smell a phony.

23 He looked at this guy and he said, "No, this guy
24 is not mentally ill. I know what mental illness is. I see
25 these people every day. This guy doesn't qualify."

26 Dr. Eklund, associate medical director at
27 Atascadero -- been there for six years -- tremendous amount of
28 experience observing mentally ill people, again not a paragon

1 of intelligence, not the brightest man in the world, but
2 experience I think means a lot. Experience means a lot.

3 He was Watson's attending physician for a few
4 months and except for holidays and weekends, he saw this man
5 every single day. He was watching him every day. In his
6 opinion, he couldn't find any mental illness in Tex Watson.

7 Look at what he says about Mr. Watson:

8 "He did almost everything asked of him
9 without any sort of question. His behavior at
10 all times was normal. At no time was any abnormal
11 behavior of any kind reported to me^{and}/at no time
12 have I ever observed any abnormal behavior of any
13 kind on his part."

14 This has to have weight, ladies and gentlemen.
15 Here is a man that's watching Watson every day with a tremen-
16 dous amount of experience.

17 "His behavior at all times was entirely
18 normal and I get reports from the nursing
19 service, people who were observing the man
20 around the clock, and I know how he slept and
21 I knew how he ate. I knew how he treated other
22 patients. I knew how he related to nursing
23 service people. I had the reports there.

24 "We had ward team meetings where we dis-
25 cussed his behavior and I had my own observa-
26 tion of him and his behavior was normal."

27 Is this entitled to any weight as opposed to a
28 psychiatrist who saw Mr. Watson for a couple of hours, ladies

1 and gentlemen?

2 "Q Throughout your whole period of
3 observation of him up there, did you find any
4 evidence of mental illness?

5 "A No."

6 No, he testified that he did feel, however, that
7 Watson was feigning, feigning mental illness.

8 He felt also that Watson is of above-average
9 intelligence, with an estimated I.Q. of 110 or higher.

10 Now, although Tex didn't do too well on the
11 psychological test up there, ladies and gentlemen, this is
12 what Eklund has to say about that:

13 "Psychological testing is used much like a
14 brainwave test or blood test or what have you,
15 but you have to take the results and evaluate
16 them clinically and compare that with what you
17 know, what you know up here, you see, and my
18 estimate of Mr. Watson is that he is considerably
19 more intelligent than this report indicates."

20 Mr. Bubrick points out that one of the nurses made
21 an entry that Watson was confused and Mr. Bubrick places great
22 stock in that, ladies and gentlemen.

23 What Mr. Bubrick didn't point out was that that
24 entry was made on February the 12th, 1971. Now, nurses make
25 an entry on a day-to-day basis.

26 Watson was up there for 111 days. Mr. Bubrick is
27 really clutching at straws to take one entry out of those
28 111 days by some nurse and say that that entry should prevail

1 and supersede the opinion of the medical and psychiatric staff
2 at Atascadero, that this man is not suffering from any mental
3 illness.

4 Dr. Fort -- Mr. Kay, during his opening argument,
5 reviewed all Dr. Fort's testimony, so I am not going to go
6 over it again at this time.

7 I will, however, refer to portions of his testi-
8 mony in various parts of his final summation.

9 Suffice it to say, ladies and gentlemen, unquestion-
10 ably, Dr. Fort is one of the foremost authorities, apparently,
11 on drugs in the entire nation, perhaps in the world.

12 He seems to have an excellent grasp and knowledge
13 of about all the drugs and effect that drugs have upon a human
14 being.

15 I thought he was the most impressive of all the
16 psychiatrists who took that witness stand. Dr. Fort testi-
17 fied, incidentally, that he examined Leslie Van Houton during
18 the last trial and he formed the conclusion that Manson had
19 more influence over Van Houton than he had over Charles Tex
20 Watson.

21 Dr. Hochman examined Susan Atkins, Patricia
22 Krenwinkel, and Leslie Van Houton during the last trial and
23 she was called to the witness stand by Mr. Keith -- or he was
24 called to the witness stand by Mr. Keith.

25 As you know, Dr. Hochman testified that Watson
26 could intend to kill and did intend to kill these victims, had
27 malice aforethought, did deliberate and premeditate, but he
28 said psychiatrically, he couldn't maturely and meaningfully

1 reflect upon the gravity of the contemplated act.

2 Now, the basis for Dr. Hochman's opinion, ladies
3 and gentlemen, is that the act of murder is not a mature
4 action, ergo, anyone who commits murder, by definition, did
5 not maturely reflect upon the killing.

6 He felt that not only didn't Watson maturely and
7 meaningfully reflect upon the killings, but neither did Manson
8 and Atkins and Krenwinkel and Van Houton.

9 Of course, Dr. Hochman also, by definition, is
10 incorrect, ladies and gentlemen, because maturely and meaning-
11 fully reflect upon the gravity of the contemplated act is one
12 of the requirements of first degree murder and if Dr. Hochman
13 were correct, i.e., that the very act of murder is an immature
14 act, then no one would ever be convicted of first degree mur-
15 der.

6f. 16 Now, I am not going to tout -- I not going to tout
17 the testimony of the prosecution psychiatrists in this case to
18 any great extent, for the simple reason that I don't think
19 their testimony, or the testimony of the defense psychiatrists
20 is crucial.

21 Neither the prosecution, nor the defense psychia-
22 trists were percipient witnesses to any of the things that
23 happened.

24 The testimony of Linda Kasabian, Barbara Hoyt and
25 Dianne Lake and Rudolf Weber is infinitely more important than
26 the testimony of all these psychiatrists put together, but I
27 will make just a few observations about the prosecution
28 psychiatrists.

1 No. 1. I believe that their conclusions that
2 Mr. Watson did deliberate and premeditate these murders and
3 maturely and meaningfully reflect upon the gravity of the con-
4 templated act is much more consistent and compatible with the
5 evidence that came from that witness stand than the conclusions
6 of the defense psychiatrists. And in a short while, I will
7 tell you why I reached that conclusion.

8 No. 2. At least -- at least, ladies and gentlemen,
9 the prosecution psychiatrists did not demonstrate the extreme
10 gullibility that the defense psychiatrists demonstrated.

11 The prosecution psychiatrists, like Dr. Fort and
12 Dr. Bailey, they testified that there were certain things that
13 Mr. Watson told them which they did believe and there were
14 certain other things which they did not believe.

15 The defense psychiatrists believed everything.
16 Their gullibility is shocking, ladies and gentlemen --
17 absolutely shocking, astonishing for professional men.

18 No. 3. No defense psychiatrist had anywhere near
19 the experience in the field of drugs as Dr. Fort.

20 No defense psychiatrist had anywhere near the
21 general psychiatric experience of Dr. Bailey.

22 And no defense psychiatrist had anywhere near the
23 experience in evaluating and observing people who are mentally
24 ill, or claiming mental illness, and who are incarcerated and
25 awaiting trial, as Dr. Eklund and Dr. Owre had.

26 So certainly in terms of experience, if experience
27 means anything at all, ladies and gentlemen, the defense
28 psychiatrist cannot even begin to match up with the prosecution

1 psychiatrist.

2 No. 4. All of the prosecution psychiatrists read
3 Linda Kasabian's testimony and Susan Atkins' testimony before
4 they reached their conclusions.

5 The defense psychiatrists, with the exception of
6 Dr. Tweed, did not. Common sense, ladies and gentlemen, would
7 dictate that it is necessary.

