SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 47 HON. ADOLPH ALEXANDER, JUDGE

6037

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

CHARLES WATSON,
Defendant.

No. A-253,156

REPORTERS' DAILY TRANSCRIPT

Wednesday, October 6, 1971
Friday, October 8, 1971
Tuesday, October 12, 1971

VOLUME 37

Pages 5391 to ~~5549~~, Incl.
5598

APPEARANCES:

See Volume 1.

HAROLD E. COOK, C.S.R.
CLAIR VAN VLECK, C.S.R.
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1 LOS ANGELES, CALIFORNIA, Wednesday, October 6, 1971, 9:30 A.M.

2 --oOo--

3 (The following proceedings were had in

4 chambers, outside the hearing of the jury:)

5 THE COURT: All right, Sam, what's on your mind?

6 MR. BUBRICK: Judge, there has been some reference by

7 Mr. Bugliosi on two different occasions -- at least, two that

8 I recall -- that because of the definitions or the testimony

9 of the psychiatrists that Manson, Kronwinkel and Van Houton

10 wouldn't have been guilty of murder, because of their dimin-

11 ished capacity and there has been no -- of course, I don't think

12 there is any evidence that there was any definition of dimin-

13 ished capacity interjected in the last trial or offered in the

14 last trial, and I think any innuendo that they draw about the

15 fact that they were convicted of murder, even though they are

16 thought by psychiatric standards, competent, in the sense that

17 they suffer from diminished capacity is, again, the same kind

18 of innuendo that, since that jury did that, they should do it

19 here; and I would make the same observation about the fact

20 that there is evidence that the testimony of Atkins and

21 Kasabian was exactly the same, there is no evidence --

22 THE COURT: One doctor testified and nobody objected to

23 it --

24 MR. BUGLIOSI: Three of them did.

25 THE COURT: I recall the question -- I don't recall

26 exactly, but was Atkins' testimony consistent with the testi-

27 mony of Kasabian --

28 MR. BUBRICK: And I objected and you sustained me the

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first time.

MR. BUGLIOSI: Then, in different language, if it got in again.

MR. BUBRICK: Right.

MR. BUGLIOSI: There were three psychiatrists, and I have the notes, which I didn't bring; one said, "consistent" and one said "corroborated" and Fort said he cross-checked Linda's testimony with Susan's.

MR. BUBRICK: But I don't think that's evidence, that's the point. I don't think it is evidence of the --

MR. BUGLIOSI: I didn't argue it as evidence; I argued it as the basis of the prosecution's psychiatrists' opinions that they verified the stories before they came to the conclusion.

MR. BUBRICK: But the words you used were, "The evidence showed that" --

MR. BUGLIOSI: No, I didn't.

MR. KAY: No, he didn't use those words.

MR. BUGLIOSI: I said the prosecution psychiatrists didn't accept everything that Linda said. I said they checked her testimony with Sadie's testimony and they formed their opinion, because it was consistent.

I said the prosecution psychiatrists didn't accept everything that Linda said. I said they checked his testimony with Sadie's and they formed their opinion because it was consistent.

I said defense psychiatrists did not do so; they took what Tex said and they didn't attempt to verify it with

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1 any other source. That is it, Sam.

2 On this other point, diminished mental capacity,

3 I didn't say that they shouldn't have been convicted of first

4 degree murder --

5 THE COURT: No, they all suffered from that --

6 MR. BUGLIOSI: That he shouldn't be convicted -- I was

7 almost acting as though they hadn't been to trial. I was say-

8 ing they --

9 THE COURT: The best thing to do is to tell the jury that

10 reference has been made to the former trial: "Remember, you

11 are to decide the innocence or guilt of this defendant based

12 on only the evidence you have heard in this case without

13 reference to what has transpired in the other case."

14 MR. BUGLIOSI: Could you do that during your regular

15 instructions?

16 THE COURT: All right, we'll get up an instruction on

17 that, and hope I'm not reversed for giving them a handwritten

18 instruction.

19 (The following proceedings were had in open

20 court, in the presence of the jury:)

21 THE COURT: Good morning.

22 THE JURORS: Good morning.

23 THE COURT: Gentlemen.

24 People against Watson. Let the record show all

25 jurors, defense counsel and defendant are present.

26 Mr. Bugliosi, you may proceed.

27 MR. BUGLIOSI: Good morning, ladies and gentlemen.

28 THE JURORS: Good morning.

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MR. BUGLIOSI: When we left off yesterday, we were talking about the fact that the decision as to whether Mr. Watson had the required mental capacity is to be solely and exclusively determined by you folks, not the psychiatrists. In my opinion, all the psychiatrists did in this case was add a lot of confusion.

Let's talk about Linda Kasabian. As I said, Mr. Rubrick said she wasn't a truthful witness. He also tol you that she was an accomplice and, as such, Judge Alexander was going to instruct you that you could distrust the testimony of an accomplice.

With respect to Linda being an accomplice, Judge Alexander will, in fact, instruct you that she was an accomplice, as a matter of law, and there is a rule in the criminal law that no defendant can be convicted of any crime on the uncorroborated testimony of an accomplice.

Judge Alexander will also instruct you, however, that to constitute corroboration, only slight evidence is necessary -- only slight evidence is necessary. It is not necessary to corroborate each fact to which the accomplice testified.

The accomplice rule is really no issue in this case, absolutely no issue whatsoever for the simple reason that even though Linda is an accomplice, unquestionably her testimony has been corroborated -- in fact, by Mr. Watson, himself. He has admitted all seven killings. Believe me, if there was a question as to whether Linda Kasabian was an accomplice, the defense attorneys would have argued this issue

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to you; but, as you recall, they never even argued it to you, they never argued that her testimony was not corroborated, because it is obvious that it had been corroborated, not just by Watson's testimony but by the fingerprints of Watson being found on the outside of the front door of the Tate residence; and, also, Dianne Lake's testimony that Mr. Watson confessed to her.

With respect to Judge Alexander's instructing you that you can distrust the testimony of an accomplice, let's read the entire instruction:

"The testimony of an accomplice ought to be viewed with distrust."

Now, that's a very unfortunate word right there. This is not Judge Alexander's personal instruction; these are prepared instructions and no one will ever accuse the legal profession of clarity of instruction. By the word "distrust," obviously, which, as I say, is an unfavorable -- it is a very unfortunate term -- the law does not mean "disbelieve."

If the word "distrust" meant "disbelieve," that would mean that Judge Alexander would be telling you to disbelieve Linda Kasabian's testimony, which would be ridiculous, there is no sense in putting her on the stand if you couldn't believe her testimony. The word "distrust" used in this context means that you should view the testimony of any accomplice with caution. This is a standard instruction.

Now, let's read what follows:

"The testimony of an accomplice ought to be viewed with distrust. This does not mean that you

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may arbitrarily disregard such testimony but you should give to it the weight to which you find it to be entitled, after examining it with care and caution and in the light of all the evidence in the case."

Now, as you can see, this instruction is not telling you to disregard Linda Kasabian's testimony. To the contrary, the instruction specifically disapproves of any such inference.

The instruction says that:

"After examining the testimony of an accomplice" and if her testimony has been corroborated, you can give her testimony all the weight you want; but first you have to determine whether her testimony was corroborated.

As I said, there is no question in this case that Linda Kasabian's testimony was corroborated, not just by Tex Watson's own testimony, but by the fingerprints and a considerable amount of other evidence; and since her testimony has been corroborated, under the law, you can give her testimony all the weight that you want.

Mr. Bubrick argued that maybe Linda got her story from Sadie -- Susan Atkins -- and embellished it. He also said that Linda just parroted what Sadie said. Stated more directly, in effect, he argued that maybe Linda Kasabian read Susan Atkins' testimony at the Grand Jury and Linda's testimony here at the trial was based on what she read, not based on her own observations.

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1 Mr. Bubrick has no evidence of this, but he says,
2 "Maybe." Well, I say maybe schmabe. Not only isn't there
3 any evidence, ladies and gentlemen, that Linda Kasabian
4 parroted Susan Atkins' testimony, but if Mr. Bubrick entertained
5 that possibility, then when Linda was on this witness stand,
6 why didn't he cross-examine her as to this point -- but he
7 did not do so.
8 Furthermore, how would Linda have access to the
9 Grand Jury transcript? She wouldn't.
10 In effect, Mr. Bubrick is saying that Linda some-
11 how must have gotten hold of the transcript and she testified
12 to her memory of what Susan Atkins said as opposed to testify-
13 ing as to her own observations. Now, why would Linda have to
14 read Linda Kasabian's testimony? Linda was there, ladies and
15 gentlemen; she was there. Even Mr. Bubrick's own client, Tex
16 Watson, admits Linda was there. Since she was there, why would
17 she have to read Susan Atkins' testimony? She could testify
18 to her own observations.
19 I might add that Linda's testimony and Susan
20 Atkins' testimony are not identical, they are substantially
21 consistent with each other, according to the testimony of
22 several psychiatrists, but they are not identical; so Mr.
23 Bubrick's contention that Linda parroted Susan Atkins' testi-
24 mony is just a bare, bald, naked assertion and speculation
25 that is not predicated on one speck of evidence that came from
26 the witness stand -- and, in all deference to Mr. Bubrick,
27 I do not think it is based on logic. She was present; she
28 would have no reason to read someone else's testimony; she

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could testify to her own observation on these two nights of murder.

Now, as you know, Linda testified that Tex drove the car to the Tate Residence. En route, he gave the girl certain instructions; at the scene he was in charge of the girls; after the murders, he told Linda to wipe the fingerprints off the knives and several other things. Tex denies all of these things.

Now, the question is, whom should you believe, Linda Kasabian or Charles Tex Watson?

Well, ladies and gentlemen, if the other evidence in this case was inconsistent with Linda Kasabian's testimony, this would be one thing, but the other evidence in this case is 101 percent consistent and compatible with Linda Kasabian's testimony.

Now, the things I'm about to enumerate prove beyond all doubt that Linda Kasabian told a complete truth on that witness stand.

Let's look at Linda Kasabian's testimony with respect to what happened at the scene of the Tate murders and then let's look and see whether independent evidence, totally independent of Linda's testimony, let's see whether that evidence confirms and corroborates Linda's testimony. If it does -- if it does -- this proves that Linda told the complete truth on that witness stand, and if she was telling the complete truth, then everything she said that Tex Watson did and said, Tex Watson did do and say.

Linda testified that Tex , Sadie, Katie and She

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arrived at the Tate residence around midnight and her testimony was that the murders occurred shortly thereafter. Let's look at the independence evidence; forget about Linda for the moment and see if this evidence corroborates Linda's testimony:

William Garretson testified that Steven Parent visited him around 11:45 p.m., on August the 8th and left around 12:15, a half hour later, on August 9, 1969; obviously, Parent was murdered as he was leaving the Tate premises. Garretson also testified that when Parent was back in the guest house, he, Parent, called a friend of his.

Now, there was a stipulation that Jerold Friedman testified that at 11:55 p.m., on August the 8th, 1969, he received a telephone call from Steven Parent and Parent said that he was alone with a friend and there were some big Hollywood people on the premises where he was at. Now, it is clear that when William Garretson said he called a friend, the friend whom Parent called was Jerry Friedman.

Tim Ireland testified that he heard the screams of a man coming from the direction of the Tate residence around 12:40 a.m., August the 9th and, of course, Rudolf Weber places the incident in front of his home at 1:00 a.m., so this is consistent with Linda Kasabian's testimony -- this is independent evidence, now.

Linda testified that Tex shot the man in the car, who we have learned to be Steven Parent, four times; Dr. Noguchi testified that although Steven Parent had five gunshot wounds, two of those wounds, No. 2 and 4, were caused by one

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and the same bullet, in that the bullet that entered Steven Parent's left forearm passed through and through his left forearm and reentered his body in the region of the chest; therefore, although there were five gunshot wounds, Steven Parent, according to Dr. Noguchi, was only shot four times -- again, independent evidence consistent with Linda Kasabian's testimony.

Linda testified that Steven Parent was shot very shortly after she, Tex, Katie and Sadie climbed around the front gate of the Tate residence, Parent's car approached the front gate and Tex Watson's testimony was essentially the same thing; however, Linda goes on and says that after Tex shot Mr. Parent, he turned the ignition off on the car and pushed the car. She said he pushed the car in the direction of the house.

Well, when the police arrived the following morning, they found Parent's car certainly not near the front gate, but in the direction of the house; so unquestionably it had been pushed fromthe vicinity of the front gate to where they found it on Saturday morning, so someone pushed that car. Tex Watson denies that the car was pushed. Linda says that it was pushed. The physical evidence corroborates Linda's testimony.

Officer DeRosa also testified that when he arrived on the premises on the morning of August the 8th, the ignition to Parent's car had been turned off -- that's the morning of August the 9th, rather.

Linda also testified that after Parent was shot and

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she was alone down by Parent's car, while Tex, Sadie and Katie were inside the Tate residence, she glanced inside the car. She glanced inside the car and she noticed that the man, who is Steven Parent, his head was slumped to the right. Here's People's 42 for identification. You'll notice that Steven Parent's head is, in fact, slumped to the right. Again, independent evidence consistent with Linda's testimony.

Linda testified that there was a large outside light on a building in the driveway of the Tate premises. Now, that building was identified as the garage; and she identified the light on the garage in People's 6 for identification, this light right here. This is the garage, and she testified that this light was on. Here's the garage right here.

So, Linda observed a large outside light on on this garage. Winifred Chapman testified that when she arrived on the premises on August 9, 1969, that light was, in fact, on and she had to turn it off -- again, independent evidence consistent with Linda's testimony.

Linda testified that Tex cut the screen on one of the windows to the right of the front door of the Tate residence and she said he cut it this way, which is horizontally. She identified this photograph, People's 26, as being the window and screen where Tex was attempting, of course, to enter the Tate residence. It is a horizontal slit on the screen.

Officer Whisenhunt testified that when he arrived at the scene on the morning of August the 9th, the screen on the window to the right of the Tate residence was on the ground and there was a horizontal slit on the screen; and Whisenhunt

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identified the same windows Linda did in People's 26; Again, independent evidence.

Linda testified that Frykowski first came out the front door of the Tate residence -- or, when she first saw him come out the front door, he stood by a post momentarily and then he fell on some bushes to his left. This photograph here, People's 94, depicts some damaged bushes to the left of the front door of the Tate residence.

Sgt. McGann of the Los Angeles Police Department says that this photograph was taken under his direction and this was the condition it was in when he arrived on the premises in the morning; and he said it looked like the bushes -- that someone had fallen onto the bushes, which is right to the left of the front door as one exits the residence; again, independent evidence corroborating Linda's testimony.

Linda testified that when she was near the front of the residence, she observed there was a light on near the front door. This is depicted in People's 111 for identification, a small little photograph here. You'll notice there is a light right to the right of the front door as one exits the front door -- looking at the residence, it is to the left of the front door.

Officer Whisenhunt testified that when he arrived on the premises on the morning of August 9th, this light was, in fact, on; again, independent evidence corroborating Linda's testimony.

Linda testified that she saw Tex stab Frykowski several times in the back while Frykowski was on his hands and

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knees on the front lawn of the Tate residence. Dr. Noguchi testified that Frykowski had five stab wounds to his back; again, corroborating evidence.

Linda testified that Tex told her that he had broken the grip on the revolver when he, quote, hit the man over the head, unquote.

Of course, we know that Wojciech Frykowski was struck violently over the top of his head with a hard object, undoubtedly People's 40, the revolver; and we know that the right-hand grip of that revolver did break off at the scene; again, independent corroborating evidence.

Linda testified that at around the time she observed Tex stab Frykowski, she observed Patricia Krenwinkel further down the lawn chasing after a girl with an upraised knife; and she said the girl -- I'm missing a photograph, People's 33, I believe -- she said that the girl had a white gown on and she had black hair. We'll get the photograph of Abigail Folger shortly.

Here's the photograph of Abigail Folger on the front lawn of the Tate residence; and you'll notice that Miss Folger is wearing a white gown and she does have black hair; again, testimont corroborating Linda's testimony -- or evidence corroborating Linda's testimony.

Linda testified that at the time she identified this photograph during the first trial -- she testified during this trial that at the time she identified this photograph during the previous trial, she had not yet seen a photograph of Abigail Folger or any of the other victims at the scene of

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the murder.

I showed Linda an aerial photograph of the Tate residence, People's 7 for identification; and Linda confirmed -- Linda confirmed where she placed X marks on this photograph during the first trial. She placed X marks where she saw Watson stab Frykowski and where she saw Patricia Krenwinkel chasing after Abigail Folger. Now, where she placed these X marks is consistent with where the bodies were found the following morning, as depicted on People's 8 for identification.

This is Frykowski; this is where Frykowski's body was found. This is where Miss Folger's body was found. The location of the bodies on People's 8 is consistent with where Linda Kasabian said she saw these actions taking place.

Now, with respect to where Linda testified she saw Patricia Krenwinkel chase Abigail Folger, note that Miss Folger was in the vicinity of the back of the house near the pool area. This is consistent with Linda's testimony.

I think what probably happened, I think this is the most reasonable inference, Miss Folger ran out this back door, the master bedroom, the one leading to the pool and Patricia Krenwinkel in chasing Abigail Folger out the back door, undoubtedly placed her fingerprints on the inside of that back door. As you recall, there were 17 points of identity connecting the fingerprint exemplar with the latent fingerprint found at the scene. Unquestionably, these were her prints.

Also, Officer Granado -- he's now an agent, apparently, with the FBI -- testified that Type B blood, which was Abigail Folger's blood type, was found on the rug --

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on the rug at the bottom of this back door, the one leading to the pool. Type B blood was found on the door, itself, the back door, and it was also found on the pathway outside the back door; so, what happened, unquestionably -- certainly, most reasonable inference -- Abigail Folger ran out that back door leading to the pool; Krenwinkel chased after her and finally caught up with her where her body was finally found by the police the following morning.

You also recall that Winifred Chapman and Officer DeRosa testified that when they arrived on the premises in the early morning hours of August the 9th, they noticed that that bac k door, the one leading to the pool, was open. I'm sure that Krenwinkel didn't come back and close the door after she was chasing Folger.

Here's just one little point that might disturb you a little bit -- I don't think it should disturb you at all, but I'll devote a little time to it.

Officer Granado testified that Sharon Tate's and Jay Sebring's blood were found outside in front of the Tate residence. As we know, their bodies, Sharon's body and Jay's body, were found inside the Tate residence.

Now, is that inconsistent with Linda's testimony? You have to realize that Linda did not testify, ladies and gentlemen, that she was in front of that Tate residence throughout these entire murders. She was down by Steven Parent's car; she heard some loud screams emanating from inside the Tate residence and she ran up to the residence.

Now, Sharon and Jay may have run outside the front

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door onto the front lawn of the Tate residence while Linda was down by the car or, as you recall, after Linda saw Tex stab Frykowsi, she ran down to the bottom of the hill to Johnny Swartz' car.

Sharon and Jay may have run outside after Linda ran back to the car, but I don't think that happened; and the reason I don't think that happened is that not even Tex Watson, in his testimony, indicated that, or even remotely suggested, that Sharon and Jay ran outside of that house. So, there is no evidence that they ran outside of the house.

The only reasonable explanation I can think of is that Jay and Sharon, of course, bled very profusely. In fact, the cause of death, according to Dr. Noguchi, of Jay Sebring, was exsanguination, which is a medical term literally meaning bleeding to death. There was a virtual river of blood inside that residence.

What probably happened is, Frykowski, before he ran outside, or Tex, Sadie or Katie, before they ran outside, probably stepped on Sharon or Jay's blood and carried the blood outside with them on their feet or shoes.

Linda testified that when Tex, Sadie and Katie returned to the car at the botton of the hill, Tex got angry with Sadie for losing her knife inside the residence, which is People's 39, the buck knife that Linda took with her to Spahn Ranch on July 4, 1969, when she joined the family; and, lo and behold, People's 39, the buck knife, was, in fact, found on top of a chair inside the living room of the Tate residence; again, corroborating Linda's testimony.

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1 Linda testified that as Tex, Sadie, Katie and she
2 were driving away from the Tate residence, quote, Sadie said
3 that her hand hurt, something about that when she was stabbing
4 that, you know, that she came across bones and it was hard and
5 it hurt the palm of her hand -- poor, little, sweetheart,
6 Katie, she hurt her hands.
7 Dr. Noguchi testified that the autopsies disclosed
8 that the knives used to murder the Tate victims did penetrate
9 the bones of all the victims with the exception, of course,
10 of Steven Parent, who was shot to death -- again, this is
11 evidence which is totally consistent with Linda's testimony.
12 Linda estimated the dimensions of the blades on
13 two out of the three knives in the car -- the third knife was
14 People's 39, the buck knife -- and her estimated dimensions
15 were very close to the dimensions on the blades of the murder
16 knives as estimated by Dr. Noguchi.
17 Now, these things that I've just mentioned, ladies
18 and gentlemen, prove beyond all doubt -- not just beyond a
19 reasonable doubt -- beyond all doubt that Linda Kasabian was
20 an extremely truthful witness, who was a highly accurate wit-
21 ness; and it just wasn't with respect to the occurrences at
22 the Tate residence that Linda Kasabian's testimony was corrob-
23 orated. All of her testimony was corroborated by independent
24 evidence.
25 For instance, Linda testified to 10 or 15 things
26 which took place in front of Rudolf Weber's residence during
27 the hosing incident; and when Weber took that witness stand,
28 his testimony was very, very substantially consistent with

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1 Linda's testimony.