8 Look at Dr. Bailey's testimony on this point:

9 "Q Let me ask you, in forming an opinion
10 with respect to any defendant's state of mind
11 at the time he committed a crime, do you feel,
12 as far as you are concerned, that it is absolutely
13 essential and imperative that you familiarize
14 yourself with all of the defendant's conduct and
15 statements at the time of the crime?

16 "A The answer may seem pat, but assuredly
17 yes, because, in fact, in this particular type of
18 work, it is a matter of tacit understanding and
19 requirement that psychiatrists read at least the
20 transcripts before even examining the defendant."

21 This is a man now who has been a court appointed
22 psychiatrist for 35 years. He says it is a requirement that
23 you read the testimony before you even examine the person.

24 He says:

25 "This goes for any case and certainly in every
26 case, it is necessary to know as much as one can,
27 as to the background and as to the individual's
28 statements and as to the statements of others that

1 are appropriate and relevant.

2 "Q Tell me this, could you have formed an
3 opinion as to Mr. Watson's state of mind at the
4 time of these murders, if you had no knowledge of
5 what he did and said on these two nights of mur-
6 der?

7 "A I couldn't, no.

8 "Q So it is absolutely imperative that
9 you familiarize yourself with what he did and
10 said; is that correct?

11 "A That is correct."

12 Dr. Fort:

13 "Q Doctor, do you feel that outside data
14 is important in formulating your conclusions
15 regarding a defendant's mental state at the time
16 of the crimes?

17 "A I feel that it is not only important,
18 but essential.

19 "Q Do you feel you could reach a valid
20 psychiatric opinion regarding such question as to
21 whether or not the defendant could deliberate or
22 premeditate or harbor malice at the time of the
23 commission of a murder, without knowing what the
24 person did or said at the time of the crime?

25 "A I certainly think such an opinion would
26 be much less valid and in most instances invalid,
27 if it did not seek out the widest possible range
28 of outside information to cross-check and to
supplement what one is able to learn from a

1 direct discussion or examination of a particular
2 defendant.

3 "Q. In other words, you kind of feel that
4 the more knowledge you have, the better?

5 "A. Without question."

6 The reason I read excerpts from the testimony of
7 these witnesses is that it is so easy to forget.

8 I am one of the lawyers on this case. I look at
9 these transcripts every night and to save my life, I can't
10 remember much of the things that are in the transcript. This
11 is why I read excerpts from the testimony to you to refresh
12 your memory.

13 Now, while it is true that the prosecution
14 psychiatrists did believe Linda's stories over Tex Watson's,
15 they had a reasonable basis for it.

16 They didn't just believe everything Linda said,
17 without verifying it with other information, the way the defense
18 psychiatrists believed everything that Tex Watson did without
19 verifying what he said with other information.

20 Dr. Bailey testified that one reason why he
21 believed Linda's version is that it coincided with Susan
22 Atkins' testimony.

23 Dr. Hochman said that Susan Atkins' testimony
24 tended to corroborate Linda's testimony.

25 Dr. Fort said the same thing.

26 Let's briefly look at the testimony of the defense
27 psychiatrists, whom Mr. Bubrick and Mr. Keith praised so highly
28 as being terribly bright and educated and I think we will see,

1 ladies and gentlemen, that among the defense psychiatrists,
2 common sense was not very common.

3 This group of psychiatrists and psychologists from
4 UCLA, you have to admit, ladies and gentlemen, they really
5 were something else. They really were something else.

6 I got the impression, ladies and gentlemen, that
7 they looked upon Tex Watson as a patient of theirs, that they
8 would have gladly wrapped up in their collective bosoms and
9 took home with them to nurse them.

10 The poor guy. All he did was murder seven people
11 and anyone who murders seven people deserves a lot of sympathy.

12 Dr. Frank came right out and said that he looked
13 upon Tex as a patient of his and his recommendation was that
14 Tex neither receive the death penalty or life imprisonment,
15 but that he be sent to a hospital and given medication and
16 care.

17 Dr. Frank didn't mention what hospital, but I am
18 sure if he had an opportunity he would have put in a bid for
19 the UCLA Medical Center.

20 Let's briefly look at the unbelievable statements
21 made by this UCLA group, and I think we are going to see that
22 their approach was so unrealistic, so incredibly unrealistic,
23 they seem to be operating in an Alice-in-Wonderland type of
24 atmosphere.

25 Dr. Frank, who had only testified in a court of
26 law one previous time as to the state of mind of a murderer,
27 started out by saying that he didn't even realize that Mr.
28 Watson's present mental condition was not an issue in this

1 trial.

2 He went on to say that he felt all criminal
3 behavior was a manifestation of mental illness.

4 I think if Dr. Frank had his way, all criminals
5 would be in hospitals, not jails or prisons, but the doctor
6 then made this incredible statement -- I am going to keep
7 using the word "incredible" or "unbelievable" or "incredible,"
8 because I don't have any other adjectives. I apologize to
9 you. These are the only two adjectives that I know to
10 describe some of the testimony of these psychiatrists.

11 He made the incredible statement that he approached
12 the psychiatric evaluation of Tex Watson, a person charged
13 with seven counts of murder, the same as he would approach
14 the psychiatric evaluation of a law abiding citizen who came
15 to him off the street.

16 That was his testimony. I have already discussed
17 that in terms of credibility, there is all the difference in
18 the world between a private person coming to a psychiatrist
19 for help and a person charged with murder.

20 The fact that Dr. Frank is not aware of this is
21 shocking. Dr. Frank then went on to make another incredible
22 statement.

23 He testified that when a person whom he is examining
24 tells him something, he isn't even interested if whether the
25 person is telling him the truth.

26 He testified that what I am concerned about, with,
27 is how he sees his problems.

28 I think that one was kind of a hard, left jab and

1 I think I landed up on this chair and I got up a couple of
2 seconds later, was groggy, but he came back with some more
3 very telling blows.

4 In other words, Dr. Frank wasn't even interested
5 in whether Tex Watson was telling him the truth. Apparently,
6 the truth is not important.

7 Well, not only is it important, ladies and gentle-
8 ment, it is all-important. That is why we have been here for
9 two months: to ascertain the truth.

10 Dr. Frank said: "I don't care if he is telling
11 me the truth."

12 Dr. Frank's gullibility -- he was a nice guy. I
13 liked Dr. Frank, but his gullibility was nothing short of
14 incredible.

15 I asked him this question, I said:

16 "Doctor, do you think Mr. Watson has
17 the type of character that would cause him to
18 lie to you to serve his own purpose?

19 "A. No, I don't."

20 He was so pathetic, he was almost cute. The man
21 has the character to murder seven people, but he doesn't have
22 the character to lie.

23 The doctor was so obviously confused on the witness
24 stand that to demonstrate his confusion, I asked him, I said:

25 "Doctor, did you read Linda Kasabian's
26 testimony at the Grand Jury?"

27 And he said: "Yes."

28 Of course, Linda didn't testify at the Grand Jury.

1 Now, if the doctor had read Linda's testimony at the trial,
2 then you could say, "Well, maybe he confused the Grand Jury
3 with the trial," but he didn't read her testimony at the trial,
4 either.

5 Incidentally, when I asked him why he didn't read
6 Linda's testimony, he answered:

7 "I can't think of any specific reason
8 why I didn't read it.

9 "Q You will agree, Doctor, that by and
10 large your opinion of what happened on these two
11 nights of murder came from Tex Watson?

12 "A That is right."

13 When I asked the doctor if Tex intended to kill
14 these victims, he sparred with me back and forth for a few
15 minutes, several pages in the transcript and he finally replied,
16 "I don't know."

17 169 stab wounds and Dr. Frank said, "I don't
18 know whether Tex meant to kill these people."

19 If he didn't intend to kill them, ladies and
20 gentlemen, what did he intend to do? Tickle them or frighten
21 them or maybe just injure them just a little bit?

22 Dr. Frank, as you know, never did testify whether
23 he felt Watson deliberated and premeditated these murders,
24 or could maturely and meaningfully reflect on the gravity of
25 his contemplated act.

26 He did say he was psychotic. He also said he was
27 against the death penalty.

28 I felt that of all the UCLA doctors -- although

1 Dr. Frank's testimony was equally poor -- he was the sincerest.
2 He was the sincerest of the group and I want to talk about
3 the sincerity of these other two doctors, because I really
4 question it and I will give you good reasons why I question
5 it.

6 But Dr. Frank came right out and admitted, "I
7 tried to make my evaluation of Mr. Watson as therapeutic as
8 I could." In so many words, Dr. Frank testified that he
9 wanted to help Mr. Watson, giving him a favorable evaluation.

10 Although the good doctor may want to help Charles
11 Watson, ladies and gentlemen, we are not here to help Mr.
12 Watson. We are here to determine whether he had the requisite
13 mental capacity to be guilty of first degree murder.

14 Dr. Frank also concluded that not only was Watson
15 psychotic, but Manson and Krenwinkel and Susan Atkins and
16 Leslie Van Houton were also psychotic, so I would assume that
17 he feels that not only should Tex Watson be hospitalized,
18 perhaps at the UCLA Medical Center, but also Charles Manson,
19 Atkins, Krenwinkel, and Van Houton, apparently, should be his
20 bedmates and none of them should be given life imprisonment
21 or the death penalty or anything like that.

22 Dr. Palmer -- Dr. Palmer was not to be outdone,
23 ladies and gentlemen, by Dr. Frank.

24 His position was, this is a free country, if Dr.
25 Frank makes statements on the witness stand that are laughable,
26 so can I.

27 With respect to Tex Watson's present I.Q., Dr.
28 Palmer testified that it was 88 and he theorized that Watson's

1 I.Q. in Texas was between 110 and 120.

2 Now, this estimate of Watson's I.Q., ladies and
3 gentlemen, of course is pure conjecture and speculation. No
4 I.Q. test was given to Tex back in Texas, and no psychiatrist
5 even examined him back there.

6 Speculation, I think, primarily was based, not
7 only on Tex's grades back in Texas, but on a study of the
8 I.Q.'s of students at the very academically prestigious
9 Oberland College, which, of course, is probably just a few
10 cuts above North Texas State.

11 Mr. Keith argued that Tex was a bright student
12 in Texas. Well, although Tex did get good grades in high
13 school, I think he had a B or A average in high school, but
14 when he got to college, his average was only a C.

15 On this college entrance examination which he took,
16 as compared to other students who went to college, Tex finished
17 in the lower quartile. This is the lower 25 percent.

18 So, although Tex was no mental midget, he was no
19 mental giant either, ladies and gentlemen.

20 Watson then as now is probably of average intel-
21 ligence. If anything, he has got a lot of cleverness in there,
22 that might raise him a little bit above average.

23 Let's assume, ladies and gentlemen, in case any
24 of you are concerned about this low I.Q. -- I can't read your
25 minds, I am not a psychiatrist -- let's assume that you are
26 concerned about it.

27 Let's assume that Tex's I.Q. in Texas was higher
28 than it is right now. Several points have to be borne in

1 mind.

2 Although Watson's present I.Q., let's assume is
3 88, we don't know what his I.Q. was at the time of these
4 murders.

5 His I.Q. at the time of the murders may have been
6 the same as it was back in Texas and it may have dropped down
7 to 88, because of the extreme depression he is going through
8 now in all of his anxiety and emotional problems.

9 Dr. Palmer even concluded this, although he said
10 that he did not think that Watson's depression and anxiety
11 could bring it from 110 to 120 down to 88.

12 Well, maybe it could. We don't know. Also,
13 poor physical health can adversely effect the psychological
14 test.

15 Watson certainly is not in good physical health
16 right now and he wasn't at the time of these psychological
17 tests out at Atascadero.

18 Another point to be kept in mind is from doctors'
19 testimony that a person's actual I.Q. may be higher or lower
20 than the Wechsler test indicates.

21 Also, we don't know if Watson answered all ques-
22 tions the way he was capable of answering them, or if here
23 and there he deliberately gave a false answer.

24 Now, Dr. Owre testified that at Atascadero, he
25 felt that Tex gave false answers. If he gave them up there,
26 why couldn't he have given false answers out at UCLA?

27 In any event, we can assume his I.Q., his I.Q. we
28 can infer was higher at the time of these murders and his poor

1 physical health and extreme depression have brought it down
2 to 88.

3 But let's give Charles Tex Watson every benefit
4 of the doubt. Let's give him every benefit of the doubt and
5 let's assume at the time of these murders, his I.Q. was 88.

6 Is there some requirement, ladies and gentlemen,
7 in the California Penal Code that a person has to have an I.Q.,
8 a high I.Q., to be guilty of first degree murder, that he has
9 to graduate from some college with -- do they call it summa
10 cum laude? Is that some type of requirement that maybe I
11 don't know about.

12 Twenty-four percent of the American population
13 have I.Q.'s of 89 or lower. In view of the fact that there
14 are 200,000,000 Americans and about 50,000,000 Americans have
15 I.Q.'s below 80, certainly no one is going to suggest that
16 50,000,000 Americans are incapable of committing first degree
17 murder.

18 So even assuming he had an I.Q. of 88, so what?
19 Giving him every benefit of the doubt, so what?

20 Not only is his I.Q. of 88 within a group consist-
21 ing of 50,000,000 people, but within that group, it is in the
22 upper two percent.

23 With respect to the Minnesota Multiphasic Person-
24 ality Inventory test, perhaps the most comprehensive test
25 given to Mr. Watson, because it consists of 566 questions,
26 Dr. Palmer's associate, Dr. Alex Caldwell, concluded that
27 Watson's test profile was a quote of borderline validity.

28 Dr. Palmer disagreed with his associate and felt

1 that the test results were valid.

2 Well, with Dr. Palmer interpreting those test
3 results, the way he did, how in the world could that test have
4 any validity whatsoever?

5 Not only was it obvious that Dr. Palmer had a very
6 poor grasp of figures and percentages and relationships, as
7 evidenced by his hopeless confusion on that witness stand
8 with respect to the Wechsler I.Q., at the start of cross-
9 examination, but his interpretation, ladies and gentlemen, of
10 Watson's answers on the M.M.P.I. critical items list, a small
11 number of questions within the 566, was absolutely nothing
12 short of unbelievable.

13 Palmer testified that Watson's answers on the
14 M.M.P.I. critical items list showed considerable emotional
15 disturbance, confusion, and were inappropriate, but when we
16 look at the questions and when we look at Mr. Watson's answers
17 to those questions, we find out that Tex Watson wasn't con-
18 fused at all and his answers weren't inappropriate, but Dr.
19 Palmer was hopelessly and shamefully confused.