2 The truthfulness even extended to the La Bianca
3 murders. What could possibly prove, ladies and gentlemen, that
4 Linda Kasabian was telling the truth more with respect to the
5 La Bianca murders than the fact that out of the literally
6 thousands of gasoline stations in Los Angeles County, Rosemary
7 La Bianca's wallet was found in the same gasoline station and
8 in the same precise place at that gas station that Linda
9 testified she left it; to wit, on top of the overflow valve?

2f. 10 Now, all these things, ladies and gentlemen, prove
11 that Linda Kasabian told the complete truth on that witness
12 stand; and if she told the truth about these things -- and we
13 don't think, we know she told the truth, because her testimony
14 was corroborated -- if we know she told the truth about all of
15 those things, this couldn't possibly be better evidence for the
16 proposition that she told the complete truth about everything,
17 including what Tex Watson did and said on these two nights of
18 murder.

19 When Linda testified, for instance, that Tex told
20 the girls to hide in the bushes, then later on he told her to
21 go to the rear of the house to check to see if there were any
22 open windows or doors, and later he told her to wipe the
23 fingerprints off the knives, there is no reason under the moon
24 to disbelieve her testimony.

25 If Tex, for instance, didn't tell her -- just for
26 instance -- if he didn't tell her to wipe the fingerprints off
27 those knives, why would she say he did? What possible thing
28 would she have to gain by it? Why would she say he did these

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1 if he, in fact, did not do them?

2 Now, Mr. Bubrick argued that Linda was the only
3 one in the group that had a driver's license and he suggests
4 from that that Linda drove the car, forgetting that his own
5 client, Charles Tex Watson, also had a valid driver's license.
6 This is from 1968 to 1970; it is a valid driver's license.
7 There was no reason why Tex couldn't have driven the car, also.

8 If Linda had driven to the Tate residence, ladies
9 and gentlemen, not Tex -- now, Linda says that Tex drove; Tex
10 says that Linda drove -- if Linda had driven to the Tate
11 residence, why would she have said that Tex did? What reason
12 would she have had to conceal this? She never concealed the
13 fact that she drove the car on the night of the Tate murders;
14 she said she drove from the gasoline station back to Spahn
15 Ranch and on the night of the LaBianca murders, she said she
16 did most of the driving; so Linda wasn't concealing the fact
17 that she drove the car.

18 She, in fact, had driven the car, this wouldn't
19 have been a big deal; she would have said so. She said Tex
20 drove the car because Tex did, in fact, do so.

21 You know, unwittingly and unknowingly, Tex Watson,
22 himself, ladies and gentlemen, testified to the truthfulness
23 of Linda Kasabian's testimony and I say that because, by and
24 large -- by and large, whatever Linda said happened at the
25 Tate residence, Tex Watson, when he took that witness stand,
26 he confirmed. Theonly areas where he conveniently departed
27 from her testimony was where she testified that he did and
28 said certain things. For instance, "Linda, wipe the

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fingerprints off the knives before you throw them out of the car," but apart from that, apart from where she was putting the hat on him for specific things, he corroborated her testimony.

I might add, ladies and gentlemen, by way of footnote that there was no evidence that came from that witness stand that Linda Kasabian had anything at all against Charles Tex Watson. To the contrary, Linda testified that she got along fine with Tex and never had any arguments with him; and Dr. Fort, in reading thousands of pages of Linda's testimony during the previous trial, came to the conclusion that not only did Linda have nothing against Tex, but she seemed to have some concern for him.

Now, in view of the fact that Linda apparently liked Tex, that's just a further reason why she would have no reason whatsoever to say he did these things if he did not do them.

What about Tex Watson's testimony as opposed to Linda's testimony? Well, Mr. Bubrick said that Tex strained to tell the truth on the witness stand; he said he told the whole truth. Well, Tex, ladies and gentlemen, as opposed to Linda Kasabian, had every reason in the world to take liberties with the truth and lie on that witness stand. He's on trial for his life; he's fighting for his life; he's facing a possible death penalty: every reason in the world to lie.

The incredible Dr. Frank, Tex has the character to kill seven people but he says, "I don't think he has the character to lie." We talked about that in depth yesterday.

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It was so obvious, ladies and gentlemen, that Tex Watson was lying on that witness stand that a blind man could see through him -- a blind man could, it was so obvious. It was obvious what his objective was on that witness stand: to convince you folks that on the night of these murders his mind had taken leave of his body, that he had no mind at all. That was his objective. The only think that he would admit doing was having a knife and a gun in his hand and stabbing blobs or objects with the knife and shooting blobs or objects with a gun. Anything that required the smallest mental activity that would show he was thinking, he just categorically denied.

Now, look at what he denied -- I'm going to go down the list:

He denied driving to the Tate residence -- now, even driving, of course, requires a certain amount of thinking. If he drove to the Tate residence, he would have had to have thought on how to get to the Tate residence from Spahn Ranch.

He denied telling Linda to wrap the knives and the revolver up and throw them out the window if they were stopped by the police.

He denied telling Sadie and Katie and Linda that he had been to the Tate residence, knew the layout and instructed them to do whatever he told them to do.

He denied that it was his idea to cut the telephone wires; he said Manson told him to do that at Spahn Ranch and at the scene the girls told him to do that.

He denied that it was his idea to shoot the driver of the car; he said one of the girls told him to do that.

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He denies pushing the Parent car.

He denies telling Linda to go to the rear of the house to check for open doors or windows.

He denies cutting the screen on the front window.

He denies tying the rope around Sharon and Jay's necks.

He denies getting angry at Sadie for losing her knife inside the residence.

He denies getting angry with Linda for running back down to the car.

He denies that it was his idea to wash the blood off their bodies.

He denies telling Mr. Weber that the car wasn't their car and they were just walking.

He denies running away from Mr. Weber; he says he walked away.

He denies telling Linda to wipe the fingerprints off the knives.

He denies telling Linda to throw the knives and the clothing out of the car.

He denies telling Sadie and Katie to wash the rest of the blood off their bodies at the gasoline station.

When they got back to Spahn Ranch, he denies telling Manson what happened -- but he slipped up, of course, when he told Dr. Fort that when they got back from their mission of murder, he reported to Charles Manson, and it is so very obvious that Manson sent these people out to commit mass murder; and they did murder five people, which is mass murder.

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1 Obviously, when they returned from their mission
2 of murder, he was going to be waiting for them to find out what
3 happened. He denied it on the witness stand, but he slipped
4 up and told Dr. Fort that he did report to Manson.
5 The second night he denies telling Manson that
6 they needed better weapons than they had the night before;
7 and so on and so on.
8 After the murders -- after the murders -- he denies
9 telling Barbara Hoyt not to say anything to anyone about
10 Griffith Park.
11 He denies telling Barbara Hoyt that they had been
12 to a love-in in Griffith Park.
13 He denies telling Dianne Lake that he had stabbed
14 Sharon Tate to death and that Sharon pled for her life.
15 He denies telling Dianne Lake that it was fun to
16 kill these people.
17 He denies making Dianne Lake promist not to tell
18 anyone what he had told her.
19 He denies buying a newspaper every day up in
20 Olancha.
21 He denies running into the bushes when Deputy Cox
22 approached. He says he walked.
23 He denies getting angry with Dianne Lake for tell-
24 ing Deputy Cox that his name was Tex.
25 He denies telling Barbara Hoyt, Kitty Lutesinger,
26 Ruth Moorehouse and a girl named Simi Valley Sherry how to
27 stab someone to death.
28 Anything that showed that he was thinking, that he

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had a mind, he denied.

He even denied telling Linda Kasabian to steal that money when she first came to Spahn Ranch.

Now, Tex Watson's testimony wasn't only in conflict with Linda Kasabian's testimony, ladies and gentlemen; it was in conflict with the testimony of Dianne Lake, Barbara Hoyt, Rudolf Weber and Deputy Cox.

Not only wouldn't Linda have any reason under the moon to lie about Tex Watson, but what possible reason would Dianne Lake, Barbara Hoyt, Deputy Cox and Rudolf Weber have to lie about Charles Tex Watson? Is there some type of giant conspiracy against that man that they all got together in the back room of Joe's Cafe and said, "Let's go out and get Tex"?

What reason would these people have to lie about him? Absolutely no reason; they wouldn't have the slightest reason to lie about him, but he has every reason in the world to lie. He's fighting for his life and people lie for much, much less reason than that. Sometimes people lie for no reason at all.

Not only did his testimony disagree with the other people I have just mentioned, his testimony was in conflict with even Juan Flynn's testimony. Tex denied firing People's 40, the murder revolver, out at Spahn Ranch or any other time. Juan Flynn said he saw Watson practice fire with that revolver out at Spahn Ranch and Barbara Hoyt testified to the same thing.

Why would someone like Dianne Lake say that Watson made her promise not to tell anyone what he told her, if he

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didn't do this? What conceivable reason would she have to do so; why would Barbara Hoyt have any reason under the stars to testify that Tex told her and these three other girls how to stab a human being to death, if he hadn't done it? Do you think Barbara Hoyt said to herself, "Well, I've got myself a subpoena here on the State of California. I think I'll make up a story. I think I'll say that sometime between Myers Ranch and Barker Ranch, Tex told me how to stab people to death."

Of course not. That's ridiculous. People like Linda Kasabian and the others have no reason at all to lie, nothing to gain by it. Tex has quite a bit to gain by lying on that witness stand. He's alleging diminished mental capacity, that's his defense; so, any act at all which would show he had any capacity to think, he denied.

As Paul Watkins so perceptively observed, ladies and gentlemen, Tex Watson "plays dumb, but he's not"; he's as dumb as a fox.

As I said earlier, these doctors at Atascadero on a day-to-day basis, this is their job, they observe people who are either mentally ill or claiming mental illness. They can smell a phony a mile away as he's coming down the plank.

They looked at this guy and said, "He's a fraud. He's a phony. He's feigning mental illness." That's their job.

This testimony by Dr. Owre couldn't possibly be more illuminating. He concluded that Watson was malingering:

"Q. Did you find any other basis or was

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there any other basis for your conclusion that Mr. Watson was malingering?

"A Yes. During the time of the interview, he would play the perfect fool, so to speak, by keeping his mouth open and by slurring his speech and by really pulling a Charlie McCarthy or Mortimer Snerd act, is the only way I could put it. It was not the open mouth of the deteriorated schizophrenic; in other words, it was the simulation of this.

"Q You formed that opinion?

"A Yes."

Listen to this:

"And so I had this checked out on the ward and had him observed closely over a prolonged period of time by his ward technicians on Ward 14 and when he was observed he would close his mouth and interact normally and converse normally with the other patients. This was a repeated finding.

"And these technicians reported back to you?

"Yes."

I think this one thing up at Atascadero, all by itself -- all by itself -- shows Watson knows exactly what is going on and he's cleverly attempting to feign mental illness.

Why? It's about the only defense he has. He's admitted these killings, so he has to go the route of diminished

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capacity. If he would feign mental illness up at Atascadero, don't you think he would have all the more reason here in this courtroom during this trial to take that witness stand in front of you folks and, in effect, tell you that he had no mind at all on the nights of these murders and he was completely psychotic?

He's no dummy, ladies and gentlemen; he's no dummy.

Dr. Braswell, the chief psychologist at Atascadero, concluded that Watson was of average to above average intelligence; Dr. Bailey said he was intelligent; Dr. Fort said he was above average intelligence; Eckland also said he was intelligent; but Tex wants you to think that he has the mind of an infant, that he's suffering from all types of intellectual hernias. Well, he's not.

You saw Tex on that witness stand. He was clever. Every question I asked him he measured it; he measured every word. He put it on a scale before he answered; he shadow boxed with me and if I ever had him on the rope he said, "I can't remember." He only remembered what he wanted to remember. He remembers what he claims Hanson told him when Hanson sent them out. He remembers what he claims the girls told him at the scene of the murders, but doesn't remember telling the girls anything. He claims he was blacked out during these murders, blacked out half the time and was heavily doped up on narcotics.

Yet, he slipped up. When he did remember incredible details, he slipped up. He shouldn't have said that. He shouldn't have mentioned some of the details. It wasn't

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consistent.

He said that when he and the three girls were walking up that long, winding driveway, two girls were in front of him and he and another girl were to the rear, walking behind them. That's quite a detail to remember, something like that.

Listen to this: He even remembers how Sharon Tate and Jay Sebring were lying on the floor in front of the couch. He testified that one body was, quote, perpendicular to the couch, unquote; the other body -- this is his testimony, now -- laying at the end of the couch toward the room where they came out of, perpendicular to the end of the couch, unquote.

Do you think a man who was heavily doped up on drugs, as he claims to have been, and blacking out off and on, would remember incredible details like that?

Tex Watson went on to say near the end of his testimony in cross-examination:

"Q After these murders, Tex, were you hiding from the police at all?

"A No, I was not.

"Q When you went to Mexico and Hawaii, were you hiding?

"A No, I was going back to Charles Manson, trying to.

"Q Did you think he was in Hawaii?

"A No, I ended up in the desert. I was kind of -- I couldn't pull, you know, to him, and then something would always tell me not to go back

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and something would tell me to go back and I ended up back there, but he wasn't there.

"Q But you knew he wasn't in Hawaii?

"A That is true.

"Q Why did you go to Hawaii?

"A I guess I was running from him, kind of, you know. I don't really know why.

"Q Running from him? He just said that you went to him, Tex.

"A Well, I was going to him and sometimes my mind, it was in a state of confusion-like, I was all messed up.

"Q During this period of time between the time of the murders and the time you were arrested, did you want to be arrested?

"A I had no thought about being arrested, really.

"Q Were you hoping the police wouldn't find you, Tex?

"A I had no thought of it, no.

"Q But you had enough thought not to tell anybody; is that right?

"A I never did really know that it was real, just wasn't real to me in any way."

According to Tex, he wasn't running from the police and he wasn't even hoping that the police wouldn't find him.

If anyone were gullible -- if anyone were gullible to believe that nonsense from this man, they were that gullible,

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they would believe someone who told them that they saw a person walking in procession at his own funeral.

Tex has been in custody for these murders since December of 1969. He has had over a year and a half to think about how to weasel out of full responsibility for these murders, and he came up with a very, very simple plan -- very simple plan: deny everything that shows that he was in charge of the girls; deny anything that showed he was thinking at all during these murders; and deny anything that shows that he was taking measures to avoid detection.

Well, you don't put seven precious human beings in their graves by brutally murdering them and then escape full responsibility for these murders by taking the witness stand and simply denying things like that. It is not quite that easy, and when you folks come back into this courtroom with your verdict of first degree murder, you are going to tell Tex Watson, it is not quite that easy.

One of the basic disagreements between Linda's testimony and Charles Watson's testimony is that Watson claims that once the group left Spahn Ranch, he simply did what the girls told him to do; whereas Linda's testimony clearly showed that Watson was in charge.

Now, all of the things that Linda testified that Watson did and told the girls to do, shows that Manson thought of Watson as being his chief -- his chief lieutenant and in charge of the girls, once they left Spahn Ranch; and Manson's conduct, ladies and gentlemen, is consistent with the proposition that he considered Tex to be his chief lieutenant.

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On the night of the Tate murders when Manson told Linda to get her knife, a driver's license and a change of clothing, he told her to go along with Tex and do whatever Tex told her to do. He didn't tell her to go along with Sadie and Katie and do whatever Sadie and Katie told her to do; and when they were about to drive off from the parking lot, while Sadie, Katie and Linda were already inside the car, Manson and Tex were still outside the car talking. They weren't talking about the price of tea, ladies and gentlemen, in China; Manson was giving Watson some last minute instructions.

When they returned from the mission of murder, Manson tells the three girls to go into the bunk room. Tex and Manson walk in later on, together. When they finally all did arrive inside the bunk room, the girls didn't report to Manson; Tex Watson did.

With respect to his reporting to Manson, I am sure that some or all of you men on the jury probably have served in the armed services during wartime or peacetime; and, as you know, when a sergeant or an officer sends his troops out on a mission, when they come back, the troops report to the sergeant or officer and he evaluates their performance. It is called a critique; and I suggest, ladies and gentlemen, that Manson conducted somewhat of a critique in this bunk house after Tex and the others returned from the Tate murders.

His principal butcher, Tex Watson, reported to Manson, quote, there was a lot of panic and it was real messy and bodies were laying all over the place; but they were all dead, unquote. In other words, Watson was saying to Manson

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LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 5, 1971, 2:30 P. M.

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

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

THE COURT: I am going to keep it out.

MR. BUGLIOSI: It is part of the evidence.

THE COURT: It was just in for one reason.

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

THE COURT: As a basis for the opinion.

MR. BUGLIOSI: As a basis for Frank.

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

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

THE COURT: I know it came in without objection.

MR. BUGLIOSI: And it is in the transcript.

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

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

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

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

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

You may proceed, Mr. Bugliosi:

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

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

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

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

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

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

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

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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

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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

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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

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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 will 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 no 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

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naivete and gullibility is not only surprising; it is downright shocking and astonishing.

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

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

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

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

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

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

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

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

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

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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.

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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

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

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

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

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

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

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

Dr. Bailey in his career has examined between

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five and six hundred defendants charged with murder and on two hundred of those occasions, he testified in a court of law as to a defendant's state of mind at the time of the murders.

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

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

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

His conclusion, of course, that Watson could deliberate and premeditate and naturely and meaningfully reflect, et cetera, was diametrically opposed to the conclusions reached by the defense psychiatrists.

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

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

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

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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 f 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

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

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

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

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

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

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

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

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

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

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

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

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

Look at what he says about Mr. Watson:

"He did almost everything asked of him without any sort of question. His behavior at all times was normal. At no time was any abnormal behavior of any kind reported to me and at no time have I ever observed any abnormal behavior of any kind on his part."

This has to have weight, ladies and gentlemen. Here is a man that's watching Watson every day with a tremendous amount of experience.

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

"We had ward team meetings where we discussed his behavior and I had my own observation of him and his behavior was normal."

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

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and gentlemen?

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

"A. No."

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

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

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

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

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

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

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

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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

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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 psychiatrits 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 psychiatrits put together, but I

27 will make just a few observations about the prosecution

28 psychiatrists.

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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 conclusuons
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

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psychiatrist.

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

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

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

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

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

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

He says:

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

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are appropriate and relevant.

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

"A. I couldn't, no.

"Q So it is absolutely imperative that you familiarize yourself with what he did and said, is that correct?

"A. That is correct."

Dr. Fort:

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

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

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

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

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direct discussion or examination of a particular defendant.

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

"A Without question."

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

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

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

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

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

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

Dr. Fort said the same thing.

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

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

I asked him this question, I said:

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

"A No, I don't."

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

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

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

And he said: "Yes."

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

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

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

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

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

"A That is right."

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

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

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

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

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

I felt that of all the UCLA doctors -- although

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

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

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

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

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

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

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

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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

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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

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physical health and extreme depression have brought it down to 88.

But let's give Charles Tex Watson every benefit of the doubt. Let's give him every benefit of the doubt and let's assume at the time of these murders, his I.Q. was 88.

Is there some requirement, ladies and gentlemen, in the California Penal Code that a person has to have an I.Q., a high I.Q., to be guilty of first degree murder, that he has to graduate from some college with -- do they call it summa cum laude? Is that some type of requirement that maybe I don't know about.

Twenty-four percent of the American population have I.Q.'s of 89 or lower. In view of the fact that there are 200,000,000 Americans and about 50,000,000 Americans have I.Q.'s below 80, certainly no one is going to suggest that 50,000,000 Americans are incapable of committing first degree murder.

So even assuming he had an I.Q. of 88, so what? Giving him every benefit of the doubt, so what?

Not only is his I.Q. of 88 within a group consisting of 50,000,000 people, but within that group, it is in the upper two percent.

With respect to the Minnesota Multiphasic Personality Inventory test, perhaps the most comprehensive test given to Mr. Watson, because it consists of 566 questions, Dr. Palmer's associate, Dr. Alex Caldwell, concluded that Watson's test profile was a quote of borderline validity.

Dr. Palmer disagreed with his associate and felt

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that the test results were valid.

Well, with Dr. Palmer interpreting those test results, the way he did, how in the world could that test have any validity whatsoever?

Not only was it obvious that Dr. Palmer had a very poor grasp of figures and percentages and relationships, as evidenced by his hopeless confusion on that witness stand with respect to the Wechsler I.Q., at the start of cross-examination, but his interpretation, ladies and gentlemen, of Watson's answers on the M.M.P.I. critical items list, a small number of questions within the 566, was absolutely nothing short of unbelievable.

Palmer testified that Watson's answers on the M.M.P.I. critical items list showed considerable emotional disturbance, confusion, and were inappropriate, but when we look at the questions and when we look at Mr. Watson's answers to those questions, we find out that Tex Watson wasn't confused at all and his answers weren't inappropriate, but Dr. Palmer was hopelessly and shamefully confused.

I am not going over all the questions and answers -- Mr. Kay did that -- but just a couple.

"Question: I am easily awakened by noise."