20 I am not going over all the questions and answers
21 -- Mr. Kay did that -- but just a couple.

22 "Question: I am easily awakened by noise."

23 Watson's answer: "True." A person who is charged
24 with seven counts of murder cannot be expect to sleep too
25 soundly -- perfectly normal answer.

26 "Question: Most nights I go to sleep without
27 thoughts or ideas ever bothering me."

28 Watson's answer was "False."

1 In other words, when he did go to sleep, he does
2 have thoughts bothering him. Completely appropriate. No
3 confusion whatsoever.

4 Another question:

5 "I feel anxiety about something or someone
6 almost all the time."

7 Watson's answer was: "True."

8 Again, a perfectly appropriate answer for someone
9 on trial for his life.

10 "Question: I am sure I am being talked
11 about."

12 "Answer: True."

13 This case has received worldwide publicity. Tex
14 Watson is correct. He says that people are talking about him.

15 "Question: I have had very peculiar and
16 strange experiences."

17 "Answer: True.:

18 For someone who has taken just about every type
19 of drug imaginable and murdered seven human beings, this was
20 a perfectly appropriate answer.

21 It might not be the same answer that some housewife
22 back in Minneapolis would give, but I think we can assume that
23 that housewife hasn't taken the drugs that he has taken and
24 killed seven people.

25 This M.M.P.I. Test, ladies and gentlemen, was
26 originally given, according to the testimony that came from
27 the witness stand, to 700 relatives of hospital patients in
28 Minnesota. This is norm group.

1 The norm group, the group against which all other
2 people taking the test are compared.

3 The M.M.P.I. has never been standardized on
4 criminal defendants. The basic theory of the test, according
5 to Dr. Palmer, is that the more questions a person answers the
6 same way as members of the norm group would answer, the more
7 likely he would have a personality and disposition like members
8 of the norm group.

9 Since the norm group consists of 700 relatives of
10 hospital patients, and Tex Watson has murdered seven people,
11 how can any sensible person expect Watson to answer those
12 questions like members of the norm group?

13 Yet, Dr. Palmer expected him to. Time and time
14 again when I asked Dr. Palmer whether it wasn't perfectly
15 normal for Watson to answer the questions the way he did, he
16 said "Well, all I know is that most other people don't answer
17 that question that way."

18 Incredible -- absolutely incredible. Other people
19 haven't killed seven people and are not on trial for their
20 life.

21 What it boils down to is this -- here is what it
22 boils down to: If Tex Watson had answered the questions
23 differently from the way he did, that would show confusion and
24 those would be inappropriate answers, but since he answers
25 the questions correctly and appropriately, without confusion,
26 and since they differ from the way the norm group would answer,
27 Dr. Palmer comes to a conclusion that he has emotional dis-
28 turbance, inappropriateness, confusion, mental illness.

1 This is a professional man, ladies and gentlemen,
2 an educated man who specializes in things like this and he
3 takes that witness stand and testifies like that.

4 Dr. Palmer, to further show how unrealistic he is
5 stated in his report, again incredible, he said:

6 "Mr. Watson goes over his problems over and
7 over again and worries in a highly excessive
8 fashion, probably magnifying them extremely."

9 How can anyone being charged with seven counts of
10 murder, on trial for his life, be accused of magnifying his
11 problems? Does anyone have more problems than Tex Watson has?

12 Dr. Palmer wasn't even familiar, ladies and gentle-
13 ment, with his own written report.

14 "Q Did you get the impression, Doctor,
15 that Mr. Watson doesn't want to face up to the
16 fact that he killed seven people and he is try-
17 ing to talk himself into believing that this
18 was some type of an accident?

19 "A No."

20 Yet, on Page 5 of his own report, he writes:

21 "The story I suggested that Mr. Watson is
22 unable to account to himself the events of which
23 he is accused of perpetuating in that he tries to
24 tell himself that it is more like an operation,
25 possibly an accident."

26 Observations of Dr. Palmer.

27 Dr. Owre testified that the circumstances surround-
28 ing the taking of the psychological test can adversely affect

1 the results and I think certainly the extreme depression and
2 anxiety of Mr. Watson would contrast considerable with the
3 presumably relaxed circumstances under which the norm group
4 took the test.

5 You must also remember, ladies and gentlemen, that
6 Dr. Palmer conceded that none of these tests were designed to
7 answer the question that you have to answer: Whether he
8 deliberated and premeditated these murders and had the mental
9 capacity for first degree murder.

10 Incidentally, this was the first time that Dr.
11 Palmer examined a person charged with murder and testified
12 at that person's trial.

13 In contrast, there was Dr. Bramwell. Dr. Bramwell
14 is the chief psychologist up at Atascadero. I think we can
15 assume, I think it is a reasonable inference that as chief
16 psychologist, he must have a vast, tremendous amount of
17 experience examining criminal defendants.

18 In fact, Dr. Owre, Page 4,566 of the transcript
19 testified that Bramwell did have considerable experience and
20 Dr. Bramwell concluded in his report, "The large scatter of
21 suppressed scores indicate that Mr. Watson is probably capable
22 of functioning at a more effective and efficient intellectual
23 level, possibly at average to above average range."

24 Of course, on the Wechsler I.Q., an average, I
25 would say, is between 100 and 109.

26 Dr. Bramwell then concludes that Watson was
27 probably capable of performing consistent with an I.Q. of
28 100 to 109 or higher and he concluded his report:

1 "Watson's present intellectual functioning
2 appeared diminished due to the presence of anxiety
3 and depressive elements, Mr. Watson is presently
4 experiencing."

5 Dr. John Suarez -- Dr. Suarez was the doctor who
6 coordinated this group of doctors out at UCLA and in view of
7 the unbelievable statements that that doctor made on that
8 witness stand, it is understandable, ladies and gentlemen, how
9 the quality of the UCLA psychiatrists and psychologists'
10 testimony was so low.

11 On Page 3787 of the transcript, he admitted that
12 in determining what a person's state of mind was at the time
13 he engaged in a particular activity, it is very important for
14 the psychiatrist to ascertain what the person said and did at
15 the time of the subject act.

16 He sparred with me, went back and forth, but I
17 finally got it out of him that it was very important to know
18 about what happened.

19 With this in mind, I asked him the following
20 question, and we established that it was important to find out
21 what a person did and said:

22 "Q Did you make any effort to ascer-
23 tain what Linda Kasabian had to say about Tex
24 Watson's participation in these murders, make
25 any effort at all?

26 "A No, I did not, not directly.

27 "Q Why not?

28 "A Because when one does an evaluation,

1 there is a limit to what one can do and in
2 general, I put the burden on the attorney
3 who has asked me to do the evaluation, to
4 provide me with those data that are relevant
5 and helpful to me in constructing and evalua-
6 tion.

7 "Q. And did the defense attorneys
8 furnish you with Linda Kasabian's testimony?

9 "A. Not that I can recall.

10 "Q. Don't you think it would have been
11 helpful and advisable for you to have read that
12 testimony?"

13 Again, a pause.

14 "I am sure it would have been helpful to
15 have talked to the parents, to talked to the
16 people who knew Watson in many stages over time.
17 There is a practical limit to how much one can
18 do. Even --"

19 Just listen to this:

20 "-- even if they had supplied me with the
21 testimony, I don't know if I would have had time
22 to read it."

23 This is the man who was in charge of that UCLA
24 group.

25 If you can think of a better adjective than
26 "incredible" or "unbelievable," I wish you could send me a
27 note so I wouldn't have to keep using those words. Contrast
28 that with the attitude of Dr. Bailey who put in 300 hours.

1 Charles Watson is being charged with murder and
2 Dr. Suarez, a member of the medical profession, takes that
3 witness stand and very cavalierly testified as to Tex Watson's
4 state of mind at the time of the murders, then has the audacity
5 -- I call it audacity -- to state that not only didn't he read
6 Linda's testimony, but if he were furnished with it, he probably
7 wouldn't have read it.

8 He had time to come into this court of law and
9 inject his opinion on Watson's state of mind at the time of
10 these murders, an opinion that was based on a woeful lack of
11 information and I am sure he had time to accept his sizable
12 fee for testifying and examining Mr. Watson.

13 Without even reading her testimony, which varies --
14 I think Linda's testimony I would say varies in about 15 to
15 20 important aspects from Watson's testimony -- he accepted it.

16 "Q Did you form an opinion that Mr. Watson
17 told you the truth?

18 "A It was my impression that the story
19 that he presented to be basically was correct."

20 These UCLA doctors concluded, testified that Watson
21 accepted and swallowed everything that Manson told him. What
22 they didn't add to it, that they accepted and swallowed every-
23 thing that Watson told them.

24 I think if Watson told them at one time he riveted
25 a nail on custard pie, they would have believed that, too.

26 THE COURT: I think we will have about a 10-minute
27 break, Mr. Bugliosi.

28 MR. BUGLIOSI: Thank you.

1 THE COURT: We will have a 10-minute break, ladies and
2 gentlemen. Please heed the usual admonition.

3 (Recess.)

4 THE COURT: People against Watson. Let the record show
5 all jurors, the defendant and counsel are present.

6 Mr. Bugliosi, you may proceed.

7 MR. BUGLIOSI: Thank you, your Honor.

8 Just for clarification, ladies and gentlemen, Dr.
9 Fort did not examine Leslie Van Houton at the last trial,
10 looking back at the testimony. He was called to the witness
11 stand by Mr. Keith at the last trial and he was presented with
12 a hypothetical situation which encompassed much of the evidence
13 at the last trial concerning Leslie Van Houton and he did give
14 an opinion with respect to Leslie Van Houton, but he did not
15 personally examine Leslie.

16 Another point I want to repeat, that Dr. Suarez
17 did not testify to whether or not Mr. Watson had diminished
18 mental capacity at the time of these murders, but he did
19 testify, he did inject his opinion, one that is woefully lack-
20 ing insofar as a basis, he did inject his opinion that Watson
21 was psychotic at the time of these murders.

22 Dr. Suarez was the doctor who repeatedly made
23 statements, ladies and gentlemen, on the witness stand which
24 were diametrically opposed, completely contradictory and
25 inconsistent with statements he made in two published articles
26 of his in medical journals and then when I pointed out the in-
27 consistencies to him, instead of being frank about it and
28 saying, "Well, this does appear to be inconsistent and I have

1 changed my mind," or something like that -- no, he said that
2 I wasn't reading what he wrote properly.

3 I will give you one example:

4 "You will agree --" when I asked him these
5 questions, I already had these articles obviously,
6 whether he knew that or not, I don't know --

7 "Q You will agree that the more time that
8 elapses between the killing and the examination,
9 the more difficult it is for a psychiatrist to
10 evaluate a person's mental condition at the time
11 of the killing. Would you agree with me on that?

12 "A Yes. I think that not just with
13 regard to killings, but in general.

14 "Q Right?

15 "A The more time that elapses, the harder
16 it is to reconstruct what a patient was like at
17 a certain time in the past.

18 "Q In fact, Doctor, not only is it
19 difficult, but isn't it even psychiatrically
20 impossible for a psychiatrist to examine a per-
21 son a year or so after the killing, isn't it
22 impossible for him to do this and give specific
23 information about the mental state of the person
24 at the time of the crime?

25 "A Again, the information that is given
26 is more about his condition at the time and that
27 isn't hardly impossible because that is what I
28 have been doing here since 1:30 and it is possible

1 to reconstruct, even though time has elapsed."

2 Yet, the doctor admitted writing this in an article
3 of his in the journal of Forensic Science:

4 "It is not possible --" I repeat, he said

5 "It is not possible --" in other words, it is
6 possible -- "It is not possible, nor is it likely
7 in the near future for a psychiatrist, who first
8 sees the patient sometimes months after the
9 offense, to give specific information about the
10 mental state of the defendant at the time of the
11 offense."

12 The question of sincerity of Suarez and Palmer --
13 I don't question the sincerity of Dr. Frank, he was just
14 hopelessly confused. He was doing the best he could, totally
15 unqualified, but I think he was sincere.

16 These people, Palmer and Suarez, their testimony
17 was shameful -- members of the medical profession, one of the
18 most noble of all professions, unbelievable. And I just hit
19 some of the highlights. I could have gone in to much more
20 depth.

21 Dr. Vernon Bohr, I question this man's sincerity.
22 He is a psychiatrist. He is appointed by Judge Lucas and he
23 is sent a letter with a form and it says to examine Tex Watson
24 and send a report back to me, telling me whether in your opinion
25 Watson could deliberate and premeditate these murders and
26 whether he could maturely and meaningfully reflect upon the
27 gravity of the contemplated act.

28 He has got this report. He is getting paid for it.

1 Even though Dr. Bohr dictates the report -- he
2 dictated the report. These are his words and he reads the
3 report and he signs it before it leaves his office.

4 Somehow he blames his secretary for that informa-
5 tion not being in the report. Instead of testifying, saying
6 "Sorry, I made a mistake; it was an oversight." He blames
7 his secretary.

8 He dictated the report and he read the report and
9 he signed it.

10 This is somewhat reflective about the type of
11 individuals these psychiatrists were who took that witness
12 stand. They don't have any halo around them, just like any-
13 body else.

14 Dr. Bohr testified that to determine Mr. Watson's
15 state of mind at the time of the murders, he said it would
16 have been helpful for him to learn about Watson's conduct and
17 statements from other persons, since he admitted that Mr.
18 Watson was not an unbiased source of information about himself.

19 I then asked him "Well, then, Doctor, if that is
20 true, did you read Linda Kasabian's testimony or Susan Atkins'
21 testimony?"

22 And what he did, he attempted to cover up for
23 his obvious negligence by making a statement on that witness
24 stand, "Well, I didn't know I could read their testimony,
25 because it was in another proceeding."

26 I can't believe he is being truthful, ladies and
27 gentlemen.

28 A man who has been around the criminal courts as

1 long as that man has, has got to know that he had every right
2 in the world to read Linda's testimony and Susan Atkins'
3 testimony.

4 Now, I will give you conclusive proof that he was
5 lying on that witness stand. This is conclusive proof.

6 A half hour later in his testimony he apparently
7 forgot what he had previously testified to and he testified --
8 this is in the transcript -- that he asked Sam Bubrick for a
9 copy of the Grand Jury proceedings in this case, which, of
10 course, included Susan Atkins' testimony.

11 He apparently forgot. That is conclusive proof that
12 he wasn't telling you the truth when he said he didn't have
13 the right to read that, read those reports.

14 Even if he didn't think he had the right to read
15 Susan Atkins' and Linda Kasabian's testimony in other proceed-
16 ings, why didn't he at least read Linda's testimony in this
17 proceeding?