Watson's answer: "True." A person who is charged with seven counts of murder cannot be expect to sleep too soundly -- perfectly normal answer.

"Question: Most nights I go to sleep without thoughts or ideas ever bothering me."

Watson's answer was "False."

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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.

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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.

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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

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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
27f. 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:

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"Watson's present intellectual functioning appeared diminished due to the presence of anxiety and depressive elements, Mr. Watson is presently experiencing."

Dr. John Suarez -- Dr. Suarez was the doctor who coordinated this group of doctors out at UCLA and in view of the unbelievable statements that that doctor made on that witness stand, it is understandable, ladies and gentlemen, how the quality of the UCLA psychiatrists and psychologists' testimony was so low.

On Page 3787 of the transcript, he admitted that in determining what a person's state of mind was at the time he engaged in a particular activity, it is very important for the psychiatrist to ascertain what the person said and did at the time of the subject act.

He sparred with me, went back and forth, but I finally got it out of him that it was very important to know about what happened.

With this in mind, I asked him the following question, and we established that it was important to find out what a person did and said:

"Q Did you make any effort to ascertain what Linda Kasabian had to say about Tex Watson's participation in these murders, make any effort at all?

"A No, I did not, not directly.

"Q Why not?

"A Because when one does an evaluation,

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there is a limit to what one can do and in general, I put the burden on the attorney who has asked me to do the evaluation, to provide me with those data that are relevant and helpful to me in constructing and evaluation.

"Q And did the defense attorneys furnish you with Linda Kasabian's testimony?

"A Not that I can recall.

"Q Don't you think it would have been helpful and advisable for you to have read that testimony?"

Again, a pause.

"I am sure it would have been helpful to have talked to the parents, to talked to the people who knew Watson in many stages over time. There is a practical limit to how much one can do. Even --"

Just listen to this:

"-- even if they had supplied me with the testimony, I don't know if I would have had time to read it."

This is the man who was in charge of that UCLA group.

If you can think of a better adjective than "incredible" or "unbelievable," I wish you could send me a note so I wouldn't have to keep using those words. Contrast that with the attitude of Dr. Bailey who put in 300 hours.

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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.

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THE COURT: We will have a 10-minute break, ladies and gentlemen. Please heed the usual admonition.

(Recess.)

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

Mr. Bugliosi, you may proceed.

MR. BUGLIOSI: Thank you, your Honor.

Just for clarification, ladies and gentlemen, Dr. Fort did not examine Leslie Van Houton at the last trial, looking back at the testimony. He was called to the witness stand by Mr. Keith at the last trial and he was presented with a hypothetical situation which encompassed much of the evidence at the last trial concerning Leslie Van Houton and he did give an opinion with respect to Leslie Van Houton, but he did not personally examine Leslie.

Another point I want to repeat, that Dr. Suarez did not testify to whether or not Mr. Watson had diminished mental capacity at the time of these murders, but he did testify, he did inject his opinion, one that is woefully lacking insofar as a basis, he did inject his opinion that Watson was psychotic at the time of these murders.

Dr. Suarez was the doctor who repeatedly made statements, ladies and gentlemen, on the witness stand which were diametrically opposed, completely contradictory and inconsistent with statements he made in two published articles of his in medical journals and then when I pointed out the inconsistencies to him, instead of being frank about it and saying, "Well, this does appear to be inconsistent and I have

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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

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to reconstruct, even though time has elapsed."

Yet, the doctor admitted writing this in an article of his in the journal of Forensic Science:

"It is not possible --" I repeat, he said "It is not possible --" in other words, it is possible -- "It is not possible, nor is it likely in the near future for a psychiatrist, who first sees the patient sometimes months after the offense, to give specific information about the mental state of the defendant at the time of the offense."

The question of sincerity of Suarez and Palmer -- I don't question the sincerity of Dr. Frank, he was just hopelessly confused. He was doing the best he could, totally unqualified, but I think he was sincere.

These people, Palmer and Suarez, their testimony was shameful -- members of the medical profession, one of the most noble of all professions, unbelievable. And I just hit some of the highlights. I could have gone in to much more depth.

Dr. Vernon Bohr, I question this man's sincerity. He is a psychiatrist. He is appointed by Judge Lucas and he is sent a letter with a form and it says to examine Tex Watson and send a report back to me, telling me whether in your opinion Watson could deliberate and premeditate these murders and whether he could maturely and meaningfully reflect upon the gravity of the contemplated act.

He has got this report. He is getting paid for it.

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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

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long as that man has, has got to know that he had every right in the world to read Linda's testimony and Susan Atkins' testimony.

Now, I will give you conclusive proof that he was lying on that witness stand. This is conclusive proof.

A half hour later in his testimony he apparently forgot what he had previously testified to and he testified -- this is in the transcript -- that he asked Sam Bubrick for a copy of the Grand Jury proceedings in this case, which, of course, included Susan Atkins' testimony.

He apparently forgot. That is conclusive proof that he wasn't telling you the truth when he said he didn't have the right to read that, read those reports.

Even if he didn't think he had the right to read Susan Atkins' and Linda Kasabian's testimony in other proceedings, why didn't he at least read Linda's testimony in this proceeding?

Dr. Bohr then went on and said that even if Tex Watson had never told him what he did and said on these two nights of murder, and even if he didn't get this information from anyone else, he would still be able to render a valid opinion on whether Mr. Watson had the requisite mental capacity at the time of these murders.

I got the impression from most of these defense psyciatrists, it really made no difference what Tex did and said. So what?

That was their opinion: Tex is incapable of deliberating and premeditating. Don't confuse me with the

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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

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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

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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 psychitrists 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.

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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 psychitarists.
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?

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"A. Of that part, yes."

You just listen to this gobbledygook.

"Q. Did you read Dianne Lake's testimony at this trial to the effect that Mr. Watson made her promise not to tell anyone that he told her he had killed Sharon Tate? Did you read that testimony?

"A. No.

"Q. Assuming that to be a fact, assuming that he did tell Dianne Lake or make Dianne Lake promise not to tell anyone, wouldn't that indicate an awareness of the consequences of what he had done?

"A. Now, she is the one in Texas?

"Q. No. Dianne Lake was a former member of Mr. Manson's family, a 16 or 17-year-old girl.

"A. And when was this done?

"Q. Supposedly, according to her testimony, about a week and a half after these murders in Olancha, California. According to her testimony, Mr. Watson told her that he had stabbed Sharon Tate to death, then he made her promise not to tell anyone about it.

"Now, assuming this to be true, what would this indicate to you?

"A. Well, my understanding of his condition was that he was coming out of his acute drug use during that period.

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"Q A week and a half after the murders --" which was around August the 20th, right, because he left roughly at the end of the month of October -- "it is your opinion then that when he told Dianne Lake, assuming he did tell her, that he was thinking more clearly at that point because he had stopped ingesting drugs; is that correct?

"A Well, my opinion is that in that month that followed, he was using less drugs and that he became, as it were, more rational in his thinking and his values began to improve and that he then as a consequence of that made a prompt exodus to Texas."

Again, I am reading more than I normally do, but just to show you:

"Q Assuming again that this event took place about a week and a half after these murders, in Olancha, just a week and a half, are you saying then that within that week and a half period Mr. Watson now recognized what he had done and he realized the consequences of his act?

"A I would say that he was -- I don't know exactly the period --"

He doesn't know exactly the period. If he didn't make it as a psychiatrist, as a comedian there is not going to be any problem --

"I don't know exactly the period or his

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drug state, but I would say that would give him time to improve from his drug-induced state, particularly the acute effect of the drugs he was using. If he took no more, he should be out in that period of time, at least have all the drugs cleared from his system, so that he wasn't acutely intoxicated with drugs, which should improve his performance.

"This is all based upon the assumption then that he was under the influence of LSD and other drugs at the time of these murders?

"A Yes. I believe they had a lot to do with his behavior that night.

"Q Are you aware, Doctor, that the La Bianca residence at 3301 Waverly Drive is in the Griffith Park area of Los Angeles?

"A Well, I didn't know exactly where it was.

"Q Are you aware that it is in that general area of Los Feliz Drive?

"A Yes.

"Q You said that there may have been a change in Mr. Watson's mental condition about a week and a half after these murders? Let's bring it at a little closer to the time of the murder.

"Assuming that Barbara Hoyt testified that a day after the murders she told Charles Tex Watson that Leslie Van Houton hid in the back

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house at the ranch from some men who had given her a ride back from the Griffith Park area.

"Assuming then that Charles Tex Watson told Barbara Hoyt, 'Don't talk to anyone about Griffith Park. We were at a love-in.'

"Assuming that situation, only one day after these murders, what would that indicate to you?

"A. I guess he didn't want to tell her about what really happened.

"Q. Do you have any opinion why he wouldn't want to tell her?

"A. Well, I would have to speculate but I gather he didn't want to tell her the truth or he wanted to give her some other impression.

"Q. We know that, Doctor. I am assuming that this took place. We know that. I am asking you how, what his state of mind was to cause him to tell her that. You were the psychiatrist.

"A. Well, I haven't examined him on that point. I really don't know why he would do it. All I can say is that the conditions that he had, had a certain duration, they don't clear in a day, and they sort of feed on one another, namely, the acute intoxication is going to aggravate the folie a deux, aggravate the chronic brain state. In other words, he was still in this folie a deux situation, this brain syndrome situation,

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not being aware of the consequences of his act.

"Q Was still in that situation, let's say one day after the murders, but a week and a half after the murders, he had changed?

"A Well, he could be surely aware but I would say that -- I mean, he was not able to maturely and meaningfully reflect."

We weren't even talking about maturely and meaningfully reflect, weren't even talking about it, but he was so hopelessly confused, going back and forth in circles, that he couldn't think, so he blurts out, "he couldn't maturely and meaningfully reflect." Had no relevance to what we were talking about.

28f.

Listen to this incredible statement by Dr. Ditman -- he is the star witness for the defense, in terms of drugs --

"Q Would you consider speed to be a powerful drug?

"A Yes.

"Q Would you consider it to be a dangerous drug?

"A Yes.

"Q Is LSD a dangerous drug and a powerful drug?

"A Yes.

"Q Is belladonna taken in root form a dangerous and a powerful drug?

"A Yes.

"Q Is cocaine a dangerous and powerful

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drug?

"A. Yes.

"Q. I believe you testified that the drugs that Mr. Watson took, I believe you testified wouldn't create such a condition, I mean that other people would be able to notice it; is that correct?

"A. The hallucinogenic drugs and even stimulating drugs, the effect can be central or psychic, so that unless a person gets, as it were, an appreciation of what is going on in the person's mind, they may not be aware that the person is under the influence of any drug. I mean, there is no odor as there is with alcohol.

"Q. So what you are saying then is that if someone took these four powerful dangerous drugs, all four of them, all are powerful and dangerous drugs, according to your testimony -- speed, cocaine, LSD and belladonna -- they had it in their system, they could talk to someone and there would be no manifestation at all. They would just appear completely normal?

"Is that your testimony?

"A. No, I didn't say no manifestation -- to the casual or the uninitiated observer, there may not be, may not appear anything particular abnormal.

"Q. To the casual observer, what would he notice?

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"A. He would notice dilation of the pupils. That is one thing with atropine, the one thing with LSD that you can rely on.

"Q. Anything else?

"A. That is the main thing. Now --

"Q. Are you through with your answer?

"A. I suppose that is enough for the moment, yes."

If a person takes a simple sleeping pill -- what do they call it Sleep-Eze, a sleeping pill -- when the pill starts to take effect, normally, the person becomes a little drowsy and they might even yawn or stretch with a sleeping pill and yet this incredible Dr. Ditman says that a person could have four of the most powerful dangerous drugs imaginable in their system: cocaine, speed, belladonna and LSD and he said the only thing that would happen that would be observable would be a dilation of the pupils and no one would be able to observe that they were under the influence of anything.

How can anyone have any confidence in any conclusion a man like this makes, when a child -- a child would have enough common sense not to make a remark like that.

If he had read Brooks Poston and Paul Watkins and David Neale's testimony, he would have found that this man here -- and this is the man we are concerned about, ladies and gentlemen, not some other individual called Ezmo Weisner -- we are concerned with Tex Watson -- he would have learned that just with LSD in his system, it was very observable to these other three people, that he was under the influence of

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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 naivetè 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 wasnt 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

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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:

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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

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gentlemen, in the last analysis, what were these murders? These murders were planned executions, clear and simple. That man over there was the chief executioner.

Well, let me say this: Based on the evidence that came from that witness stand, how can anyone -- how can anyone have any confidence in a psychiatrist's ability to diagnose a defendant's state of mind at the time of the murders, whether he premeditated and deliberated things like that.

No. 1. Deliberation, premeditation, malice aforethought are legal terms, not medical terms.

Secondly, how in the world can anyone have any confidence in a profession whose members cannot agree on anything? How can you have confidence in a profession like that?

In our case here, which was typical, prosecution psychiatrists testified and the defense psychiatrists testified another way.

If you were driving a heavy truck over a bridge an you consulted three engineers and you said, "I want to know whether this bridge can sustain the weight of my truck," and one engineer said "Yes."

The other engineer says "No," and the other engineer says, "I don't know."

Would you have confidence, enough confidence in these engineers to drive that truck of yours over that bridge?

What has happened during this trial is not unusual. It is completely typical. I think you can draw the inference, if you walked into just about any court where a defendant has entered a plea of not guilty by reason of insanity, and has

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presented evidence of diminished mental capacity, the prosecution psychiatrist is going one way and the defense psychiatrist is going the other way.

To have confidence in a profession like that, ladies and gentlemen, is pure unadulterated folly.

Psychiatrists may be helpful in solving a person's emotional problems and giving them advice. They might be helpful in that area, but I say that when they step into the legal arena and try to render opinions on whether a defendant had a mental capacity to commit a crime, I say they are like fish out of water.

Dr. Suarez in his article entitled "A Critique of the Psychiatrist's Role as an Expert Witness," in so many words says the same thing.

He writes on Page 3,823, Dr. Suarez:

> "It is the plea here to restore the psychiatrists to the role of the typical expert and thus keep him within the bounds of the first step and not ask or coerce him to cross the line and become involved in the legal issues or the judicial task, because he has no business there."

A couple more pages and we can all go home.

During voir dire, Mr. Kay and I told you, and Judge Alexander will tell you in his instructions, the same thing. We have told you that you folks, not the psychiatrists, are the trier and judges of the facts, including Mr. Watson's state of mind at the time of these murders and that the psychiatrists were only here to help you make up your mind.

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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, premeditiation, 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

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or with anyone else.

Please keep an open mind and remember what I said about the news media. Thank you.

(An adjournment was taken until Wednesday, October 6, 1971, at 9:30 a.m.)

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1 LOS ANGELES, CALIFORNIA, Wednesday, October 6, 1971, 9:30 A.M.
2 --oOo--
3 (The following proceedings were had in
4 chambers, outside the hearing of the jury:)
5 THE COURT: All right, Sam, what's on your mind?
6 MR. BUBRICK: Judge, there has been some reference by
7 Mr. Bugliosi on two different occasions -- at least, two that
8 I recall -- that because of the definitions or the testimony
9 of the psychiatrists that Manson, Krenwinkel and Van Houton
10 wouldn't have been guilty of murder, because of their dimin-
11 ished capacity and there has been no -- of course, I don't think
12 there is any evidence that there was any definition of dimin-
13 ished capacity interjected in the last trial or offered in the
14 last trial, and I think any innuendo that they draw about the
15 fact that they were convicted of murder, even though they are
16 thought by psychiatric standards, competent, in the sense that
17 they suffer from diminished capacity is, again, the same kind
18 of innuendo that, since that jury did that, they should do it
19 here; and I would make the same observation about the fact
20 that there is evidence that the testimony of Atkins and
21 Kasabian was exactly the same, there is no evidence --
22 THE COURT: One doctor testified and nobody objected to
23 it --
24 MR. BUGLIOSI: Three of them did.
25 THE COURT: I recall the question -- I don't recall
26 exactly, but was Atkins' testimony consistent with the testi-
27 mony of Kasabian --
28 MR. BUBRICK: And I objected and you sustained me the

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first time.

MR. BUGLIOSI: Then, in different language, if it got in again.

MR. BUBRICK: Right.

MR. BUGLIOSI: There were three psychiatrists, and I have the notes, which I didn't bring; one said, "consistent" and one said "corroborated" and Fort said he cross-checked Linda's testimony with Susan's.

MR. BUBRICK: But I don't think that's evidence, that's the point. I don't think it is evidence of the --

MR. BUGLIOSI: I didn't argue it as evidence; I argued it as the basis of the prosecution's psychiatrists' opinions that they verified the stories before they came to the conclusion.

MR. BUBRICK: But the words you used were, "The evidence showed that" --

MR. BUGLIOSI: No, I didn't.

MR. KAY: No, he didn't use those words.

MR. BUGLIOSI: I said the prosecution psychiatrists didn't accept everything that Linda said. I said they checked her testimony with Sadie's testimony and they formed their opinion, because it was consistent.

I said the prosecution psychiatrists didn't accept everything that Linda said. I said they checked his testimony with Sadie's and they formed their opinion because it was consistent.

I said defense psychiatrists did not do so; they took what Tex said and they didn't attempt to verify it with

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1 any other source. That is it, Sam.

2 On this other point, diminished mental capacity,

3 I didn't say that they shouldn't have been convicted of first

4 degree murder --

5 THE COURT: No, they all suffered from that --

6 MR. BUGLIOSI: That he shouldn't be convicted -- I was

7 almost acting as though they hadn't been to trial. I was say-

8 ing they --

9 THE COURT: The best thing to do is to tell the jury that

10 reference has been made to the former trial: "Remember, you

11 are to decide the innocence or guilt of this defendant based

12 on only the evidence you have heard in this case without

13 reference to what has transpired in the other case."

14 MR. BUGLIOSI: Could you do that during your regular

15 instructions?

16 THE COURT: All right, we'll get up an instruction on

17 that, and hope I'm not reversed for giving them a handwritten

18 instruction.

19 (The following proceedings were had in open

20 court, in the presence of the jury:)

21 THE COURT: Good morning.

22 THE JURORS: Good morning.

23 THE COURT: Gentlemen.

24 People against Watson. Let the record show all

25 jurors, defense counsel and defendant are present.

26 Mr. Bugliosi, you may proceed.

27 MR. BUGLIOSI: Good morning, ladies and gentlemen.

28 THE JURORS: Good morning.

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MR. BUGLIOSI: When we left off yesterday, we were talking about the fact that the decision as to whether Mr. Watson had the required mental capacity is to be solely and exclusively determined by you folks, not the psychiatrists. In my opinion, all the psychiatrists did in this case was add a lot of confusion.

Let's talk about Linda Kasabian. As I said, Mr. Bubrick said she wasn't a truthful witness. He also tol you that she was an accomplice and, as such, Judge Alexander was going to instruct you that you could distrust the testimony of an accomplice.

With respect to Linda being an accomplice, Judge Alexander will, in fact, instruct you that she was an accomplice, as a matter of law, and there is a rule in the criminal law that no defendant can be convicted of any crime on the uncorroborated testimony of an accomplice.

Judge Alexander will also instruct you, however, that to constitute corroboration, only slight evidence is necessary -- only slight evidence is necessary. It is not necessary to corroborate each fact to which the accomplice testified.

The accomplice rule is really no issue in this case, absolutely no issue whatsoever for the simple reason that even though Linda is an accomplice, unquestionably her testimony has been corroborated -- in fact, by Mr. Watson, himself. He has admitted all seven killings. Believe me, if there was a question as to whether Linda Kasabian was an accomplice, the defense attorneys would have argued this issue

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to you; but, as you recall, they never even argued it to you, they never argued that her testimony was not corroborated, because it is obvious that it had been corroborated, not just by Watson's testimony but by the fingerprints of Watson being found on the outside of the front door of the Tate residence; and, also, Dianne Lake's testimony that Mr. Watson confessed to her.

With respect to Judge Alexander's instructing you that you can distrust the testimony of an accomplice, let's read the entire instruction:

"The testimony of an accomplice ought to be viewed with distrust"--

Now, that's a very unfortunate word right there. This is not Judge Alexander's personal instruction; these are prepared instructions and no one will ever accuse the legal profession of clarity of instruction. By the word "distrust," obviously, which, as I say, is an unfavorable -- it is a very unfortunate term -- the law does not mean "disbelieve."

If the word "distrust" meant "disbelieve," that would mean that Judge Alexander would be telling you to disbelieve Linda Kasabian's testimony, which would be ridiculous, there is no sense in putting her on the stand if you couldn't believe her testimony. The word "distrust" used in this context means that you should view the testimony of any accomplice with caution. This is a standard instruction.