18 Dr. Bohr then went on and said that even if Tex
19 Watson had never told him what he did and said on these two
20 nights of murder, and even if he didn't get this information
21 from anyone else, he would still be able to render a valid
22 opinion on whether Mr. Watson had the requisite mental capacity
23 at the time of these murders.

24 I got the impression from most of these defense
25 psychiatrists, it really made no difference what Tex did and
26 said. So what?

27 That was their opinion: Tex is incapable of
28 deliberating and premeditating. Don't confuse me with the

1 facts. I have already made up my mind. It is irrelevant what
2 he did and said. That was their state of mind.

3 Dr. Bailey has been around for 35 years, he said
4 there is an implicit understanding you don't even examine a
5 person unless you have read the testimony, the transcript, to
6 find out what that person did and said.

7 Dr. Ditman made a very interesting statement. He
8 said that the chronic use of LSD plus paranoid schizophrenia
9 would make one incapable of deliberating, premeditating a
10 murder.

11 Now, it is obvious from the testimony of many
12 witnesses that Charles Manson was a chronic user of LSD and
13 Dr. Ditman testified that in his opinion Manson was a paranoid
14 schizophrenic, so I guess the good doctor believes that Charles
15 Manson didn't deliberate and premeditate these murders either.
16 No one did. These people just happened to die.

17 They just happened to end up in the ground and
18 the people that just happened to kill them should be breast
19 fed out at UCLA Medical Center. Nobody should be punished
20 for these things.

21 Dr. Bohr testified that if Watson had in fact done
22 the various things that Linda Kasabian said that he did, this
23 would be evidence of deliberation and premeditation, but that
24 doctor was quick to add that Tex Watson didn't tell him this
25 and he believed Tex Watson's version, even though in the very
26 next breath he said Tex Watson is not a good source of infor-
27 mation. He is biased.

28 The doctor felt that Mr. Watson presently has a

1 moderately severe depression and he feels that this is abnormal
2 and therefore shows mental illness.

3 Most of the defense psychiatrists said that
4 basically the same thing. They said this man is very depressed
5 and this shows mental illness.

6 These doctors are so removed from reality, ladies
7 and gentlemen, so totally removed from reality -- and they
8 talk about psychosis -- that even though he is being charged--
9 with seven counts of murder and facing the penalty of death,
10 they think he has no right to be extremely depressed and if
11 he is extremely depressed, he must be mentally ill.

12 Why, people become depressed when their favorite
13 ball team loses a game. I saw one of the jurors raise his
14 head. Apparently he didn't agree with me on that.

15 They get upset. A favorite ball team? This man
16 is on trial for his life. As the defense psychiatrists said
17 he must be mentally ill, he is depressed.

18 THE COURT: They lost again today, by the way.

19 A JUROR: I am depressed.

20 MR. BUGLIOSI: It depends on who your ball team is.

21 THE COURT: It has to be the Giants now.

22 MR. BUGLIOSI: I asked the doctor if Mr. Watson had
23 knowledge aforethought and he said no.

24 So I said, "Well, Doctor, now you formed an
25 opinion on that, what does malice aforethought mean to you?"

26 He said, "Well, it means illwill, hatred, enmity
27 toward the victim."

28 Well, the doctor has given his opinion about

1 something that he does not understand because malice afore-
2 thought, a legal term, does not mean enmity or animosity or
3 hatred toward the victim and Judge Alexander will instruct you
4 to that effect.

5 From a layman's standpoint, a nonlegal standpoint,
6 yes, malice does mean hatred, but from a legal standpoint, it
7 does not. It has a completely different meaning.

8 It simply means intent to kill. A classic example
9 of psychiatrists trying to give opinions on legal matters and
10 with a psychiatric base of reference.

11 The doctor then went on to say that he didn't
12 believe Mr. Watson intended to kill these victims. Again, I
13 have to say incredible.

14 I have no other word. I think there is a word
15 called ineffable which means indescribable. I am sorry. I
16 can't think of any other adjective, ladies and gentlemen.

17 Dr. Ditman testified he was a friend of Mr. Keith's.
18 He examined Tex on August the 30th and September the 3rd, 1971,
19 which was after the trial had already started.

20 He testified that he skimmed Linda Kasabian's
21 testimony. I got the impression that it was while watching
22 television, but he did this after he had already prepared his
23 report and reached a conclusion.

24 At the previous trial, he examined Leslie Van
25 Houton and testified with respect to her during the penalty
26 phase and Mr. Keith called Dr. Ditman to the stand during the
27 penalty phase of the last trial and he called Dr. Ditman to
28 the stand this time.

1 Dr. Ditman testified he was against the death
2 penalty. The doctor testified that in his opinion Watson
3 didn't realize that murdering these people was wrong.

4 Of course not, Doctor. Of course not. That is
5 why he took every conceivable measure to avoid detection and
6 told Linda to wipe off fingerprints, told -- made Dianne Lake
7 promise not to tell anyone.

8 He did these things because he didn't know that
9 what he was doing was wrong. Now, listen to this incredible
10 gobbledygook testimony of Dr. Ditman, because I think it is
11 classic to show the caliber of these defense psychiatrists.

12 The doctor first testified that Mr. Watson wasn't
13 aware of the consequences of his action. If you can make
14 heads or tails out of this, you are a better person than I am.

15 "He certainly knew, Doctor, when he
16 stabbed these people, when he shot them, that
17 this would end up in their deaths?

18 "A. He knew, I would think so.

19 "Q. Didn't this show he was aware of the
20 consequences of his action?

21 "A. Well, of that consequence.

22 "Q. All right. Let's talk about some
23 other consequences. Assuming that he told Linda
24 Kasabian, this is a hypothetical, assuming that
25 he told Linda to wipe the fingerprints off of
26 those knives before she threw them out the
27 window, wouldn't this also show an awareness of
28 the consequences of his action?

1 "A. Of that part, yes."

2 You just listen to this gobbledygook.

3 "Q. Did you read Dianne Lake's testi-
4 mony at this trial to the effect that Mr.
5 Watson made her promise not to tell anyone
6 that he told her he had killed Sharon Tate?
7 Did you read that testimony?

8 "A. No.

9 "Q. Assuming that to be a fact, assuming
10 that he did tell Dianne Lake or make Dianne Lake
11 promise not to tell anyone, wouldn't that indicate
12 an awareness of the consequences of what he had
13 done?

14 "A. Now, she is the one in Texas?

15 "Q. No. Dianne Lake was a former member
16 of Mr. Manson's family, a 16 or 17-year-old girl.

17 "A. And when was this done?

18 "Q. Supposedly, according to her testi-
19 mony, about a week and a half after these murders
20 in Olancho, California. According to her testi-
21 mony, Mr. Watson told her that he had stabbed
22 Sharon Tate to death, then he made her promise
23 not to tell anyone about it.

24 "Now, assuming this to be true, what
25 would this indicate to you?

26 "A. Well, my understanding of his condi-
27 tion was that he was coming out of his acute
28 drug use during that period.

1 "Q A week and a half after the murders
2 --" which was around August the 20th, right,
3 because he left roughly at the end of the month
4 of October -- "it is your opinion then that when
5 he told Dianne Lake, assuming he did tell her,
6 that he was thinking more clearly at that point
7 because he had stopped ingesting drugs; is that
8 correct?

9 "A Well, my opinion is that in that
10 month that followed, he was using less drugs and
11 that he became, as it were, more rational in his
12 thinking and his values began to improve and that
13 he then as a consequence of that made a prompt
14 exodus to Texas."