Now, let's read what follows:

"The testimony of an accomplice ought to be viewed with distrust. This does not mean that you

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1 may arbitrarily disregard such testimony but you
2 should give to it the weight to which you find
3 it to be entitled, after examining it with care
4 and caution and in the light of all the evidence
5 in the case."
6 Now, as you can see, this instruction is not
7 telling you to disregard Linda Kasabian's testimony. To the
8 contrary, the instruction specifically disapproves of any
9 such inference.
10 The instruction says that:
11 "After examining the testimony of an
12 accomplice" and if her testimony has been corroborated,
13 you can give her testimony all the weight you want;
14 but first you have to determine whether her testi-
15 mony was corroborated.
16 As I said, there is no question in this case that
17 Linda Kasabian's testimony was corroborated, not just by Tex
18 Watson's own testimony, but by the fingerprints and a con-
19 siderable amount of other evidence; and since her testimony
20 has been corroborated, under the law, you can give her testi-
21 mony all the weight that you want.
22 Mr. Bubrick argued that maybe Linda got her story
23 from Sadie -- Susan Atkins -- and embellished it. He also
24 said that Linda just parroted what Sadie said. Stated more
25 directly, in effect, he argued that maybe Linda Kasabian read
26 Susan Atkins' testimony at the Grand Jury and Linda's testi-
27 mony here at the trial was based on what she read, not based
28 on her own observations.

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Mr. Bubrick has no evidence of this, but he says, "Maybe." Well, I say maybe schmabe. Not only isn't there any evidence, ladies and gentlemen, that Linda Kasabian parroted Susan Atkins' testimony, but if Mr. Bubrick entertained that possibility, then when Linda was on this witness stand, why didn't he cross-examine her as to this point -- but he did not do so.

Furthermore, how would Linda have access to the Grand Jury transcript? She wouldn't.

In effect, Mr. Bubrick is saying that Linda somehow must have gotten hold of the transcript and she testified to her memory of what Susan Atkins said as opposed to testifying as to her own observations. Now, why would Linda have to read Linda Kasabian's testimony? Linda was there, ladies and gentlemen; she was there. Even Mr. Bubrick's own client, Tex Watson, admits Linda was there. Since she was there, why would she have to read Susan Atkins' testimony? She could testify to her own observations.

I might add that Linda's testimony and Susan Atkins' testimony are not identical, they are substantially consistent with each other, according to the testimony of several psychiatrists, but they are not identical; so Mr. Bubrick's contention that Linda parroted Susan Atkins' testimony is just a bare, bald, naked assertion and speculation that is not predicated on one speck of evidence that came from the witness stand -- and, in all deference to Mr. Bubrick, I do not think it is based on logic. She was present; she would have no reason to read someone else's testimony; she

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could testify to her own observation on these two nights of murder.

Now, as you know, Linda testified that Tex drove the car to the Tate Residence. En route, he gave the girl certain instructions; at the scene he was in charge of the girls; after the murders, he told Linda to wipe the fingerprints off the knives and several other things. Tex denies all of these things.

Now, the question is, whom should you believe, Linda Kasabian or Charles Tex Watson?

Well, ladies and gentlemen, if the other evidence in this case was inconsistent with Linda Kasabian's testimony, this would be one thing, but the other evidence in this case is 101 percent consistent and compatible with Linda Kasabian's testimony.

Now, the things I'm about to enumerate prove beyond all doubt that Linda Kasabian told a complete truth on that witness stand.

Let's look at Linda Kasabian's testimony with respect to what happened at the scene of the Tate murders and then let's look and see whether independent evidence, totally independent of Linda's testimony, let's see whether that evidence confirms and corroborates Linda's testimony. If it does -- if it does -- this proves that Linda told the complete truth on that witness stand, and if she was telling the complete truth, then everything she said that Tex Watson did and said, Tex Watson did do and say.

Linda testified that Tex , Sadie, Katie and She

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1 arrived at the TAte residence around midnight and her testi-
2 mony was that the murders occurred shortly thereafter. Let's
3 look at the independence evidence; forget about Linda for
4 the moment and see if this evidence corroborates Linda's
5 testimony:
6 William Garretson testified that Steven Parent
7 visited him around 11:45 p.m., on August the 8th and left
8 around 12:15, a half hour later, on August 9, 1969; obviously,
9 Parent was murdered as he was leaving the Tate premises.
10 Garretson also testified that when Parent was back in the
11 guest-house, he, Parent, called a friend of his.
12 Now, there was a stipulation that Jerold Friedman
13 testified that at 11:55 p.m., on August the 8th, 1969, he
14 received a telephone call from Steven Parent and Parent said
15 that he was alone with a friend and there were some big Holly-
16 wood people on the premises where he was at. Now, it is clear
17 that when William Garretson said he called a friend, the friend
18 whom Parent called was Jerry Friedman.
19 Tim Ireland testified that he heard the screams
20 of a man coming from the direction of the Tate residence
21 around 12:40 a.m., August the 9th and, of course, Rudolf Weber
22 places the incident in front of his home at 1:00 a.m., so this
23 is consistent with Linda Kasabian's testimony -- this is
24 independent evidence, now.
25 Linda testified that Tex shot the man in the car,
26 who we have learned to be Steven Parent, four times; Dr.
27 Noguchi testified that although Steven Parent had five guhshot
28 wounds, two of those wounds, No. 2 and 4, were caused by one

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1 and the same bullet, in that the bullet that entered Steven
2 Parent's left forearm passed through and through his left
3 forearm and reentered his body in the region of the chest;
4 therefore, although there were five gunshot wounds, Steven
5 Parent, according to Dr. Noguchi, was only shot four times --
6 again, independent evidence consistent with Linda Kasabian's
7 testimony.

8 Linda testified that Steven Parent was shot very
9 shortly after she, Tex, Katie and Sadie climbed around the
10 front gate of the Tate residence, Parent's car approached the
11 front gate and Tex Watson's testimony was essentially the
12 same thing; however, Linda goes on and says that after Tex
13 shot Mr. Parent, he turned the ignition off on the car and
14 pushed the car. She said he pushed the car in the direction
15 of the house.

16 Well, when the police arrived the following morn-
17 ing, they found Parent's car certainly not near the front
18 gate, but in the direction of the house; so unquestionably it
19 had been pushed from the vicinity of the front gate to where
20 they found it on Saturday morning, so someone pushed that car.
21 Tex Watson denies that the car was pushed. Linda says that
22 it was pushed. The physical evidence corroborates Linda's
23 testimony.

24 Officer DeRosa also testified that when he arrived
25 on the premises on the morning of August the 8th, the ignition
26 to Parent's car had been turned off -- that's the morning of
27 August the 9th, rather.

28 Linda also testified that after Parent was shot and

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she was alone down by Parent's car, while Tex, Sadie and Katie were inside the Tate residence, she glanced inside the car. She glanced inside the car and she noticed that the man, who is Steven Parent, his head was slumped to the right. Here's People's 42 for identification. You'll notice that Steven Parent's head is, in fact, slumped to the right. Again, independent evidence consistent with Linda's testimony.

Linda testified that there was a large outside light on a building in the driveway of the Tate premises. Now, that building was identified as the garage; and she identified the light on the garage in People's 6 for identification, this light right here. This is the garage, and she testified that this light was on. Here's the garage right here.

So, Linda observed a large outside light on on this garage. Winifred Chapman testified that when she arrived on the premises on August 9, 1969, that light was, in fact, on and she had to turn it off -- again, independent evidence consistent with Linda's testimony.

Linda testified that Tex cut the screen on one of the windows to the right of the front door of the Tate residence and she said he cut it this way, which is horizontally. She identified this photograph, People's 26, as being the window and screen where Tex was attempting, of course, to enter the Tate residence. It is a horizontal slit on the screen.

Officer Whisenhunt testified that when he arrived at the scene on the morning of August the 9th, the screen on the window to the right of the Tate residence was on the ground and there was a horizontal slit on the screen; and Whisenhunt

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identified the same windows Linda did in People's 26; Again, independent evidence.

Linda testified that Frykowski first came out the front door of the Tate residence -- or, when she first saw him come out the front door, he stood by a post momentarily and then he fell on some bushes to his left. This photograph here, People's 94, depicts some damaged bushes to the left of the front door of the Tate residence.

Sgt. McGann of the Los Angeles Police Department says that this photograph was taken under his direction and this was the condition it was in when he arrived on the premises in the morning; and he said it looked like the bushes -- that someone had fallen onto the bushes, which is right to the left of the front door as one exits the residence; again, independent evidence corroborating Linda's testimony.

Linda testified that when she was near the front of the residence, she observed there was a light on near the front door. This is depicted in People's 111 for identification, a small little photograph here. You'll notice there is a light right to the right of the front door as one exits the front door -- looking at the residence, it is to the left of the front door.

Officer Whisenhunt testified that when he arrived on the premises on the morning of August 9th, this light was, in fact, on; again, independent evidence corroborating Linda's testimony.

Linda testified that she saw Tex stab Frykowski several times in the back while Frykowski was on his hands and

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knees on the front lawn of the Tate residence. Dr. Noguchi testified that Frykowski had five stab wounds to his back; again, corroborating evidence.

Linda testified that Tex told her that he had broken the grip on the revolver when he, quote, hit the man over the head, unquote.

Of course, we know that Wojiciech Frykowski was struck violently over the top of his head with a hard object, undoubtedly People's 40, the revolver; and we know that the right-hand grip of that revolver did break off at the scene; again, independent corroborating evidence.

Linda testified that at around the time she observed Tex stab Frykowski, she observed Patricia Krenwinkel further down the lawn chasing after a girl with an upraised knife; and she said the girl -- I'm missing a photograph, People's 88, I believe -- she said that the girl had a white gown on and she had black hair. We'll get the photograph of Abigail Folger shortly.

Here's the photograph of Abigail Folger on the front lawn of the Tate residence; and you'll notice that Miss Folger is wearing a white gown and she does have black hair; again, testimont corroborating Linda's testimony -- or, evidence corroborating Linda's testimony.

Linda testified that at the time she identified this photograph during the first trial -- she testified during this trial that at the time she identified this photograph during the previous trial, she had not yet seen a photograph of Abigail Folger or any of the other victims at the scene of

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1 the murder.

2 I showed Linda an aerial photograph of the Tate
3 residence, People's 7 for identification; and Linda confirmed
4 -- Linda confirmed where she placed X marks on this photograph
5 during the first trial. She placed X marks where she saw
6 Watson stab Frykowski and where she saw Patricia Krenwinkel
7 chasing after Abigail Folger. Now, where she placed these X
8 marks is consistent with where the bodies were found the follow-
9 ing morning, as depicted on People's 8 for identification.

10 This is Frykowski; this is where Frykowski's
11 body was found. This is where Miss Folger's body was found.
12 The location of the bodies on People's 8 is consistent with
13 where Linda Kasabian said she saw these actions taking place.

14 Now, with respect to where Linda testified she
15 saw Patricia Krenwinkel chase Abigail Folger, note that Miss
16 Folger was in the vicinity of the back of the house near the
17 pool area. This is consistent with Linda's testimony.

18 I think what probably happened, I think this is
19 the most reasonable inference, Miss Folger ran out this back
20 door, the master bedroom, the one leading to the pool and
21 Patricia Krenwinkel in chasing Abigail Folger out the back
22 door, undoubtedly placed her fingerprints on the inside of
23 that back door. As you recall, there were 17 points of identity
24 connecting the fingerprint exemplar with the latent fingerprint
25 found at the scene. Unquestionably, these were her prints.

26 Also, Officer Granado -- he's now an agent,
27 apparently, with the FBI -- testified that Type B blood,
28 which was Abigail Folger's blood type, was found on the rug --

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1 on the rug at the bottom of this back door, the one leading to
2 the pool. Type B blood was found on the door, itself, the back
3 door, and it was also found on the pathway outside the back
4 door; so, what happened, unquestionably -- certainly, most
5 reasonable inference -- Abigail Folger ran out that back door
6 leading to the pool; Krenwinkel chased after her and finally
7 caught up with her where her body was finally found by the
8 police the following morning.
9 You also recall that Winifred Chapman and Officer
10 DeRosa testified that when they arrived on the premises in the
11 early morning hours of August the 9th, they noticed that that
12 bac k door, the one leading to the pool, was open. I'm sure
13 that Krenwinkel didn't come back and close the door after she
14 was chasing Folger.
15 Here's just one little point that might disturb
16 you a little bit -- I don't think it should disturb you at
17 all, but I'll devote a little time to it.
18 Officer Granado testified that Sharon Tate's and
19 Jay Sebring's blood were found outside in front of the Tate
20 residence. As we know, their bodies, Sharon's body and Jay's
21 body, were found inside the Tate residence.
22 Now, is that inconsistent with Linda's testimony?
23 You have to realize that Linda did not testify, ladies and
24 gentlemen, that she was in front of that Tate residence
25 throughout these entire murders. She was down by Steven
26 Parent's car; she heard some loud screams emanating from inside
27 the Tate residence and she ran up to the residence.
28 Now, Sharon and Jay may have run outside the front

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door onto the front lawn of the Tate residence while Linda was down by the car or, as you recall, after Linda saw Tex stab Frykowsi, she ran down to the bottom of the hill to Johnny Swartz' car.

Sharon and Jay may have run outside after Linda ran back to the car, but I don't think that happened; and the reason I don't think that happened is that not even Tex Watson, in his testimony, indicated that, or even remotely suggested, that Sharon and Jay ran outside of that house. So, there is no evidence that they ran outside of the house.

The only reasonable explanation I can think of is that Jay and Sharon, or course, bled very profusely. In fact, the cause of death, according to Dr. Noguchi, of Jay Sebring, was exsanguination, which is a medical term literally meaning bleeding to death. There was a virtual river of blood inside that residence.

What probably happened is, Frykowski, before he ran outside, or Tex, Sadie or Katie, before they ran outside, probably stepped on Sharon or Jay's blood and carried the blood outside with them on their feet or shoes.

Linda testified that when Tex, Sadie and Katie returned to the car at the bottom of the hill, Tex got angry with Sadie for losing her knife inside the residence, which is People's 39, the buck knife that Linda took with her to Spahn Ranch on July 4, 1969, when she joined the family; and, lo and behold, People's 39, the buck knife, was, in fact, found on top of a chair inside the living room of the Tate residence; again, corroborating Linda's testimony.

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1 Linda testified that as Tex, Sadie, Katie and she
2 were driving away from the Tate residence, quote, Sadie said
3 that her hand hurt, something about that when she was stabbing
4 that, you know, that she came across bones and it was hard and
5 it hurt the palm of her hand -- poor, little, sweetheart,
6 Katie, she hurt her hands.
7 Dr. Noguchi testified that the autopsies disclosed
8 that the knives used to murder the Tate victims did penetrate
9 the bones of all the victims with the exception, of course,
10 of Steven Parent, who was shot to death -- again, this is
11 evidence which is totally consistent with Linda's testimony.
12 Linda estimated the dimensions of the blades on
13 two out of the three knives in the car -- the third knife was
14 People's 39, the buck knife -- and her estimated dimensions
15 were very close to the dimensions on the blades of the murder
16 knives as estimated by Dr. Noguchi.
17 Now, these things that I've just mentioned, ladies
18 and gentlemen, prove beyond all doubt -- not just beyond a
19 reasonable doubt -- beyond all doubt that Linda Kasabian was
20 an extremely truthful witness, who was a highly accurate wit-
21 ness; and it just wasn't with respect to the occurrences at
22 the Tate residence that Linda Kasabian's testimony was corrob-
23 orated. All of her testimony was corroborated by independent
24 evidence.
25 For instance, Linda testified to 10 or 15 things
26 which took place in front of Rudolf Weber's residence during
27 the hosing incident; and when Weber took that witness stand,
28 his testimony was very, very substantially consistent with

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1 Linda's testimony.

2 The truthfulness even extended to the La Bianca
3 murders. What could possibly prove, ladies and gentlemen, that
4 Linda Kasabian was telling the truth more with respect to the
5 La Bianca murders than the fact that out of the literally
6 thousands of gasoline stations in Los Angeles County, Rosemary
7 La Bianca's wallet was found in the same gasoline station and
8 in the same precise place at that gas station that Linda
9 testified she left it; to wit, on top of the overflow valve?

2f. 10 Now, all these things, ladies and gentlemen, prove
11 that Linda Kasabian told the complete truth on that witness
12 stand; and if she told the truth about these things -- and we
13 don't think, we know she told the truth, because her testimony
14 was corroborated -- if we know she told the truth about all of
15 those things, this couldn't possibly be better evidence for the
16 proposition that she told the complete truth about everything,
17 including what Tex Watson did and said on these two nights of
18 murder.

19 When Linda testified, for instance, that Tex told
20 the girls to hide in the bushes, then later on he told her to
21 go to the rear of the house to check to see if there were any
22 open windows or doors, and later he told her to wipe the
23 fingerprints off the knives, there is no reason under the moon
24 to disbelieve her testimony.

25 If Tex, for instance, didn't tell her -- just for
26 instance -- if he didn't tell her to wipe the fingerprints off
27 those knives, why would she say he did? What possible thing
28 would she have to gain by it? Why would she say he did these

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if he, in fact, did not do them?

Now, Mr. Bubrick argued that Linda was the only one in the group that had a driver's license and he suggests from that that Linda drove the car, forgetting that his own client, Charles Tex Watson, also had a valid driver's license. This is from 1968 to 1970; it is a valid driver's license. There was no reason why Tex couldn't have driven the car, also.

If Linda had driven to the Tate residence, ladies and gentlemen, not Tex -- now, Linda says that Tex drove; Tex says that Linda drove -- if Linda had driven to the Tate residence, why would she have said that Tex did? What reason would she have had to conceal this? She never concealed the fact that she drove the car on the night of the Tate murders; she said she drove from the gasoline station back to Spahn Ranch and on the night of the LaBianca murders, she said she did most of the driving; so Linda wasn't concealing the fact that she drove the car.

She, in fact, had driven the car, this wouldn't have been a big deal; she would have said so. She said Tex drove the car because Tex did, in fact, do so.

You know, unwittingly and unknowingly, Tex Watson, himself, ladies and gentlemen, testified to the truthfulness of Linda Kasabian's testimony and I say that because, by and large -- by and large, whatever Linda said happened at the Tate residence, Tex Watson, when he took that witness stand, he confirmed. Theonly areas where he conveniently departed from her testimony was where she testified that he did and said certain things. For instance, "Linda, wipe the

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fingerprints off the knives before you throw them out of the car," but apart from that, apart from where she was putting the hat on him for specific things, he corroborated her testimony.

I might add, ladies and gentlemen, by way of footnote that there was no evidence that came from that witness stand that Linda Kasabian had anything at all against Charles Tex Watson. To the contrary, Linda testified that she got along fine with Tex and never had any arguments with him; and Dr. Fort, in reading thousands of pages of Linda's testimony during the previous trial, came to the conclusion that not only did Linda have nothing against Tex, but she seemed to have some concern for him.

Now, in view of the fact that Linda apparently liked Tex, that's just a further reason why she would have no reason whatsoever to say he did these things if he did not do them.

What about Tex Watson's testimony as opposed to Linda's testimony? Well, Mr. Bubrick said that Tex strained to tell the truth on the witness stand; he said he told the whole truth. Well, Tex, ladies and gentlemen, as opposed to Linda Kasabian, had every reason in the world to take liberties with the truth and lie on that witness stand. He's on trial for his life; he's fighting for his life; he's facing a possible death penalty: every reason in the world to lie.

The incredible Dr. Frank, Tex has the character to kill seven people but he says, "I don't think he has the character to lie." We talked about that in depth yesterday.

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It was so obvious, ladies and gentlemen, that Tex Watson was lying on that witness stand that a blind man could see through him -- a blind man could, it was so obvious. It was obvious what his objective was on that witness stand: to convince you folks that on the night of these murders his mind had taken leave of his body, that he had no mind at all. That was his objective. The only think that he would admit doing was having a knife and a gun in his hand and stabbing blobs or objects with the knife and shooting blobs or objects with a gun. Anything that required the smallest mental activity that would show he was thinking, he just categorically denied.

Now, look at what he denied -- I'm going to go down the list;

He denied driving to the Tate residence -- now, even driving, of course, requires a certain amount of thinking. If he drove to the Tate residence, he would have had to have thought on how to get to the Tate residence from Spahn Ranch.

He denied telling Linda to wrap the knives and the revolver up and throw them out the window if they were stopped by the police.

He denied telling Sadie and Katie and Linda that he had been to the Tate residence, knew the layout and instructed them to do whatever he told them to do.

He denied that it was his idea to cut the telephone wires; he said Manson told him to do that at Spahn Ranch and at the scene the girls told him to do that.

He denied that it was his idea to shoot the driver of the car; he said one of the girls told him to do that.

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He denies pushing the Parent car.

He denies telling Linda to go to the rear of the house to check for open doors or windows.

He denies cutting the screen on the front window.

He denies tying the rope around Sharon and Jay's necks.

He denies getting angry at Sadie for losing her knive inside the residence.

He denies getting angry with Linda for running back down to the car.

He denies that it was his idea to wash the blood off their bodies.

He denies telling Mr. Weber that the car wasn't their car and they were just walking.

He denies running away from Mr. Weber; he says he walked away.

He denies telling Linda to wipe the fingerprints off the knives.

He denies telling Linda to throw the knives and the clothing out of the car.

He denies telling Sadie and Katie to wash the rest of the blood off their bodies at the gasoline station.

When they got back to Spahn Ranch, he denies telling Manson what happened -- but he slipped up, of course, when he told Dr. Fort that when they got back from their mission of murder, he reported to Charles Manson, and it is so very obvious that Manson sent these people out to commit mass murder; and they did murder five people, which is mass murder.