15 Again, I am reading more than I normally do, but
16 just to show you:

17 "Q Assuming again that this event took
18 place about a week and a half after these murders,
19 in Olancha, just a week and a half, are you saying
20 then that within that week and a half period Mr.
21 Watson now recognized what he had done and he
22 realized the consequences of his act?

23 "A I would say that he was -- I don't
24 know exactly the period --"

25 He doesn't know exactly the period. If he didn't
26 make it as a psychiatrist, as a comedian there is not going
27 to be any problem --

28 "I don't know exactly the period or his

1 drug state, but I would say that would give him
2 time to improve from his drug-induced state,
3 particularly the acute effect of the drugs he
4 was using. If he took no more, he should be
5 out in that period of time, at least have all
6 the drugs cleared from his system, so that he
7 wasn't acutely intoxicated with drugs, which
8 should improve his performance.

9 "This is all based upon the assump-
10 tion then that he was under the influence of
11 LSD and other drugs at the time of these murders?

12 "A. Yes. I believe they had a lot to do
13 with his behavior that night.

14 "Q. Are you aware, Doctor, that the La
15 Bianca residence at 3301 Waverly Drive is in the
16 Griffith Park area of Los Angeles?

17 "A. Well, I didn't know exactly where it
18 was.

19 "Q. Are you aware that it is in that
20 general area of Los Feliz Drive?

21 "A. Yes.

22 "Q. You said that there may have been a
23 change in Mr. Watson's mental condition about a
24 week and a half after these murders? Let's bring
25 it at a little closer to the time of the murder.

26 "Assuming that Barbara Hoyt testified
27 that a day after the murders she told Charles Tex
28 Watson that Leslie Van Houton hid in the back

1 house at the ranch from some men who had given
2 her a ride back from the Griffith Park area.

3 "Assuming then that Charles Tex
4 Watson told Barbara Hoyt, 'Don't talk to anyone
5 about Griffith Park. We were at a love-in.'

6 "Assuming that situation, only one
7 day after these murders, what would that indicate
8 to you?

9 "A. I guess he didn't want to tell her
10 about what really happened.

11 "Q. Do you have any opinion why he wouldn't
12 want to tell her?

13 "A. Well, I would have to speculate but I
14 gather he didn't want to tell her the truth or he
15 wanted to give her some other impression.

16 "Q. We know that, Doctor. I am assuming
17 that this took place. We know that. I am asking
18 you how, what his state of mind was to cause him
19 to tell her that. You were the psychiatrist.

20 "A. Well, I haven't examined him on that
21 point. I really don't know why he would do it.
22 All I can say is that the conditions that he had,
23 had a certain duration, they don't clear in a day,
24 and they sort of feed on one another, namely, the
25 acute intoxication is going to aggravate the
26 folie a deux, aggravate the chronic brain state.
27 In other words, he was still in this folie a
28 deux situation, this brain syndrome situation,

1 not being aware of the consequences of his act.

2 "Q Was still in that situation, let's
3 say one day after the murders, but a week and a
4 half after the murders, he had changed?

5 "A Well, he could be surely aware but I
6 would say that -- I mean, he was not able to
7 maturely and meaningfully reflect."

8 We weren't even talking about maturely and meaning-
9 fully reflect, weren't even talking about it, but he was so
10 hopelessly confused, going back and forth in circles, that he
11 couldn't think, so he blurts out, "he couldn't maturely and
12 meaningfully reflect." Had no relevance to what we were talk-
13 ing about.

14 Listen to this incredible statement by Dr. Ditman
15 -- he is the star witness for the defense, in terms of drugs --

16 "Q Would you consider speed to be a
17 powerful drug?

18 "A Yes.

19 "Q Would you consider it to be a dangerous
20 drug?

21 "A Yes.

22 "Q Is LSD a dangerous drug and a powerful
23 drug?

24 "A Yes.

25 "Q Is belladonna taken in root form a
26 dangerous and a powerful drug?

27 "A Yes.

28 "Q Is cocaine a dangerous and powerful

1 drug?

2 "A. Yes.

3 "Q. I believe you testified that the drugs
4 that Mr. Watson took, I believe you testified
5 wouldn't create such a condition, I mean that other
6 people would be able to notice it; is that correct?

7 "A. The hallucinogenic drugs and even
8 stimulating drugs, the effect can be central or
9 psychic, so that unless a person gets, as it were,
10 an appreciation of what is going on in the person's
11 mind, they may not be aware that the person is
12 under the influence of any drug. I mean, there is
13 no odor as there is with alcohol.

14 "Q. So what you are saying then is that if
15 someone took these four powerful dangerous drugs,
16 all four of them, all are powerful and dangerous
17 drugs, according to your testimony -- speed,
18 cocaine, LSD and belladonna -- they had it in their
19 system, they could talk to someone and there would
20 be no manifestation at all. They would just appear
21 completely normal?

22 "Is that your testimony?

23 "A. No, I didn't say no manifestation --
24 to the casual or the uninitiated observer, there
25 may not be, may not appear anything particular
26 abnormal.

27 "Q. To the casual observer, what would he
28 notice?

1 "A He would notice dilation of the pupils.
2 That is one thing with atropine, the one thing
3 with LSD that you can rely on.

4 "Q Anything else?

5 "A That is the main thing. Now --

6 "Q Are you through with your answer?

7 "A I suppose that is enough for the
8 moment, yes."

9 If a person takes a simple sleeping pill -- what
10 do they call it Sleep-Eze, a sleeping pill -- when the pill
11 starts to take effect, normally, the person becomes a little
12 drowsy and they might even yawn or stretch with a sleeping
13 pill and yet this incredible Dr. Ditman says that a person
14 could have four of the most powerful dangerous drugs imaginable
15 in their system: cocaine, speed, belladonna and LSD and he
16 said the only thing that would happen that would be observable
17 would be a dilation of the pupils and no one would be able to
18 observe that they were under the influence of anything.

19 How can anyone have any confidence in any conclusion
20 a man like this makes, when a child -- a child would have
21 enough common sense not to make a remark like that.

22 If he had read Brooks Poston and Paul Watkins and
23 David Neale's testimony, he would have found that this man
24 here -- and this is the man we are concerned about, ladies and
25 gentlemen, not some other individual called Ezmo Weisner --
26 we are concerned with Tex Watson -- he would have learned that
27 just with LSD in his system, it was very observable to these
28 other three people, that he was under the influence of

1 something.

2 That is not even with cocaine, belladonna and
3 speed, because LSD alone, it was very obvious to these people
4 that Watson was under the influence.

5 This incredible doctor said you can take four
6 powerful dangerous drugs like that and other than a dilation
7 of the pupils, no one would have the foggiest idea that you
8 had these drugs in your system.

9 Dr. Andre Tweed -- Dr. Tweed examined Patricia
10 Krenwinkel at the last trial and testified during the penalty
11 trial with respect to her.

12 Dr. Tweed testified that on the night of the La
13 Bianca murders, he doesn't believe that Watson knew what was
14 going to happen until Watson arrived at the La Bianca residence.

15 That is an incredible bit of testimony, but it is
16 on Page 4,188, Volume 26.

17 This kind of naivete is hard to believe coming
18 from a doctor who has had as much experience as Dr. Tweed,
19 ladies and gentlemen.