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1 Obviously, when they returned from their mission
2 of murder, he was going to be waiting for them to find out what
3 happened. He denied it on the witness stand, but he slipped
4 up and told Dr. Fort that he did report to Manson.
5 The second night he denies telling Manson that
6 they needed better weapons than they had the night before;
7 and so on and so on.
8 After the murders -- after the murders -- he denies
9 telling Barbara Hoyt not to say anything to anyone about
10 Griffith Park.
11 He denies telling Barbara Hoyt that they had been
12 to a love-in in Griffith Park.
13 He denies telling Dianne Lake that he had stabbed
14 Sharon Tate to death and that Sharon pled for her life.
15 He denies telling Dianne Lake that it was fun to
16 kill these people.
17 He denies making Dianne Lake promist not to tell
18 anyone what he had told her.
19 He denies buying a newspaper every day up in
20 Olancha.
21 He denies running into the bushes when Deputy Cox
22 approached. He says he walked.
23 He denies getting angry with Dianne Lake for tell-
24 ing Deputy Cox that his name was Tex.
25 He denies telling Barbara Hoyt, Kitty Lutesinger,
26 Ruth Moorehouse and a girl named Simi Valley Sherry how to
27 stab someone to death.
28 Anything that showed that he was thinking, that he

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1 had a mind, he denied.

2 He even denied telling Linda Kasabian to steal

3 that money when she first came to Spahn Ranch.

4 Now, Tex Watson's testimony wasn't only in conflict

5 with Linda Kasabian's testimony, ladies and gentlemen; it was

6 in conflict with the testimony of Dianne Lake, Barbara Hoyt,

7 Rudolf Weber and Deputy Cox.

8 Not only wouldn't Linda have any reason under the

9 moon to lie about Tex Watson, but what possible reason would

10 Dianne Lake, Barbara Hoyt, Deputy Cox and Rudolf Weber have to

11 lie about Charles Tex Watson? Is there some type of giant

12 conspiracy against that man that they all got together in the

13 back room of Joe's Cafe and said, "Let's go out and get Tex"?

14 What reason would these people have to lie about

15 him? Absolutely no reason; they wouldn't have the slightest

16 reason to lie about him, but he has every reason in the world

17 to lie. He's fighting for his life and people lie for much,

18 much less reason than that. Sometimes people lie for no reason

19 at all.

20 Not only did his testimony disagree with the other

21 people I have just mentioned, his testimony was in conflict

22 with even Juan Flynn's testimony. Tex denied firing People's

23 40, the murder revolver, out at Spahn Ranch or any other time.

24 Juan Flynn said he saw Watson practice fire with that revolver

25 out at Spahn Ranch and Barbara Hoyt testified to the same

26 thing.

27 Why would someone like Dianne Lake say that Watson

28 made her promise not to tell anyone what he told her, if he

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1 didn't do this? What conceivable reason would she have to do
2 so; why would Barbara Hoyt have any reason under the stars to
3 testify that Tex told her and these three other girls how to
4 stab a human being to death, if he hadn't done it? Do you
5 think Barbara Hoyt said to herself, "Well, I've got myself a
6 subpoena here on the State of California. I think I'll make
7 up a story. I think I'll say that sometime between Myers
8 Ranch and Barker Ranch, Tex told me how to stab people to
9 death."
10 Of course not. That's ridiculous. People like
11 Linda Kasabian and the others have no reason at all to lie,
12 nothing to gain by it. Tex has quite a bit to gain by lying
13 on that witness stand. He's alleging diminished mental capacity,
14 that's his defense; so, any act at all which would show he had
15 any capacity to think, he denied.
16 As Paul Watkins so perceptively observed, ladies
17 and gentlemen, Tex Watson "plays dumb, but he's not"; he's
18 as dumb as a fox.
19 As I said earlier, these doctors at Atascadero on
20 a day-to-day basis, this is their job, they observe people
21 who are either mentally ill or claiming mental illness. They
22 can small a phony a mile away as he's coming down the plank.
23 They looked at this guy and said, "He's a fraud.
24 He's a phony. He's feigning mental illness." That's their
25 job.
26 This testimony by Dr. Owre couldn't possibly be
27 more illuminating. He concluded that Watson was malingering:
28 "Q. Did you find any other basis or was

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1 there any other basis for your conclusion that
2 Mr. Watson was malingering?
3 "A. Yes. During the time of the inter-
4 view, he would play the perfect fool, so to speak,
5 by keeping his mouth open and by slurring his
6 speech and by really pulling a Charlie McCarthy
7 or Mortimer Sneard act, is the only way I could
8 put it. It was not the open mouth of the
9 deteriorated schizophreniz; in other words, it
10 was the simulation of this.
11 "Q You formed that opinion?
12 "A. Yes."
13 Listen to this:
14 "And so I had this checked out on the ward
15 and had him observed closely over a prolonged
16 period of time by his ward technicians on Ward
17 14 and when he was observed he would close his
18 mouth and interact normally and converse normally
19 with the other patients. This was a repeated
20 finding.
21 "And these technicians reported back to
22 you?
23 "Yes."
24 I think this one thing up at Atascadero, all by
25 itself -- all by itself -- shows Watson knows exactly what is
26 going on and he's cleverly attempting to feign mental illness.
27 Why? It's about the only defense he has. He's
28 admitted these killings, so he has to go the route of diminished

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capacity. If he would feign mental illness up at Atascadero, don't you think he would have all the more reason here in this courtroom during this trial to take that witness stand in front of you folks and, in effect, tell you that he had no mind at all on the nights of these murders and he was completely psychotic?

He's no dummy, ladies and gentlemen; he's no dummy.

Dr. Bramwell, the chief psychologist at Atascadero, concluded that Watson was of average to above average intelligence; Dr. Bailey said he was intelligent; Dr. Fort said he was above average intelligence; Ecklund also said he was intelligent; but Tex wants you to think that he has the mind of an infant, that he's suffering from all types of intellectual hernias. Well, he's not.

You saw Tex on that witness stand. He was clever. Every question I asked him he measured it; he measured every word. He put it on a scale before he answered; he shadow boxed with me and if I ever had him on the rope he said, "I can't remember." He only remembered what he wanted to remember. He remembers what he claims Manson told him when Manson sent them out. He remembers what he claims the girls told him at the scene of the murders, but doesn't remember telling the girls anything. He claims he was blacked out during these murders, blacked out half the time and was heavily doped up on narcotics.

Yet, he slipped up. When he did remember incredible details, he slipped up. He shouldn't have said that. He shouldn't have mentioned some of the details. It wasn't

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consistent.

He said that when he and the three girls were walking up that long, winding driveway, two girls were in front of him and he and another girl were to the rear, walking behind them. That's quite a detail to remember, something like that.

Listen to this: He even remembers how Sharon Tate and Jay Sebring were lying on the floor in front of the couch. He testified that one body was, quote, perpendicular to the couch, unquote; the other body -- this is his testimony, now -- laying at the end of the couch toward the room where they came out of, perpendicular to the end of the couch, unquote.

Do you think a man who was heavily doped up on drugs, as he claims to have been, and blacking out off and on, would remember incredible details like that?

Tex Watson went on to say near the end of his testimony in cross-examination:

"Q After these murders, Tex, were you hiding from the police at all?

"A No, I was not.

"Q When you went to Mexico and Hawaii, were you hiding?

"A No, I was going back to Charles Manson, trying to.

"Q Did you think he was in Hawaii?

"A No, I ended up in the desert. I was kind of -- I couldn't pull, you know, to him, and then something would always tell me not to go back

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1 and something would tell me to go back and I
2 ended up back there, but he wasn't there.
3 "Q. But you knew he wasn't in Hawaii?
4 "A. That is true.
5 "Q. Why did you go to Hawaii?
6 "A. I guess I was running from him, kind
7 of, you know. I don't really know why.
8 "Q. Running from him? He just said that
9 you went to him, Tex.
10 "A. Well, I was going to him and sometimes
11 my mind, it was in a state of confusion-like, I
12 was all messed up.
13 "Q. During this period of time between
14 the time of the murders and the time you were
15 arrested, did you want to be arrested?
16 "A. I had no thought about being arrested,
17 really.
18 "Q. Were you hoping the police wouldn't
19 find you, Tex?
20 "A. I had no thought of it, no.
21 "Q. But you had enough thought not to tell
22 anybody; is that right?
23 "A. I never did really know that it was
24 real, just wasn't real to me in any way."
25 According to Tex, he wasn't running from the police
26 and he wasn't even hoping that the police wouldn't find him.
27 If anyone were gullible -- if anyone were gullible
28 to believe that nonsense from this man, they were that gullible,

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they would believe someone who told them that they saw a person walking in procession at his own funeral.

Tex has been in custody for these murders since December of 1969. He has had over a year and a half to think about how to weasel out of full responsibility for these murders, and he came up with a very, very simple plan -- very simple plan: deny everything that shows that he was in charge of the girls; deny anything that showed he was thinking at all during these murders; and deny anything that shows that he was taking measures to avoid detection.

Well, you don't put seven precious human beings in their graves by brutally murdering them and then escape full responsibility for these murders by taking the witness stand and simply denying things like that. It is not quite that easy, and when you folks come back into this courtroom with your verdict of first degree murder, you are going to tell Tex Watson, it is not quite that easy.

One of the basic disagreements between Linda's testimony and Charles Watson's testimony is that Watson claims that once the group left Spahn Ranch, he simply did what the girls told him to do; whereas Linda's testimony clearly showed that Watson was in charge.

Now, all of the things that Linda testified that Watson did and told the girls to do, shows that Manson thought of Watson as being his chief -- his chief lieutenant and in charge of the girls, once they left Spahn Ranch; and Manson's conduct, ladies and gentlemen, is consistent with the proposition that he considered Tex to be his chief lieutenant.

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On the night of the Tate murders when Manson told Linda to get her knife, a driver's license and a change of clothing, he told her to go along with Tex and do whatever Tex told her to do. He didn't tell her to go along with Sadie and Katie and do whatever Sadie and Katie told her to do; and when they were about to drive off from the parking lot, while Sadie, Katie and Linda were already inside the car, Manson and Tex were still outside the car talking. They weren't talking about the price of tea, ladies and gentlemen, in China; Manson was giving Watson some last minute instructions.

When they returned from the mission of murder, Manson tells the three girls to go into the bunk room. Tex and Manson walk in later on, together. When they finally all did arrive inside the bunk room, the girls didn't report to Manson; Tex Watson did.

With respect to his reporting to Manson, I am sure that some or all of you men on the jury probably have served in the armed services during wartime or peacetime; and, as you know, when a sergeant or an officer sends his troops out on a mission, when they come back, the troops report to the sergeant or officer and he evaluates their performance. It is called a critique; and I suggest, ladies and gentlemen, that Manson conducted somewhat of a critique in this bunk house after Tex and the others returned from the Tate murders.

His principal butcher, Tex Watson, reported to Manson, quote, there was a lot of panic and it was real messy and bodies were laying all over the place; but they were all dead, unquote. In other words, Watson was saying to Manson

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"Mission accomplished, sir; mission accomplished."

"There was a lot of panic and it was real messy" -- that's got to be the understatement of the millennium or, at least, the last several centuries. What happened in the early morning hours of August 9, 1969 at 10500 Cielo Drive, you don't even see in horror films.

The thought, the mere thought of Watson, Atkins and Krenwinkel dressed in black clothing, armed with sharp knives, entering that Tate residence in the depth of night and stabbing the victims over and over again in the heart and the lungs, the unbelievable frenzy and wild hysteria that must have taken place, the victims screaming out into the night for their lives, the river of blood that must have flowed from their bodies, all of this is too horrendous a thought for the average mind to even contemplate for even a moment; it's too powerful. The horror, the terror, the savagery, the scene of human slaughter is unbelievable.

The very moment that Sharon Tate, Abigail Folger, Wojiciech Frykowski and Jay Sebring died, the horror and terror must have been frozen on their faces, and Watson says, "There was a lot of panic and it was real messy, boss."

It is obvious that once the group left Spahn Ranch, Watson gave orders to the girls, not vice-versa; moreover, it would have been totally out of character, totally out of character in Manson's family for Watson to be taking orders from those girls.

Linda, Dianne Lake, Barbara Hoyt, Paul Watkins, Brooks Poston, Juan Flynn, all testified that the inflexible

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1 ironclad rule in that family is that the girls obeyed the men
2 and did whatever the men told them to do. You could analogize
3 it to a patriach family.
4 Barbara Hoyt came right out and said the girls
5 were slaves to the men, not just to Charlie but to all the
6 men; Tex was no exception to this rule. Linda testified on
7 many occasions she saw Tex tell the girls to do certain things,
8 "Get me a cup of coffee"; "Clean a tool," et cetera.
9 Barbara Hoyt said the same thing, but no witness
10 ever saw any girl out at Spahn Ranch tell Tex Watson what to
11 do.
12 We have that incident in July 1969 where Kathryn
13 Gillis goes to the beach without permission. She comes back
14 and Watson tells her, "The next time you go without permission,
15 I'm going to kill you"; so, for the girls to be ordering or
16 telling Watson what to do at the scene of these murders, as
17 Watson claims, would be totally inconsistent with life in
18 Charlie Manson's family.
19 In any event, even without that fact, just looking
20 at Linda's testimony, alone, it conclusively proves that
21 Watson called all of the shots and the girls were following his
22 instructions. We don't only have Linda's testimony on this
23 point, ladies and gentlemen. Rudolf Weber, a completely
24 independent witness, testified that when he confronted these
25 four people in front of his residence and he had a conversation,
26 only the man speaks -- that man, of course, is Tex Watson.
27 The three girls didn't say boo, just the man spoke.
28 Dr. Hochman, who examined Susan Atkins, Patricia

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Krenwinkel and Leslie Van Houton during the last trial, had this to say:

"Q Do you have an opinion, Doctor, as to the significance of any of Mr. Watson's role in this matter as far as the girls were concerned?

"A Well, yes, I think Mr. Watson acting as Mr. Manson's field agent, if I can say it that way. He was emotionally a substitute for Manson on the spot. I think that, in fact, some of the emotional need was that he do that, identify with Manson and be his alter ego, in a sense. I think that, therefore, Watson was very definitely was functioning in the role at the time of the murders for the girls; he was the substitute figure for Manson, but, on the spot."

Again, it is clear that Watson is lying when he says the girls ordered him around, just like he's lying when he says he blacked out at the scene of the murders.

He can't lie down and play dead, so he's got to fabricate what he believes to be mitigating circumstances.

But, let's assume, ladies and gentlemen -- let's assume, arguendo -- which is a Latin term that lawyers use all the time, meaning "for the sake of argument" -- let's assume Watson is telling the truth and the girls did tell him what to do at the scene of the murders: So what? He's still as guilty as sin of first degree murder, assuming that he is telling the truth, it is no defense to first degree murder, as I went into yesterday in great depth, that someone else told you what to

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do. The fact that the girls may have told him what to do, and there is no question that they did not do that -- but, even assuming that they did, this, in no fashion insulates or immunizes Tex Watson from a conviction of first degree murder.

Mr. Keith says that LSD is a very horrible drug, and certainly, it is; and if the other drugs that Watson took had a monumental effect upon him. He said Watson was a nice guy before he got involved with drugs. Mr. Keith also says that LSD tends to destroy moral fiber and values; and Dr. Ditman, of course, did testify that LSD does tend to markedly change a person's values, among other things, besides making the person ingesting the drug apparently less materialistic, it frequently causes a person to have less appreciation for the law.

"Do they change normally with respect to their view about the law under which we live?

"A. I have seen cases, yes, who have done that; yes, very much so.

"Q. It is very common, isn't it?

"A. Yes.

"Q. They tend to view the law as something that really is not necessary, something that they do not have to live by?

"A. Yes. They feel it is something without understanding, as rigid, not getting the great truths that they have."

Well, even assuming that this is true, if an LSD user, ladies and gentlemen, with changed values about the law

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1 goes out and commits some crime, the fact that LSD may have
2 been one of the contributing factors in making him change his
3 mind about the law and have less appreciation for it, obviously
4 is no defense to first degree murder.
5 Likewise, assuming that Watson's ingestion of LSD,
6 together with Manson caused him to change his values, this is
7 legally -- legally -- irrelevant. Literally hundreds of
8 thousands people have ingested LSD -- Dr. Fort says over a
9 million people -- when it first came out only the fringe
10 elements of society ingested LSD but now it is very common.
11 Its use has penetrated all social, economic barriers. Our
12 society can't give people who use LSD some type of credit.
13 They are just as responsible for their crimes as anyone else.
14 It should also be pointed out, what Dr. Fort said,
15 that LSD, alone, does not change a person's values. He says,
16 "The change in value structure is attributable to the inter-
17 action between the drug and the already existing" -- the
18 already existing -- and I underline the word "already" -- "the
19 already existing personality and value structure of the person."
20 He added that mind-altering drugs would never so
21 alter the thinking of the person that by themselves the drug
22 could be said to produce a certain kind of crime.
23 I'd like to point out this, too, ladies and gentle-
24 ment: The defense attorneys have made a very big issue about
25 how LSD allegedly damaged Watson's personality and character.
26 What they didn't add, and I think they should have added, is
27 that Watson voluntarily took LSD and all of these other drugs;
28 no one forced him to do it. He took these drugs because he

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1 wanted to do it. In fact, he smoked marijuana and ingested
2 LSD before he even became involved with Charles Manson.
3 Let's go on to a more important issue: Mr. Bubrick
4 argued that besides Manson, the reason that Watson committed
5 these murders was because of the effect of the drugs and the
6 effect that they had on him at the time; and Mr. Watson, of
7 course, claims -- Mr. Watson claims that during these murders,
8 he was under the influence of LSD and several other drugs.
9 Now, all the defense psychiatrists agreed that
10 they had no way of knowing whether Tex Watson was under the
11 influence of drugs at the time of these murders. They based
12 their information solely on what he told them. He was the
13 beginning and the end of their source of knowledge.
14 Now, assuming, again, arguendo, that Tex Watson
15 was under the influence of drugs in the first place, being
16 under the influence of drugs is not an automatic defense for
17 first degree murder.
18 If it were a defense, then a person could premed-
19 itate a murder and, just before the murder, ingest drugs and,
20 since at the time of the murder drugs were in his system, he
21 couldn't be convicted of first degree murder; he'd have a
22 built-in immunity. There would have to be a provision in
23 Section 189 of the Penal Code, the first degree murder statute,
24 that anyone who commits murder while having LSD in his or her
25 system could not be convicted of first degree murder. For
26 all intents and purposes, this would eliminate first degree
27 murder in California and also the death penalty, since all
28 killers, of course, would ingest these drugs.

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1 Well, of course, there is no such law. In the
2 second place, and I think much more importantly, with the
3 exception of that speed tablet on the night of the LaBianca
4 murders, it is very obvious that Tex Watson was not under the
5 influence of drugs at the time of these murders; and this is
6 obvious for various reasons:
7 No. 1, and the very most important reason, it is
8 unreasonable and unrealistic to believe that if he had all the
9 drugs in his system that he claims he had, that he would be
10 able to do what he did on these two nights of murder.
11 I asked Dr. Frank how a person would act if a
12 person had all the drugs in his system that Tex claims he had:
13 "Q. If a person took belladonna, cocaine
14 and speed and LSD, had all of these powerful,
15 dangerous drugs in his system, would it be
16 obvious to another person with him that some-
17 thing was wrong?
18 "A. I would suspect it would be, yes.
19 "Q. In what way would it be obvious?
20 In other words, what would a person with all of
21 these drugs in his system do? What symptoms would
22 he have that would cause another party to look
23 at him and say, 'There's something wrong with
24 that guy'?
25 "A. Well, I would suspect that at first
26 he would become irritable, then hyperexcitable;
27 he'd become very restless, would tend to move
28 around a great deal, especially small movements

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of his hands and tremors. He might tend to become confused, find it difficult to communicate; sometimes his thoughts would be racing so fast that he might not be able to complete a sentence.

"Q Would you expect a certain lack of coordination?

"A Yes, I would.

"Q The combination of all these drugs would make it obvious, then, in your opinion, to another party to look at this person and say, he's under the influence of something; is that correct?

"A Yes, I would certainly think so."

THE COURT: Excuse me, Mr. Bugliosi. I think we better have our morning recess at this time.

Ladies and gentlemen of the jury, we will have our morning recess at this time and, once again, please heed the admonition heretofore given.

(Recess.)

THE COURT: People against Watson.

All the jurors, counsel and the defendant are present. You may proceed, Mr. Bugliosi.

MR. BUGLIOSI: I was just reading from Dr. Frank's testimony on how a person would act if he had all these dangerous, powerful drugs in their system, and obviously would have a tremendous effect upon the person.

Let's look at Linda's testimony; let's see if Tex

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1 was acting this way:

2 "Q. Linda, on either night, either the

3 night of the Tate murders or the La Bianca mur-

4 ders, did Tex seem dazed at all?

5 "A. I don't understand.

6 "Q. Did he seem dazed at all?

7 "A. Dizzy, no, I don't think so.

8 "Q. Did he stagger when he walked?

9 "A. No.

10 "Q. And he spoke to you, of course; right?

11 "A. Right.

12 "Q. Was his speech slurred in any fashion?

13 "A. No.

14 "Q. Did he speak coherently to you?

15 "A. Yes.

16 "Q. Did he act crazy?

17 "A. Just when I saw him stabbing, yes; that

18 was pretty crazy.

19 "Q. Other than when he was stabbing did he

20 act any differently on the nights of the Tate-La

21 Biance murders than he had acted previously in the

22 months that you knew him?

23 "A. No.

24 "Q. Did he appear to be in control of him-

25 self on both nights?

26 "A. Very much so; very much so, yes."

27 This is Dr. Fort's testimony:

28 "Q. Doctor, in your opinion, and from what

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1 Mr. Watson told you, is there anything in the
2 actions described by Mr. Watson from which you
3 could make a diagnosis that he was under the
4 influence of any drugs on the nights of the
5 Tate-La Bianca murders?
6 "A. No, there was nothing he described
7 in his actions on either night that would be
8 indicative of being under the influence of a
9 drug.
10 "Q. You just flatly reject the idea that
11 Mr. Watson could have ingested any dangerous drugs?
12 "A. I don't flatly reject it, no. There
13 just was no specific indication either from what
14 he told me or from what others have testified to
15 that he was under the influence of any drugs on
16 those days."
17 Let's look at some of the things Tex did and said,
18 ladies and gentlemen, on these two nights of murder, and I think
19 that we'll see it is extremely obvious that he was not under
20 the influence of any drugs whatsoever.
21 For instance, he drove the car to the Tate residence.
22 After the murders, he drove the car to Rudolf Weber's residence,
23 and then up into the Benedict Canyon area, then down to the
24 gasoline station and, of course, Linda drove from the gasoline
25 station back to Spahn Ranch.
26 Now, if Tex Watson were as knocked out from drugs
27 as he alleges, not only wouldn't he have been able to find his
28 way to the Tate residence, he wouldn't have been able to keep

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his car on the road, ladies and gentlemen. Even Dr. Tweed, a defense psychiatrist, testified that if Tex were under the influence of LSD, he most likely would not have been able to drive to the Tate residence or drive anywhere that night.

"Q Doctor, assume that" -- this is on the night of the Tate murders -- "assume that Mr. Watson drove to the Tate house from Spahn Ranch, that is approximately a 45-minute to one hour trip, that he had no apparently difficulty in driving there. My question is doesn't it tend to negate the fact that he was under the influence of an hallucinogenic drug, assuming this hypothetical to be true?

"A It doesn't necessarily, because there are lucid periods that an individual might have; but I doubt that seriously that under the circumstances -- I doubt that he would be capable of driving."

Tex, of course, denies that he drove. He says he was asleep en route. The only thing is, he made a mistake. If he was going to claim he was asleep while that car was being driven from the Spahn Ranch to the Tate residence, he should not have said that he had belladonna, speed and LSD in his system, because he tried to fool Dr. Fort, the LSD expert, and he couldn't do it.

This is what Dr. Fort has to say about that:

"Q Doctor, do you have an opinion from your expertise in the field of hallucinogenic

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drugs and speed, whether or not if a person took LSD, speed and belladonna in combination, whether or not that person would go to sleep?

"A. I have such an opinion.

"Q. What is your opinion?

"A. They would not go to sleep.

"Q. What would be the effect on a person of taking these three drugs?

"A. Generally either LSD, alone, or speed, alone, or belladonna, alone, and certainly a combination of those would increase wakefulness or alertness. That is one of the characteristic properties of amphetamines, as I mentioned earlier, to keep you awake and increase alertness, and it is also characteristic with an LSD experience that so much is going on in your mind and so many perceptual changes are occurring that you very rarely go to sleep while that is happening.

"Q. Do you feel that the combination of these three drugs, that it might be such an overwhelming experience that it might put the person to sleep?

"A. No, because none of those drugs are what are called medically depressant drugs. Only depressant drugs, either alone or either one of them in a large dosage or a combination of moderate doses of several of them, will put you to sleep, and those depressant drugs are alcohol,

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1 barbiturates and other sleeping pills and
2 narcotics, meaning opium, heroin, morphine,
3 et cetera. Certainly, any combination of
4 those drugs beyond a very minimal quantity
5 would put almost everybody to sleep and at
6 a certain dosage, it would put everybody to
7 sleep; but none of the drugs you are asking
8 about; that is, LSD, belladonna or speed, are
9 depressant drugs, and none of the drugs, LSD,
10 belladonna or amphetamines, characteristically
11 make people drowsy or put them to sleep. They
12 do just the opposite; they stimulate them, make
13 them more alert, more wakeful."
14 Nor could he fool Dr. Fort when he said he was
15 blacking out during these murders. Here's what Dr. Fort had
16 to say about that:
17 "Q. Did Mr. Watson tell you in your
18 interview with him that at certain times during
19 the two nights of murder that he was blacking
20 out?
21 "A. Yes, he talked about that.
22 "Q. From your knowledge of Speed, bella-
23 donna and LSD and the effects of these drugs,
24 did you believe him?
25 "A. From my knowledge of the drugs and the
26 way they characteristically work, I did not believe
27 him; also, on the basis of the inconsistency be-
28 tween that statement and the many things he was

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able to describe in detail to me, I did not believe him, and it was on both grounds I disbelieved that."

Tex said that he took belladonna when he woke up on the morning of August the 8th, 1969, which would be about 16 hours or so before these murders, not even an entire day -- an entire day being 24 hours -- and Tex said that his usual belladonna trip took about 10 days.

This particular trip, assuming he did take the belladonna, would have been a usual trip in length, because he testified that he took about the same amount of belladonna that he normally took:

"Q. Do you remember how big a piece you took?" -- this is the belladonna root.

"A. About the size I always took, about an inch or three-quarters of an inch long and about that big around or so.

"THE COURT: An inch in diameter?

"THE WITNESS: (Mr. Watson) About an inch."

Now, belladonna is an extremely powerful, potent, dangerous drug and there is no way in the world that Watson could have done what he did under the influence of that drug. Paul Watkins took belladonna many times and he said it literally knocks you out and you lie down and you pass out; and he said even when you are awake, even when you are awake, under the influence of belladonna, it is a completely hallucinogenic drug. He testified that when he was on that

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witness stand if he were to look out at the people in this courtroom, he would be just as apt to see a palm tree as human beings.

He said that he saw Tex take the belladonna once and the next time he saw Tex he learned that Tex had fallen off a motorcycle and cracked up the motorcycle. That's the incident in April of 1969 when Tex was arrested and taken to the Van Nuys Police Department for being under the influence of drugs -- the drug, of course, being belladonna -- and do you recall that Officer Esclante testified that during this jail incident in April of 1969, Tex was really out of it:

"Q Do you have a recollection of being able to understand what he was saying?" -- this is a question of Officer Esclante.

"A. Well, he was so far as I can remember, he would go from one thing to another; it was just difficult to keep a conversation with him.

"Q. Did you have to assist him at the fingerprinting process?

"A. Well, more or less.

"Well, more or less; he wasn't actually falling down, he was just cooperative enough and yet at the same time not really coherent.

"Q. Did you ask him to sign the fingerprint card?

"A. Yes, I did.

"Q. Could he do that?

"A. No, sir, he couldn't, he couldn't even

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1 sign the fingerprint card.

2 "Q. How did he evidence his inability to

3 sign?

4 "A. Well, he wasn't able to when I sat

5 him at the table to sign the fingerprint card.

6 "Q. Did he just fall forward on the table?

7 "A. No, he just sat there and he shook

8 his head and he couldn't sign; he wouldn't sign.

9 "Q. He wouldn't or couldn't?

10 "A. Well, he just couldn't sign it.

11 "Q. Was he able to make any markings at

12 all on the card?

13 "A. Well, not that I can recall, sir.

14 "Q. Have you seen in your experience people

15 under the influence of drugs before?

16 "A. Yes, I have.

17 "Q. Do you have an opinion as to whether

18 or not Watson was under the influence of drugs

19 at the time?

20 "A. Yes, he was."

21 So, if Tex had all of this belladonna in his

22 system just 16 hours before these murders, he probably would

23 have been passed out. In any event, he would not have been

24 able to drive to that Tate residence. Yet, apparently, Watson

25 had no trouble at all driving the car on the night of the Tate

26 murders. In fact, the evidence is very, very clear, ladies and

27 gentlemen, that he couldn't possibly have driven better than

28 he did.

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1 Linda testified that when Watson told her to throw
2 the clothing out of the car, he pulled off the road, which we
3 know to be Benedict Canyon Drive;he pulled off the road onto a
4 dirt shoulder.
5 Now, King Baggot, the Channel 7 crewman who found
6 the clothing, testified that this dirt shoulder on Benedict
7 Canyon Drive is the only place on Benedict Canyon Drive where
8 a person could safely pull off the road; and we have the testi-
9 mony from Linda and Sgt. McGann that this particular area of
10 Benedict Canyon Drive, 2901 Benedict Canyon Drive, is a very
11 dark area; it is very, very dark at night.
12 Yet, Tex was driving so well, ladies and gentlemen
13 -- so well, that he was able to find this little dirt shoulder
14 to pull of onto, apparently the only place on Benedict Canyon
15 Drive where a person could safely pull off the road.
16 Also, if he were under the influence of all these
17 drugs, ladies and gentlemen, he never in a million years would
18 be able to think as clearly as he did during these murders, no
19 chance at all; cutting the screen, cutting the telephone wires,
20 giving Linda instructions to go to the rear of the premises
21 to see if there were any open doors or windows; telling her to
22 throw the knives and the clothing out of the car; all of these
23 things conclusively prove that his mind was not befuddled by
24 drugs but, to the contrary, he was thinking very, very clearly
25 and was in total command of his mental faculties.
26 Not only does his conduct show that his mind was
27 thinking clearly, but his agility and physical prowess during
28 these murders prove that he was not stupefied and drunk with

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1 drugs.

2 Tex was the main killer, ladies and gentlemen, of
3 the five human beings. It is not the easiest thing in the
4 world to kill a human being. Human beings like to live, they
5 fight for their lives; yet, Tex Watson mercilessly murdered
6 these victims and within a relatively short period of time.
7 In other words, he was very, very effective; and the fact that
8 he was effective couldn't possibly be better evidence that he
9 was not under the influence of LSD or any other drug, that
10 his reflexes and coordination and physical capabilities were
11 not numbed by drugs.

12 Even apart from the murders, themselves, which
13 unquestionably show a lot of agility and coordination, Mr.
14 Kilgrow from the telephone company testified that the first
15 step on that telephone pole outside the front gate of the
16 Tate residence is six to eight feet off the ground and the
17 wires, he said, were severed at the top of the pole. Now, Tex
18 Watson's agility in being able to climb on his own the first
19 six to eight feet and then climbing to the top of that tele-
20 phone pole with those heavy wirecutters -- you all felt them
21 -- certainly, ladies and gentlemen, shows that he was very
22 coordinated and agile and not under the influence of the drugs
23 that he claims he was under the influence of.

24 I think you folks should realize, you should expect,
25 you should have anticipated that Watson would take that witness
26 stand and claim that he was completely knocked out by drugs
27 during these murders. He can't give up completely; he's got
28 to come up with something, so he's fabricated this story about

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being under the influence of drugs. It is a phony, fabricated story from the word go; but that doesn't mean that anyone has to buy what Tex Watson is trying to sell. It has no value on the open market; it is bogus, it is counterfeit; and in fabricating this story, ladies and gentlemen, he tripped himself up.

Here's how he tripped himself up. Here's how Tex Watson tripped himself up in fabricating this story that he was under the influence of drugs:

"Q So you took speed, then, on the evening" -- now, the time and the date is very, very important in this question and answer --

"Q So you took speed, then, on the evening of August the 7th?

"A Yes, I stayed up all night, I believe, that night.

"Q You were up all night?

"A Yes.

"Q This would be going into the early morning, then, the early morning of Friday morning; is that correct?

"A That is correct.

"Q And where were you on the ranch that night?

"A I was at the waterfall. I ended up at the waterfall.

"Q" -- this is important:

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"Did you see Charlie at all that night?

"A. Yes, he was at the waterfall sleeping and I had heard he was on belladonna, you know; I didn't know.

"Q. Did you talk to Charlie that night?

"A. I really don't recall that much.

"Q. But you saw him sleeping?

"A. Yes.

"Q. Was he sleeping with anyone?

"A. There was a lot of people sleeping, you know, out in the open. I can't recall if he -- if he, you know, had anybody beside him or not.

"Q. Just so we don't have any confusion here, Tex, August the 7th, that's Thursday; August 8th is a Friday; August the 9th, a Saturday; August the 10th, a Sunday. You say you took speed on August the 7th, a Thursday; is that correct?

"A. Yes, I was taking a lot of speed all during that month.

"Q. And you were up all night?

"A. Yes.

"Q. So you were up in the early morning hours of Friday, August the 8th; is that correct?

"A. Yes, right at the time between daylight and dark.

"Q. All right; at the waterfall?

"A. Yes, that's correct.

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"Q. And you say you saw Charlie sleeping?

"A. Yes, I did.

"Q. Daylight?

"A. No.

"Q. Dawn?

"A. It was kind of in between, I remember.

"Q. You also took some belladonna August the 8th, a Friday?

"A. Early in the morning, yes.

"Q. Again, early morning, August the 8th, a Friday?

"A. Right, yes."

Now, where Tex slipped up in fabricating his phony, bogus story about drugs is that Stephanie Schram testified that she and Manson left the Spahn Ranch for San Diego Thursday morning, August the 7th, 1969, and did not even return to Spahn Ranch until after 12:00 noon on August the 8th, a Friday, 1969. So when Tex testified, ladies and gentlemen, that he took speed on the evening of August the 7th, 1969, and he saw Manson, he was lying. Manson wasn't even in town on the evening of August the 7th; and when he testified the following morning between dawn and dusk that he took belladonna and he also saw Charlie around, he was lying, because Charlie wasn't in town, ladies and gentlemen.

4f. Now, the reason Stephanie's testimony is very, very accurate is for the simple reason that she had a very solid base of reference. It is very difficult, of course, to look back and to remember the sequence of events, what you did

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on a particular day -- sometimes, for the life of me, I can't remember what tie I wore yesterday -- but she had a base of reference and that base of reference was this: There was a stipulation that Manson got a traffic ticket at 6:15 p.m. on August the 7th, 1969, as Manson and Stephanie were driving southbound toward San Diego. He got the ticket near Oceanside.

So, with that base of reference, she knew exactly where she was on the morning of August the 7th, the evening of August 7th and the morning of August the 8th, so Tex slipped up. Charlie was nowhere around, he wasn't in town.

When the defense psychiatrists concluded that Watson was under the influence of drugs during these murders, they are basing their conclusion strictly on what Watson told them. They were not there, ladies and gentlemen, they were not there; but I will tell you someone who was there: Linda Kasabian.

She heard him talk, she observed what he did and said, and as we saw from Linda's testimony, which I read to you a few minutes ago, Linda never observed anything which would even remotely indicate that this man was under the influence of anything.

The term "under the influence," ladies and gentlemen, the term "under the influence," by definition, means that something else is in control of you; for example, alcohol, drugs, et cetera. In other words, you are not completely in control of yourself; something else is having an influence upon you.

Now, when Tex Watson was under the influence of

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1 LSD, he would act like he was under the influence of LSD.
2 I'm devoting a lot of time to this because I think
3 it is crucial. This goes right to the very heart of Mr.
4 Watson's defense that he was just totally knocked out narcotics
5 during these murders and didn't know what he was doing.
6 This is Brooks Poston's testimony:
7 "Q When Tex would get stoned" -- or,
8 this is an answer.
9 "When Tex would get stoned, he would
10 sit with his mouth sort of open and his eyes
11 real wide and he would just generally sit there.
12 "Q On how many occasions would you say
13 you have seen Mr. Watson manifest these symptoms
14 of being stoned, just about every time you saw
15 him?
16 "A No.
17 "Q Often?
18 "A No, not that often. I saw him about
19 four times, I think, at Spahn's Ranch and once or
20 twice before we left the Barker's Ranch, the first
21 time in February of 1969 and then once in September
22 of 1969.
23 "Q And he would sit there with his mouth
24 open and his eyes having an odd glaze or something
25 to that effect?
26 "A Well, they were -- they would really be
27 wide, or I don't know, he would look like he was
28 seeing something that blew his mind, that was

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1 really surprising or that he was waking up."
2 This is Paul Watkins' testimony:
3 "Q How would Tex act when he was under
4 the influence of LSD?
5 "A Real weird.
6 "Q Would you describe that to the judge
7 and jury?
8 "A He was always -- he always acted
9 different than most people did, because I
10 would remember many times we would take a trip
11 and Tex would come on -- in other words, he
12 would start being affected by it before anyone
13 else would. I would already have taken the
14 tablet and waiting for it to have an effect and
15 he would already be -- his eyes would be popping
16 open like he was seeing things that were hard to
17 believe and he would start moving his head around
18 just really in a weird fashion and looking around,
19 so it became apparent that he was coming on before
20 I was, and he was generally weirdly coordinated.
21 It seemed like it really had a strong effect on
22 him.
23 "Q You say that while Tex was under the
24 influence of LSD he was weirdly coordinated?
25 "A Yes.
26 "Q Would you elaborate on that a little
27 bit?
28 "A He just, most of the time I remember,

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he would just sit down, because it seemed like his body would move around and in a really weird fashion, like sort of flowing around like a drunk would.

"Q. You are describing the way Tex would act under the influence of LSD?

"A. Yes.

"Q. And that is why you say he was weirdly coordinated?

"A. Yes.

"Q. Would you say normally he would sit down?

"A. Except for a couple of trips where he was up running around, but normally on heavy trips and the family would take a trip together, just sit down and watch the trip.

"Q. Tex would sit down and watch the trip?

"A. Yes.

"Q. Would you describe him as being carefree while under the influence of LSD?

"A. I describe him as being carefree all the time.

"Q. Each time under the influence of LSD?

"A. Yes."

Even David Neale testified that when he saw Tex out at Spahn Ranch under the influence of LSD, Tex was smiling and he acted like he was in a complete daze. So, when Tex

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took LSD, he came under the influence of the LSD. In other words, he was not in control of himself.

Then Denise Mallett testified back in Texas when Watson even took a marijuana cigarette, he started acting strangely. Tex is alleging not only did he have LSD in his system, ladies and gentlemen, only that very powerful, dangerous drug, but that he also had cocaine and belladonna -- or, belladonna and speed, and he told Dr. Frank that he also had cocaine. I have already related to you Dr. Frank's testimony, how a person would act if a person had all these drugs in his system. It would seriously and severely affect the person and would be very observable to anyone that the person was under the influence.

Again, I asked Linda:

"Q Did Tex appear to be in control of himself on both nights?

"A Very much so; very much so, yes."

In other words, in Linda's opinion, Tex was not under the influence of anything; and Linda's opinion, I would say, would certainly have more value than the average person's opinion. If a person had all the drugs that Tex had in his system, even an average person would obviously know that something was wrong with that individual; but Linda, as opposed to the average individual, ladies and gentlemen, had, herself, ingested LSD and many other drugs and had been in the company of other people while they were ingesting LSD, so she was intimately familiar with the effect that LSD has on a human being.

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She says there was nothing wrong with this guy during these two nights of murder and her testimony is worth more than the testimony of a thousand psychiatrists who were not there.

Now, as if all of these things that I have just enumerated were not enough to prove that Tex Watson wasn't under the influence of LSD or any drug during these murders, let me add just a few more points, just in the eventuality that there is the slightest speck of doubt in your mind still remaining.

Dr. Frank and Dr. Hochman both testified that in all the literature in the field of LSD there has never been a reported case of anyone committing a murder while under the influence of LSD. Dr. Fort, unquestionably one of the foremost experts in the country on LSD and other hallucinogenic drugs, testified that people when they are under the influence of a hallucinogenic drug do not tend to be violent. They tend to become introverted and enjoy the experience.

Even Dr. Ditman said that people tend to become introspective and meditative under the influence of these drugs, and we learned from the testimony of witnesses who took the drug, like Paul Watkins and Linda, that, in fact, LSD makes you introspective and it permits you to gain an increased inner awareness of the objects and the sounds and the colors around you.

In other words, the person under the influence of these drugs gets all caught up in the drug-induced experience -- and Tex was no exception. Tex was no exception, we learned that

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1 from the testimony of Watkins and Poston.

2 Now, if a person under the influence of these

3 drugs gets all caught up in the drug-induced experience -- and

4 Tex is no exception, we know that -- then it is just extremely

5 far out and far fetched to believe that if Watson had all of

6 these drugs in his system and he was all caught up in this

7 experience, that he would be going out and committing these

8 savage murders and taking every conceivable measure to avoid

9 detection. It is just not reasonable and, I might add, ladies

10 and gentlemen, that you can bet your bottom dollar that

11 Charles Manson would have been sure -- would have made sure

12 that the people whom he sent out to do his murderous bidding

13 for him would not have been under the influence of anything.

14 He wanted this mission of murder to be as effective as possible;

15 and effective, it was.

16 One further observation, even assuming -- again,

17 arguendo -- that Watson had drugs in his system, one thing we

18 do know, he did not have so much drugs in his system that it

19 prevented him from deliberating and premeditation these murders

20 and maturely and meaningfully reflecting upon the gravity of

21 the contemplated act. To the contrary, he was a vicious,

22 agile, swift-moving killer whose mind was thinking very, very

23 clearly; so, even if he did have some drugs in his system, and

24 the evidence, I think, clearly shows that he did not, it is

25 legally irrelevant.