20 On the night of the La Bianca murders, you can
21 rest assured that when Tex Watson left with the group at Spahn
22 Ranch, he knew that he wasn't going down to any dairy cream
23 for a milk shake. He knew that he was going out to commit
24 murder and Dr. Tweed said that he doesn't think Watson knew
25 until he found himself in front of the residence.

26 Dr. Tweed testified that he is opposed to the death
27 penalty. I think it is obvious that Dr. Tweed -- and I will
28 commend him for that -- is a defense psychiatrist who at least

1 read Linda Kasabian's testimony, but I think it is pretty
2 obvious that he is a quote defense psychiatrist, unquote,
3 and I will tell you why.

4 "Q Well, Doctor, wouldn't you say that
5 the percentage of time that you testified for the
6 prosecution in a capital case is very low?

7 "A Yes. I would say that but so what?"

8 Well, the "so what" is this, ladies and gentlemen
9 -- "so what" is this: When the percentage of times that a
10 doctor testifies for the prosecution is not only low but very
11 low, chances are it is not just a coincidence. The chances
12 are that the particular doctor is predisposed toward the
13 defense and I suggest that Dr. Tweed is predisposed towards
14 the defense.

15 Dr. Markham is the doctor that didn't even prepare
16 a written report on his examination of Mr. Watson. Like Dr.
17 Tweed, it is obvious he is a defense psychiatrist.

18 Out of 10 capital cases, he can only remember one
19 case where the prosecution called him to the stand -- 1 out
20 of 10.

21 Again, you ask yourself whether that is a coincidence
22 or whether Dr. Markham, like Dr. Tweed, is a defense psychia-
23 trist.

24 As you know, Dr. Markham testified that Mr. Watson
25 did not have the mental capacity to maturely and meaningfully
26 reflect upon the gravity of his acts, but he was asked by Mr.
27 Bubrick why he reached this opinion.

28 He said:

1 "The acts in themselves I feel were
2 sufficiently bizarre that they preclude meaning-
3 ful and mature reflection."

4 In other words, the doctor, in effect, was saying
5 that these murders were so bizarre that none of the killers
6 could have maturely and meaningfully reflected upon the gravity
7 of the contemplated act.

8 In other words, Manson, Atkins, Krenwinkel, and
9 Van Houton, should not be convicted of first degree murder
10 because the murders were so bizarre.

11 The position is totally without merit. The fact
12 that a murder is bizarre obviously does not mean that the
13 killer could not have maturely and meaningfully reflected upon
14 the gravity of his act.

15 Dr. Markham also said that Watson's lack of
16 emotion in committing these murders shows he couldn't maturely
17 and meaningfully reflect.

18 Well, in the first place, Dr. Markham wasn't there,
19 ladies and gentlemen. He doesn't know -- for all he knows,
20 Mr. Watson was very emotional during these murders.

21 For all Dr. Markham knows, Tex Watson may have
22 been gritting his teeth and releasing all types of hostilities
23 when he was stabbing these victims, but even assuming that
24 Watson did commit these murders in a somewhat unemotional
25 fashion, that is not unusual. Unemotional killings are rather
26 common in history -- the SS guards at the German extermination
27 camps, hired killers. Most executions are unemotional.

28 When you come right down to it, ladies and

1 gentlemen, in the last analysis, what were these murders?
2 These murders were planned executions, clear and simple. That
3 man over there was the chief executioner.

4 Well, let me say this: Based on the evidence that
5 came from that witness stand, how can anyone -- how can anyone
6 have any confidence in a psychiatrist's ability to diagnose a
7 defendant's state of mind at the time of the murders, whether
8 he premeditated and deliberated things like that.

9 No. 1. Deliberation, premeditation, malice afore-
10 thought are legal terms, not medical terms.

11 Secondly, how in the world can anyone have any
12 confidence in a profession whose members cannot agree on any-
13 thing? How can you have confidence in a profession like that?

14 In our case here, which was typical, prosecution
15 psychiatrists testified and the defense psychiatrists testified
16 another way.

17 If you were driving a heavy truck over a bridge
18 an you consulted three engineers and you said, "I want to know
19 whether this bridge can sustain the weight of my truck," and
20 one engineer said "Yes."

21 The other engineer says "No," and the other
22 engineer says, "I don't know."

23 Would you have confidence, enough confidence in
24 these engineers to drive that truck of yours over that bridge?

25 What has happened during this trial is not unusual.
26 It is completely typical. I think you can draw the inference,
27 if you walked into just about any court where a defendant has
28 entered a plea of not guilty by reason of insanity, and has

1 presented evidence of diminished mental capacity, the prosecu-
2 tion psychiatrist is going one way and the defense psychiatrist
3 is going the other way.

4 To have confidence in a profession like that,
5 ladies and gentlemen, is pure unadulterated folly.

6 Psychiatrists may be helpful in solving a person's
7 emotional problems and giving them advice. They might be
8 helpful in that area, but I say that when they step into the
9 legal arena and try to render opinions on whether a defendant
10 had a mental capacity to commit a crime, I say they are like
11 fish out of water.

12 Dr. Suarez in his article entitled "A Critique of
13 the Psychiatrist's Role as an Expert Witness," in so many words
14 says the same thing.

15 He writes on Page 3,823, Dr. Suarez:

16 "It is the plea here to restore the
17 psychiatrists to the role of the typical expert
18 and thus keep him within the bounds of the first
19 step and not ask or coerce him to cross the line
20 and become involved in the legal issues or the
21 judicial task, because he has no business there."

22 A couple more pages and we can all go home.

23 During voir dire, Mr. Kay and I told you, and Judge
24 Alexander will tell you in his instructions, the same thing.
25 We have told you that you folks, not the psychiatrists, are
26 the trier and judges of the facts, including Mr. Watson's state
27 of mind at the time of these murders and that the psychiatrists
28 were only here to help you make up your mind.

1 Well, they didn't help very much, did they? All
2 the did was add a lot of confusion.

3 I told you during the voir dire and I tell you now
4 that the testimony of the psychiatrist was not an end in and
5 of itself. If it were, there wouldn't be any need for a trial
6 and there wouldn't be any need for you folks.

7 The final determination of whether Mr. Watson had
8 the mental capacity to commit first degree murder rests solely
9 and exclusively with you folks, not the psychiatrists.

10 During voir dire you all promised Mr. Kay and me
11 that you were willing to assume that responsibility. How are
12 you going to assume that responsibility, ladies and gentlemen?
13 There is only one way for you to decide these issues of dimin-
14 ished mental capacity, deliberation, premeditation, et cetera
15 -- common sense, ladies and gentlemen, good old-fashioned
16 common sense, your common sense.

17 You have to look at Watson's conduct and his state-
18 ments on these two nights of murders and from his conduct and
19 from his statements infer whether he had the requisite mental
20 capacity to be guilty of first degree murder.

21 Thank you. My voice is just about gone, anyway,
22 Judge.

23 THE COURT: Ladies and gentlemen, so you will know what
24 the schedule is, Mr. Bugliosi will finish his argument tomorrow.
25 You will receive this case Thursday morning.

26 Now, we will recess at this time until tomorrow
27 morning at 9:30 and once again, do not form or express any
28 opinion in this case. Do not discuss it among yourselves

1 or with anyone else.

2 Please keep an open mind and remember what I said
3 about the news media. Thank you.

4 (An adjournment was taken until Wednesday,
5 October 6, 1971, at 9:30 a.m.)

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