26 Watson's mind wasn't filled with drugs during these

27 murders, ladies and gentlemen. His mind was filled with death

28 and murder.

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1 Let's pass on from the issue of drugs and get
2 into the issue of diminished mental capacity, which obviously
3 is the central issue in this case.
4 No. 1, at the time of these murders was Tex
5 Watson suffering from diminished mental capacity and, No. 2,
6 even assuming that he was, was it of such a nature, was it
7 so severe that it prevented him from deliberating and pre-
8 meditating these murders and maturely and meaningfully reflect-
9 ing upon the gravity of the contemplated act?
10 With respect to the first issue -- that is,
11 whether he was suffering from any diminished mental capacity,
12 any mental illness at all, I'm not so sure that Tex Watson
13 had any diminished capacity at the time of these murders, that
14 he was mentally ill at all. Just because he murdered seven
15 people doesn't necessarily mean that he was suffering from
16 diminished mental capacity. Just because he was heavily
17 involved in the use of drugs before these murders doesn't
18 necessarily mean that he was suffering from diminished mental
19 capacity. Just because he was a member of a far out, uncon-
20 ventional group out at Spahn Ranch does not necessarily mean
21 that he was suffering from diminished mental capacity.
22 If these things were the case, one would have to
23 conclude that everyone who commits murder is suffering from
24 diminished mental capacity. Everyone who is heavily involved
25 in the use of drugs is suffering from diminished mental capacity
26 and everyone who has a far out, unconventional life style is
27 suffering from diminished mental capacity. Those conclusions
28 would be absurd on the face.

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And just because Watson and his co-conspirators did something that you and I would never do, does not mean that he was suffering from diminished mental capacity. This guy had mental capacity, ladies and gentlemen; he just used his mental capacity to commit murder, and don't forget, Tex Watson had no prior history of mental illness before these murders and no psychiatrist examined him at the time of these murders and said he was mentally ill. Watson was first examined, ladies and gentlemen, over a year and a half after these murders, after he had already been arrested and incarcerated for a long period of time; and living in a small cell for over a year and a half facing a conviction of first degree murder and the death penalty is probably enough to make anyone mentally ill.

His conduct on these two nights certainly does not show any mental illness and Dr. Fort concluded no mental illness; Dr. Owre and Eklund concluded no mental illness when they examined him up at Atascadero; so when you go back to that jury room, don't automatically assume that Watson was mentally ill at the time of these murders and the only issue for you to decide is whether or not it prevented him from having the requisite mental capacity to commit these murders.

Ask yourselves was he mentally ill in the first place. Ask yourselves that question. There is a distinct possibility that he was not mentally ill at all, but even assuming that there is some question in your mind as to whether Tex Watson was mentally ill at the time of these murders, there is one thing about which there should be no doubt whatsoever;

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1 this mental illness, assuming that it existed, unquestionably
2 did not prevent him from deliberating and premeditating these
3 murders and maturely and meaningfully reflecting upon the
4 gravity of the contemplated act.
5 Keep this point in mind: The ultimate issue for
6 you to decide back in that jury room -- the ultimate issue is
7 not whether this man was mentally ill at the time of these
8 murders; that is not the issue. Mental illness, by itself,
9 is not a defense to first degree murder.
10 The ultimate issue for you to decide is did this
11 mental illness prevent him from having the requisite mental
12 capacity required of first degree murder.
13 In other words, even if he was mentally ill, if
14 he could, nevertheless, deliberate and premeditate, et cetera,
15 he's guilty of first degree murder. There is no provision in
16 Section 189 of the Penal Code, the First Degree Murder section,
17 that if a person is mentally ill he cannot be convicted of
18 first degree murder. In fact, it is common knowledge that
19 many mentally ill people have brilliant intellectual minds.
20 Let me read the first two paragraphs of an instruc-
21 tion, and I think this will probably be the most important
22 instruction Judge Alexander will give you at the conclusion of
23 my final summation; and you'll note that nowhere in this
24 instruction does it say that if Watson had a reduced mental
25 capacity, that if he were mentally ill, you could not come back
26 with a verdict of first degree murder. Nowhere does it say
27 that.
28 "If you find from the evidence that at the

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time the alleged crime was committed, the defendant had substantially reduced mental capacity, whether caused by mental illness, mental defect, intoxication or any other cause, you must consider what effect, if any, this diminished capacity had on the defendant's ability to form any of the specific mental states that are essential elements of murder and voluntary manslaughter. Thus, if you find that the defendant's mental capacity was diminished" -- here are the key words "to the extent" --

And quoting again: "Thus, if you find that the defendant's mental capacity was diminished to the extent that you have a reasonable doubt whether he did maturely and meaningfully premeditate, deliberate and reflect upon the gravity of his contemplated act or form an intent to kill, you cannot find him guilty of a wilfull, deliberate and premeditated murder of the first degree."

Does it say anywhere in there at all that if you find he is mentally ill you have to come back below first degree murder? There is no suggestion like that.

It is only if his mental illness was so severe that it prevented him from deliberating and premeditating, et cetera. I can't underline this fact more in your mind.

Mr. Bubrick and Mr. Keith say that Mr. Watson could not maturely and meaningfully reflect upon the gravity of the contemplated act. That is a rather clumsy, awkward term and I

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1 told you before, no one is ever going to accuse the legal
2 profession of having clarity of expression, but you folks are
3 going to have to do some thinking about that term back in that
4 jury room.
5 What do these words mean? His Honor, Judge
6 Alexander, in his instructions, is not going to interpret that
7 phrase for you, as far as I know; but you folks, 12 lay people,
8 12 reasonable men and women, can interpret that phrase just as
9 well as any member of the legal profession.
10 We start out with Mr. Keith's admission -- and I
11 thank my good friend Max for this contribution: Quote, "You
12 can be dumb and stupid and still be able to maturely and mean-
13 ingfully reflect upon the gravity of the contemplated act. You
14 don't have to be bright," unquote.
15 First off, when we say maturely and meaningfully
16 reflect upon the gravity of the contemplated act, we are not
17 talking about the contemplated act of having breakfast in the
18 morning or shooting a bird, et cetera; we are talking upon --
19 talking about the contemplated act of killing a fellow human
20 being. The word "gravity," of course, we all know what that
21 means; that means seriousness.
22 What about "maturely" and "meaningfully"? Let's
23 talk about the word "maturely" first.
24 Now, obviously, by "maturely" the law cannot mean
25 that to be able to commit first degree murder one has to have
26 achieved a certain mental or chronological age; it cannot mean
27 that, and I'll tell you why. If "maturely" meant that you had
28 to achieve a certain mental or chronological age, then with

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respect to chronological age, there would be a provision in the murder statutes that anyone who was, let's say, below 21 years of age, could not be guilty of first degree murder. All we would have to do is look at Tex Watson's birth certificate or the birth certificate of any defendant, and there is our answer; so we are not talking about chronological age and we are not talking about mental age, either, and I'll tell you why: because if we were talking about mental age, again, there would be some type of a provision in some statute that despite one's chronological age, if they had a mental age, let's say, of below 21, they could not be convicted of first degree murder and all we would have to do is give Mr. Watson or any defendant tests which are designed to determine mental age.

So, you know that when we talk about "maturely reflect," mental age is not the issue, because if it were, don't you think the prosecution and the defense psychiatrists would have given their estimation of this man's mental age, but they did not do so, there was no testimony at this trial about his mental age. So, by "maturely" we are not talking about mental or chronological age; and by "maturely," ladies and gentlemen, we are also not talking about emotional maturity. I will tell you why.

You have heard it said that a very large part of the adult population of the world suffers from emotional immaturity of some degree or another and that practically all people who commit murder are emotionally unstable or immature, sometimes to a very marked degree; but this does not mean that these people are incapable of committing first degree murder.

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They are very capable of it; and because they are emotionally unstable and immature does not mean that the judgments they make when they decide to rob or rape or assault are made without a full realization on the part of the gravity of their offense.

What about the person who robs a bank or rapes a woman or injects heroin into his system; would it be sensible to say that they are not capable of mature judgment, because if they were capable of mature judgment, they never would have done these things, and since they did do these things, ergo, they must not have maturely reflected?

In other words, they are suffering from diminished capacity, because, quote, no person in their right mind would rob or rape or inject heroin into their system; therefore, they are not fully responsible for their crimes. Such an approach would not be valid. No criminal would ever be fully responsible for any of his crimes.

There is no question that -- no question that Charles Watson is an emotionally immature, unstable individual. He was that way even before he came to California.

Now, this testimony of Dr. Suarez -- and I don't cite him for an authority on anything, but the reason I am going to do it this time is because his testimony on this point is consistent with the testimony of everyone, even the prosecution psychiatrists -- so, I think this testimony is representative and that's why I'm going to quote it.

"Speaking of the period prior to his coming to California, he (Mr. Watson) was a very

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1 insecure, a very passive, dependent individual
2 who had a great deal of trouble asserting him-
3 self, who had a very disturbed relationship
4 with both of his parents and who had a great
5 need to please to the point that he would become
6 a part of whatever group he was with, very
7 objectively and pretty much do what the group
8 expected and things that the leader wanted of
9 him or he thought he wanted of him."
10 There was testimony that Watson had doubts about
11 his masculinity and very severe repressions of hostility
12 against his mother; so the prosecution is going to concede --
13 we'll stipulate that this man was emotionally immature and
14 unstable. There is no question about that. That predated his
15 even coming to California and his becoming involved with
16 Charles Manson.
17 Even apart from the murders, anyone who would use
18 drugs as extensively as this man did, and voluntarily become
19 an integral part of a group like Manson's family, obviously
20 had to be emotionally immature. These emotional problems that
21 Watson had certainly are no defense to first degree murder.
22 Literally millions of people are emotionally immature. This
23 doesn't mean they are mentally ill. They have emotional
24 problems, not mental problems, and there is a meaningful
25 distinction between the mind and emotions.
26 If emotional immaturity and instability were a
27 defense to first degree murder, I would venture to say that
28 99 out of 100 killers would never be convicted of first degree

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1 murder, since it is rather difficult to visualize a person
2 who commits a vicious, deliberate, premeditated murder who
3 isn't suffering from emotional instability and immaturity.
4 You certainly can't believe that only mature people can be
5 convicted of first degree murder and immature people cannot.
6 It would be laughable.
7 If that were the case, few people, if any, would
8 ever be convicted of first degree murder; so we are not talking
9 about mental age, obviously. We are not talking about
10 chronological age, we are not talking about emotional maturity.
11 With respect to the word "meaningful," this word
12 "meaningful" is self-explanatory; but to have any significance,
13 I think it has to be looked at in conjunction with the words
14 "maturely."
15 The words "maturely and meaningfully," ladies and
16 gentlemen, can't possibly refer to anything more than a per-
17 son who has the mental capacity to realize, to grasp the
18 meaning, the significance of what he is doing. Those words
19 are just legalisms, overfancy ways of referring to a person
20 who has the capacity to realize, to grasp the seriousness, the
21 gravity of what he is doing -- in this case, killing a fellow
22 human being.
23 Certainly, unquestionably, Watson realized, grasped
24 the seriousness of killing these people. Among other things,
25 the fact that he took every conceivable measure to avoid
26 detection, I think proves that he knew very, very well the
27 seriousness of what he had done.
28 Now, to state the affirmative -- to state the

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1 affirmative; that is to say, that Tex Watson or any defen-
2 dant did have the capacity to realize and grasp the serious-
3 ness of what he did, I think necessarily implies the existence
4 of a negative. That is, a person who did not realize and
5 fully grasp the significance of what he was doing.
6 Let's take the hypothetical situation just for
7 illustration purposes, take a man and call him X. X is a
8 30-year-old man with a long history of mental illness who
9 has undergone psychiatric treatment. He is not insane now,
10 not insane. He lives alone with his mother, whom he loves very
11 much; and one day his mother says to him, "You know, the ladies
12 in the neighborhood have been talking about the fact that you
13 are never seen in the company of a girl." This oblique attack
14 on his masculinity so enrages X that he goes downtown, gets
15 himself a gun, comes back home, shoots his mother to death.
16 He immediately calls the police, confesses; but
17 his confession is puntucated by surprise whenever he refers
18 to the frightened expression his mother had on her face when
19 he pointed that gun at her.
20 He tells the police, "When old mom saw that gun
21 she was really shook up; you should have really seen the
22 frightened expression on her face."
23 Now, there is a serious question. We are dealing
24 now with very subtle, sophisticated issues here. There is a
25 serious question as to whether even X is incapable of maturely
26 and meaningfully reflecting upon the gravity of the contemplated
27 act; but, at least, an argument could be made for the proposi-
28 tion that he did not do so. X, as opposed to Charles Watson,

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1 has a long history of mental illness and undergoing psychiatric
2 treatment.
3 Of all people, he kills his mother, whom he loves
4 very much; and then he confesses and when he does confess,
5 he talks about the frightened expression on his mother's face,
6 he couldn't figure it out.
7 Perhaps -- and I'm not stipulating -- perhaps X,
8 under the evidence, did not realize, did not grasp the
9 significance, the seriousness of what he had done.
10 We are not talking about that when we talk about
11 this man right here. Among many, many other differences, Tex
12 Watson didn't turn himself in after these murders and confess
13 to the police. No, he took ever measure to avoid detection
14 and when he did confess it wasn't to the police, it was to
15 Dianne Lake and he made Dianne Lake promise not to tell anyone
16 what he told her.
17 Tex Watson killed these people, not because he
18 didn't fully grasp the seriousness of what he did, but because
19 he couldn't care less, he just didn't care about the lives of
20 fellow human beings. Please don't think that just because he
21 didn't care and he killed these people indiscriminately and
22 senseless, that he's suffering from diminished mental capacity.
23 With that type of reasoning, any vicious, callous killer could
24 go out and if he places no value on human life, kill anyone.
25 He could never be convicted of first degree murder; he'd have
26 a built-in protection.
27 Adolph Hitler had six million Jews murdered. To
28 say that because Hitler placed no value on human life and he

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1 killed people in wholesale fashion without any sensible
2 reason, to say that this means that Adolph Hitler did not
3 realize the seriousness of what he was doing, is to say that
4 Adolph Hitler was not guilty of the wilfull, deliberate,
5 premeditated murder of six million Jews.
6 Charles Tex Watson murdered these seven victims,
7 not because he's suffering from any diminished mental capacity,
8 not because he didn't realize the seriousness of what he was
9 doing, but because he's an incredibly vicious, coldblooded
10 killer. Now, how do we know he's a coldblooded killer?
11 Because he murdered seven human beings, ladies and
12 gentlemen, that's how we know. To see the vicious, cold-
13 blooded killer aspect of Charles Tex Watson, please don't look
14 at him the way he looks now. Don't look at him the way he
15 looks now, ladies and gentlemen. Picture him -- picture this
16 man at the Tate and La Bianca residences in the early morning
17 hours of August the 9th and 10th, 1969, with a sharp, bloody
18 knife in his hand, stabbing the victims over and over again,
19 they are screaming for their lives and they are begging him to
20 let them live and he says, "No, you will not live."
21 Tex Watson and his lawyers, Sam Bubrick and Maxwell
22 Keith, they don't want you to see that picture of Tex Watson.
23 They don't want you to see that picture of Watson with a
24 revolver in his hand pointing it right at poor Steven Parent's
25 head and nearly blowing Parent's brains out. They don't want
26 you to see the picture of Watson cutting these people up like
27 pigs, like animals; they want you to see the way he looks now.
28 Well, we have been here in this courtroom for two

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1 months, not because of the way he looks now but because of
2 what he did on August the 9th and 10th, 1969.
3 When Watson committed these unbelievably vicious,
4 savage murders, the bell was rung and he and his lawyers have
5 been trying to unring that bell during this trial, but you
6 can no more unring a bell, you can no more erase the past than
7 you can jump away from your own shadow. It just can't be done.
8 Call it what you may, Tex Watson unquestionably maturely and
9 meaningfully reflected upon the gravity of the contemplated
10 act of the killing, or stated more simply in layman's terms
11 that anyone can understand, he realized, he grasped the
12 seriousness of what he was doing.
13 This might be a convenient time.
14 THE COURT: Ladies and gentlemen of the jury, we will
15 recess at this time until 1:30, and, again, heed the usual
16 admonition.
17 (A luncheon recess was taken until 1:30 p.m.
18 of the same day.)
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LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 5, 1971, 1:45 P.M.

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THE COURT: People against Watson.

All jurors, counsel and defendant are present. Mr. Bugliosi, you may proceed.

MR. BUGLIOSI: Good afternoon, ladies and gentlemen.

THE JURORS: Good afternoon.

MR. BUGLIOSI: The next issue is whether Tex Watson deliberated and premeditated these murders. Mr. Bubrick and Mr. Keith say that he did not.

I think the words "deliberate" and "premeditate" sound a little highfalutin to some lay people, and you folks, of course, are not lawyers, you are lay people. If you were lawyers, you wouldn't be sitting on the jury.

But, under the law, ladies and gentlemen, "deliberate and premeditate" does not require any special, unusual type of mental process. To deliberate and premeditate a murder, ladies and gentlemen, is a very, very easy thing to do. It is a very, very simple mental process. The words "deliberate and premeditate," of course, are multisyllable words, but they don't connote anything complex at all. As his Honor will instruct you, the word "deliberate" merely means that the intent to kill was formed in the killer's mind as a result of careful thought and weighing of considerations for and against the killing.

Mr. Keith said, "Do you think that Mr. Watson weighed and considered the reasons for and against these killings?" He said he didn't think that Mr. Watson did. He

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said, "To weight and consider means that you have to analyze everything and decide what is best to accomplish your purpose."

Now, if we were to follow Mr. Keith's argument, before anyone could be guilty of first degree murder, it would have to be shown that that person analyzed everything; in other words, carefully enumerated either on paper or in his mind reasons for committing the killings and reasons against committing the killings. In other words, a type of ledger situation where certain things are listed on one side of the ledger, certain things are listed on the other side. Well, no such type of formal mental process is necessary to be guilty of first degree murder.

Take this type of situation: Party A feels that he is wronged by Party B. He says, "I'm going to kill Party B," gets himself a gun; he goes out looking for B; a half hour later, an hour later, two hours later -- two days later, what have you -- he finds B and he kills B. He never sat down and analyzed anything. He merely said, "I am going to kill B."

Now, if we were to follow Mr. Keith's argument, Party A would not be guilty of first degree murder because he never went through the formal thinking process of analysis; yet, I think the hypothetical I gave you would result in a classic case of premeditated first degree murder.

Careful thought in weighing of considerations for and against the killings, ladies and gentlemen, merely means that the killer realizes what he intended to do. He knew that it would undoubtedly result in death. He was aware of the alternatives, but he decided to do it anyway.

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In our case here, unquestionably on the nights of both murders, Charles Tex Watson realized that he was going to go out and try to kill these people. He knew that by stabbing them, this would undoubtedly result in their deaths. He was aware of the alternative of not doing it. In other words, he knew that he could not be forced to do it. He showed his awareness of the alternative when he refused to kill that highway patrolman and forest ranger and Paul Crockett; so he was aware of the alternative of not killing, but he decided to do it anyway.

Now, why did he decide to do it? Well, actually, from a legal standpoint, ladies and gentlemen, that's immaterial because motive is never a necessary part of the People's case. We do not have the burden of proving why any defendant committed any crime; but if we are going to ask that question, "Why did he do it?" I think the answer is that besides the fact that murder ran through this man's blood, in addition to that, I think that on the nights of these murders, Charles Tex Watson wanted to please.

He wanted to please his master, his leader, Charles Manson. Now, this consideration for the killings, i.e., trying to please Charles Manson, this consideration for the killings obviously outweighed any considerations or opposition he may have had, if any, against the killing.

With respect to the requirement that the killer be aware of the consequences of his acts, undoubtedly Watson knew when he stabbed these people they would die, so he was aware of that consequence.

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He was also aware of the consequence that would befall him if he were caught. He knew he would be punished. He showed his awareness of those consequences by taking measures to avoid detection; so Charles Tex Watson, I think, unquestionably deliberated these murders.

The next issue is that of premeditation, and the key word, and I think most important requirement of first degree murder is premeditation.

Premeditation refers to the time element; the essence of premeditation is time. In a premeditated murder, not only must the intent to kill precede the act of killing, but the intent to kill must have been formed as a result of some preexisting reflection. In other words, an instantaneous, spur of the moment decision to kill is not a premeditated intent to kill; it is not a premeditated murder.

However, as Judge Alexander will instruct you, the law does not undertake to measure in units of time the length of the period that the intent to kill has to be pondered in the killer's mind before it will ripen, as it were, into an intent which is truly premeditated. The decision to kill may be arrived at in a very, very short period of time, even one minute may suffice; but a split second, instantaneous, spur of the moment decision to kill is not a premeditated murder.

Well, ladies and gentlemen of the jury, if these seven savage murders were not premeditated murders, I don't know what in this world would be -- I don't know what in the world would be -- driving to a victim's residence for the very purpose of killing the victims, entering the residen ce armed

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with deadly weapons and then mercilessly stabbing the victims to death is a classic textbook example of a premeditated murder.

This wasn't a spur of the moment killing, ladies and gentlemen, where the intent to kill was formed in Watson's mind on a split second type of a situation. Watson knew he was going to kill long before he even entered these residences; in fact, when he left Spahn Ranch on both nights, he knew that the mission was going to be murder.

Now, I say that Tex deliberated and premeditated these murders, I say that, because the eviden ce that came from that witness stand under oath proves this. When we asked the question, "Did Watson deliberate and premeditate these murders"? we are r e a l l y inquiring into Watson's state of mind. In other words, what was he thinking of on these two dark nights of murder?

Now, obviously, you cannot take a picture of a man's thoughts like you can X ray a fracture in a bone, and you can't open up the top of a man's head, peek in and say, "Aha, so that's what you are thinking." You can't do that, either, can you?

We proved state of mind. We learned what was on a man's mind by circumstantial evidence. There is no other way. We look at the man's conduct, we look at his statements, we look at the surrounding circumstances and from the conduct and from the statements and from the surrounding circumstances, we infer what was on his mind at the time he engaged in the subject act in question.

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1 Now, in this case here, the only way under the
2 moon that I know of to determine whether or not Mr. Watson
3 deliberated, premeditated these murders is to look at his con-
4 duct and his words, look at what he did and what he said; and
5 to do that, we have to look at the evidence.
6 Mr. Keith argued that Mr. Watson could not delib-
7 erate and premeditate these murders because on the nights of
8 these murders, he said he was bereft of reason, bereft of
9 judgment, bereft of intellect; he was operating on no cylinders.
10 In response to that contention, let's take a look
11 at Watson's conduct and his statements on these two nights of
12 murder and see whether there was no intellect, no judgment,
13 no reason. Let's see if he was operating on no cylinders.
14 These acts and statements I am going to enumerate
15 clearly and unequivocably prove that on both the nights of
16 murder, Watson knew exactly what he was doing. He took every
17 step to insure he would not get caught and he couldn't have
18 deliberated and premeditated these murders any more than he
19 did. If on the nights of these murders Watson was thinking
20 clearly and he knew exactly what he was doing, there is no
21 law in this state or the land which would prohibit you from
22 coming back with a verdict of first degree murder.
23 Now, with respect to Watson's conduct and state-
24 ments on these two nights, it is all very, very incriminating
25 -- very, very incriminating -- like telling Linda to wipe the
26 fingerprints off the knives, very, very powerful circumstantial
27 evidence.
28 My good friend, Mr. Keith, during his argument,

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1 treated Watson's conduct on these two nights of murder in an
2 almost casual fashion: Cutting the wires, throwing the
3 clothing away, lying to Rudolf Weber, really meant nothing at
4 all. So what? Was Mr. Keith's position. I can't blame him,
5 he's the defense attorney, he's representing his client; but
6 according to Mr. Keith, none of these things that Mr. Watson
7 did meant anything -- so what?
8 His attitude reminds me of the gentleman who comes
9 home early from work one day, he goes into the bedroom and
10 his wife has her negligee on and he goes into the closet to
11 hang up his coat and when he is hanging up the coat in the
12 closet, he sees a man hiding in the closet. He says, "What
13 are you doing here?"
14 The man says, "Well, sir, everyone has to be
15 somewhere"; and I think Mr. Keith would agree with that man;
16 it is true, everyone does have to be somewhere. There is
17 nothing suspicious or incriminating about that. So what?
18 Well, Watson's incriminating conduct, ladies and
19 gentlemen, has immense significance, immense significance on
20 the issue of whether he had the capacity to deliberate and
21 premeditate these murders.
22 Let's look at this evidence of premeditation and
23 deliberation, evidence that Mr. Keith doesn't think very
24 important. This evidence came predominately, though not
25 exclusively, from Linda Kasabian's testimony. We have already
26 discussed in detail, we have established that Linda Kasabian
27 was telling the truth -- we don't think this, we know that.
28 We know it, because her testimony was corroborated by other

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1 totally independent evidence, and there is absolutely no
2 reason for Linda to have said he did these things if he did
3 not do them.
4 No. 1, by Mr. Watson's own admission on the stand,
5 Manson told him to go out and kill these people at both
6 residences; so Watson knew -- let's talk about the first night
7 -- he knew from the moment he left Spahn Ranch, which was
8 about one hour -- at least one hour before these murders --
9 that he was going to go out and kill.
10 Now, that is a premeditated intent to kill.
11 That's not a spur or the moment, instantaneous decision.
12 Intent to commit murder had to have entered this
13 man's mind at least one hour before he entered that Tate
14 residence.
15 Now, the fact that the idea for these murders
16 originated in Mr. Manson's mind, not Mr. Watson's mind, in no
17 way means that Mr. Watson could not premeditate these murders,
18 once the thought and the idea was passed on to him.
19 En route to the residence, Tex tells Linda to wrap
20 the knives and the revolver up and throw them away if the
21 police came, clearly shows that Watson was taking all types of
22 steps to avoid getting caught. He wanted to insure that this
23 mission of murder would not be frustrated by the police before
24 it even got off the ground: Planning, deliberation, premedita-
25 tion.
26 Watson also tells the three girls he had been to
27 the residence before, he knew the layout and he instructed
28 them to do everything he told them to -- again, thinking very,

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very clearly, he wanted this mission of murder to be successful and he felt that the most successful way would be for them to follow his instructions, not vice-versa.

When they arrived on the Tate residence and Watson cut the telephone wires leading to the residence, and nothing could more classically demonstrate the designing, calculating, purposeful state of mind that this man had. This is deliberation and premeditation, ladies and gentlemen, to the nth degree.

Watson knew he was going to enter the residence and obviously he wanted to make sure that the residents, the occupants, would not be able to call out for help. This one act alone, ladies and gentlemen, this one act, alone, of cutting those telephone wires, without anything more, shows that Watson was in total command of his mental faculties and he was acting with the cunning and the design of the most sophisticated of killers.

Now, Mr. Keith pooh-poohs the fact, he scoffs at the fact that Watson cut the telephone wires and cut the screen, et cetera. He says these are just mechanical acts that don't require any thinking. Well, I think in all deference to Mr. Keith, I think he's missing the point.

Obviously, the physical act of the squeezing of the handles on the wirecutters, obviously, is a mechanical act that requires little, if any thinking; but the question is why did Mr. Watson climb that telephone pole in the first place and cut those wires? Because he went through the mental process of realizing that he had to cut those telephone wires

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1 to prevent the victims from calling out for help; and that
2 mental process is not mechanical in nature, ladies and gentle-
3 men. It required reasoning, intellect, judgment; and this
4 is true of everything that Watson did on the nights of the
5 Tate and La Bianca murders.
6 The physical acts, themselves, of course, were
7 mechanical; but the mental process that gave birth to these
8 physical acts, obviously, was not mechanical.
9 Tex then climbed up the embankment and around the
10 front gate, along with Sadie, Katie and Linda. He had entered
11 the Tate residence before and he knew that you could activate
12 that front gate by pressing a button outside the gate. The
13 fact that he did not do this, the fact that he did not activate
14 the front gate, but, instead climbed around the front gate,
15 very surreptitiously, very clandestinely, shows the cool-headed
16 premeditation and deliberation on his part.
17 Obviously, Watson wanted to catch these people by
18 surprise, and it was much more secretive and quiet to climb
19 around that front gate. Now, we do not know whether Tex Watson
20 knew for sure that the bell near the gate sometimes -- not
21 always, but sometimes -- rang when the gate closed. We don't
22 know that, but we do know this, Watson testified that of the
23 many times he was inside the Tate residence, he was never
24 inside when someone arrived at the front gate. In other words,
25 he was never already there when people arrived thereafter at
26 the front gate, so he had no way of knowing whether the
27 activation of that front gate would cause some type of an
28 electrical mechanism to alert the occupants of the Tate

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1 residence; and unquestionably this is why he never opened
2 that front gate that night. This is why he climbed around.
3 When I asked Tex on the witness stand, I asked
4 Tex, "Why didn't you press the button and activate the front
5 gate? Why did you climb around the front gate?"
6 He said, "I don't know" -- he obviously knew, but
7 he wasn't about to tell you folks.
8 I think it is obvious that not only did Watson
9 drive the car to the Tate residence but he led -- he led the
10 girls around the front gate, because it appears that the most
11 reasonable inference from the evidence that he was the only
12 one of the four who had ever been to that residence before.
13 After the four then climbed around the front gate
14 and they saw the headlights of Parent's car approaching, of
15 course, Tex tells the three girls to get down, in other words,
16 to hide; again, he knew exactly what he was doing and he was
17 responding and reacting to new, unforeseen situations in such
18 a fashion that it showed he had complete control of his mental
19 faculties.
20 After Watson shot Parent four times, he turns the
21 ignition off on Parent's car, again showing he was thinking
22 very, very clearly.
23 After the four of them advanced toward the
24 residence, he tells Linda to go to the rear of that house,
25 check for open doors and windows -- this is what any deliberate,
26 premeditated murder would do -- Watson wanted to enter the
27 residence as stealthily as possible, catch the victims by
28 surprise; and, of course, entering through an open door or a

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window is a little better, a little more quiet, a little more secret, a little more snakelike than ringing the doorbell. Again, planning, deliberation, premeditation.

And Linda sees Tex cut the screen on one of the front windows. As I have indicated, Tex doesn't believe, ladies and gentlemen, in ringing doorbells or knocking on doors; obviously, he entered through that front window.

After Tex, Sadie and Katie savagely murdered these people and they returned to the car, Watson getting angry with Sadie for losing her knife inside the residence. Why did he get angry with her? Only one possible reason: he wasn't angry with her because she lost the knife -- Watson doesn't like anyone to lose anything of value, even if it's worth a few cents. He showed he wasn't concerned about the value of the knife or anything else when he had the knives and the clothing and the revolver disposed of later in the evening.

Watson was angry with Sadie, and this is the only reasonable interpretation that one can come to, he was angry at her, because he realized -- he realized that leaving that knife behind at the Tate residence could constitute a piece of evidence which the police could use in eventually tracking down the killers.

Again, this thought process that Mr. Watson obviously went through in getting angry at Sadie for leaving that piece of evidence behind showed that not only did he deliberate and premeditate these murders, but now he was deliberating and premeditating how not to get caught.

Then he got angry at Linda for running back to the

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car, obviously because this, to him, constituted a chickening out by Linda instead of remaining at the scene to render whatever help she could.

Then Watson made the decision to hose the blood off their bodies. Why didn't Watson wait until they got back to Spahn Ranch to clean up? Only one possible reason why he did not do so, he was fearful that if the police stopped the car en route back to Spahn Ranch and they observed the four of these people, or three of them, covered with blood, Watson and the others would have to explain to the police how they got that blood on their bodies. If Watson didn't have this fear, unquestionably, he would have driven back to Spahn Ranch and cleaned up then.

When Tex, Sadie and Katie were hosing themselves off in front of Mr. Weber's house and Mr. Weber confronted them and asked them what they were doing, Mr. Weber testified that the male, whom we know to be Tex, answered very calmly, "Hi, we are just getting a drink of water and we're sorry to have disturbed you," unquote.

Now, what in the world could possibly show more clear thinking, more self-composure than that, ladies and gentlemen, to give a calm, false answer under those circumstances shows that Watson was in total and complete command of his mental faculties.

The most normal, the most mentally normal, mentally healthy person in the world could not possibly have acted with more self-composure and presence of mind in giving that false answer to Mr. Weber. This wasn't the conduct of a person like

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Mr. Keith described as being someone without intellect, without reason, without judgment, operating on no cylinders. This was a very, very cool, calm, collected individual who was in complete control of himself.

Shortly thereafter, when Mr. Weber asked Tex and the others if it was their car parked at the bottom of the hill, he says, "No, we are walking." He lies. Why did he lie? Only one possible reason: He didn't want Weber to get the license plate number on that car and that undoubtedly is the reason why he sped off.

Watson's handling of the Rudolf Weber incident, like the handling of the Steven Parent shooting, clearly shows, ladies and gentlemen, that he responded to new, unforeseen situations very well.

He claims that Manson told him to do everything this night. Well, neither Manson nor anyone else could have foreseen that Parent and Weber would have materialized. When Watson was confronted with these two new, unforeseen situations, he responded immediately and he responded in a fashion that would have done justice to the most cunning, sharp-thinking killer.

Watson testified that he was doped up on the nights of these murders and was blacking out. That's nonsense. He couldn't been more wide awake mentally and physically.

Mr. Keith argued that when the killers threw the clothing and knives over the side of the hill, this showed how deranged they were. He said if they were smart they would have taken the clothing and knives back to Spahn Ranch and buried them there.

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1 Just the opposite conclusion: He tells Linda to
2 throw the knives and clothing over the side of the hill. It
3 shows that he realized the enormity of what he had done and
4 he realized that he had to dispose of those knives and the
5 clothing and the revolver as quickly as possible.
6 Why? Again, the police may have stopped them en
7 route home and if the police found the knives and the bloody
8 clothing and the revolver inside the car, this may have
9 connected Watson with these murders.
10 Not only did Tex want to dispose of the murder
11 knives, which he had Linda do, but he wanted to insure that
12 even if these knives were found, neither his prints nor Sadie's
13 or Katie's fingerprints would be found on the knives. This
14 is the only possible reason why he told Linda to wipe the
15 fingerprints off the knives before throwing them out the car.
16 Some of the most sophisticated killers, ladies
17 and gentlemen, who haven't ingested LSD or any other drug,
18 aren't smart enough to wipe fingerprints off the murder weapon;
19 but Tex thought about it. If Watson had done nothing else on
20 the night of the Tate murders other than kill these people and
21 tell Linda to wipe the fingerprints off those knives -- if he
22 had done nothing else, that one fact, alone, couldn't possibly
23 be more powerful circumstantial evidence for the proposition
24 that he was thinking very clearly and knew exactly what he
25 was doing.
26 With respect to the revolver, we have no direct
27 evidence as to who threw that revolver out of the car, but I
28 think it is a fair assumption that either Watson or Katie or

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Sadie, at Watson's instructions, threw the revolver out of the car. Why? Because it was found one and tenth miles from where the clothing was found; so obviously it was disposed of that night by one of the four.

After Tex had Linda throw the clothing and the knives out of the car, he drives to a gasoline station. He tells Linda, Katie and Sadie to wash up. Rudolf Weber had interrupted the washing of their bodies, so Tex obviously wanted them to wash the remaining blood off their bodies before continuing on home. He was acting with precision; he was trying to be a perfectionist and he did a pretty good job.

Linda, then, of course, drove the car back to Spahn Ranch and Tex reported to Manson what had happened.

On the night of the La Bianca murders, again, Watson deliberated and premeditated even before he, Manson and the others left Spahn Ranch. Watson was concerned, he was very concerned about the type of weapons that they were going to use that night. He said the weapons the previous night were not good enough. Those five people up there, they weren't murdered badly enough, according to Tex. Tex wanted to do a better job.

He was deliberating about the murders that were about to take place; and, of course, Watson was in the car that night as Manson drove throughout the city looking for people for Watson and the others to kill.

On the night of the Tate murders, as you recall, the killers drove directly to the Tate residence. The following night, the night of the La Bianca murders, Manson initially

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1 drove throughout the city looking for his victims totally at
2 random. As you recall, they even stopped at a church in
3 Pasadena but they drove on when the doors of the church were
4 locked.
5 Manson even tried to kill a driver of a white
6 sports car right up the Sunset Strip in the Beverly Hills area;
7 and then, of course, we have the Venice incident.
8 So, on the night of the La Bianca murders, in this
9 vast, sprawling metropolis of seven million citizens, no one,
10 be they in a home, an automobile or even a church, were safe
11 from this roaming band of murderers.
12 I might add that Sgt. Harold J. Dolan of the Los
13 Angeles Police Department Latent Fingerprint Section testified
14 that he examined this knife here, People's 207, examined the
15 handle on this knife. This was the knife that was protruding
16 from Leno La Bianca's stomach -- these people that we are
17 dealing with here, ladies and gentlemen, are sweethearts --
18 this was protruding from Mr. La Bianca's stomach.
19 He examined the handle of the fork; there were no
20 fingerprints on it. Some surfaces, as you know, do not lend
21 themselves to receiving fingerprints. The handle of this fork
22 does lend itself to receiving fingerprints, ladies and gentle-
23 men. How do we know? Because Dolan checked it out by grasp-
24 ing the handle, himself, and it did leave readable, identifiable
25 prints. The handle on this fork was wiped clean.
26 Dolan also testified that the refrigerator door of
27 the La Bianca residence, plus the handle on the refrigerator
28 door, had also been wiped clean of fingerprints; and with

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1 respect to that refrigerator handle, as you know, Ruth Sivick
2 testified that at 6:00 p.m., on August 9, 1969, a Saturday,
3 she went to the La Bianca residence to feed the dogs. She
4 opened the refrigerator to get the dog food out, so we know
5 that she did grasp the handle on that refrigerator door.
6 Again, Dolan testified that that handle lent itself
7 to receiving fingerprints. There wasn't even a smudge; there
8 wasn't even a fragmentary fingerprint.
9 Now, since we know that Tex Watson was very finger-
10 print conscious by virtue of the fact that he told Linda the
11 previous night to wipe the fingerprints off the knives, I think
12 it is a very, very reasonable inference that either he or
13 Katie or Leslie, at his instructions, wiped the fingerprints
14 off at the La Bianca residence. In either event, this, again,
15 shows that he was thinking very, very clearly on the night of
16 the La Bianca murders.
17 Now, how did Tex act after these murders: Like
18 any guilty person would act that didn't want to get caught.
19 Again, he tells Barbara Hoyt the day after the La Bianca mur-
20 ders not to talk to anyone about Griffith Park, and we know
21 that the La Bianca residence is in the Griffith Park area of
22 Los Angeles. I think we can draw the inference that the
23 street that Tex, Katie and Leslie hitchhiked back to Spahn
24 Ranch from was Los Feliz Boulevard, because Los Feliz Boulevard
25 is the next street to the north of Waverly Drive, which runs
26 east and west. I think from your own experience, you realize
27 that Los Feliz Boulevard runs past the entranceway of Griffith
28 Park. In fact, we have a map of the area that has been

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1 introduced into evidence and you'll be able to examine the
2 map back in the jury room.
3 Although Tex just murdered seven people, Ladies
4 and Gentlemen, he was deceptive and cute enough -- he was
5 cute enough to tell Barbara, "We were at a love-in in Griffith
6 Park; we were at a love-in," he said.
7 Well, Leno and Rosemary La Bianca, ladies and
8 gentlemen, could have lived very, very well without this man's
9 type of love.
10 Then, on August the 21st we have the incident in
11 Olancha where he runs away from Officer Cox, obviously because
12 Officer Cox had a sheriff's uniform on and a marked police
13 vehicle. Tex finally comes out of the bushes and he gives his
14 name as Charles Montgomery, a phony name. Tex knew, of course,
15 that the police obviously would be looking for the killers,
16 but he had no way of knowing whether the police knew who the
17 killers were, so he wasn't about to give his true name and
18 tell the police his whereabouts.
19 There was testimony during this trial that Watson
20 has a confusion of identity between himself and Charles Manson.
21 If that were so, why didn't he tell Deputy Cox that his name
22 was either Charles Watson or Charles Manson? No, he doesn't;
23 he gives him the phony name, Charles Montgomery.
24 He knew who he was. He knew he had murdered seven
25 people and he didn't want to get caught; but Tex says, well,
26 there were some outstanding traffic warrants for him in Los
27 Angeles, and this is why he gave the phony name.
28 Then he gets angry at Dianne for telling Deputy

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1 Cox that his name was Tex; and we have his making Dianne
2 promise not to tell anyone that he had confessed to her about
3 Sharon; and he buys a newspaper every day in Olancha -- he
4 wasn't reading the stock quotations, ladies and gentlemen, he
5 obviously wanted to find out about these murders, what progress
6 the police were making.
7 Even in Charles Tex Watson had not done all of
8 these things that I have mentioned, even if he hadn't done any
9 of these things and the only evidence that we have, forget
10 about the fingerprint, the cutting of the wires, forget about
11 all that stuff -- the only evidence that we had is that he
12 left Spahn Ranch on both nights for the purpose of going out
13 and killing and he did kill, that would clearly and unequivocally
14 show, I believe, that he deliberated and premeditated these
15 murders. Why? Because if a person intends to do something
16 and they think about how to do it and then they go out and do
17 it, they have, by definition, deliberated and premeditated the
18 thing in question.
19 To deliberate and to premeditate anything, whether
20 it is a murder or preparing a birthday party or driving across
21 town, is a very, very simple process. Human beings do it on
22 a day-to-day basis.
23 One of the principal reasons, apart from the
24 fingerprints and all of the surreptitious, clandestine conduct,
25 one of the principal reasons why we know that Tex Watson
26 deliberated and premeditated these murders is because he has
27 had a lifetime, like all of us, of practicing deliberation and
28 premeditation. Now, here, the thing deliberated and

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premeditated was murder. The fact that it was murder, as opposed to driving across town to a friend's house or how to get a promotion at work, how to defeat an opponent in an upcoming tennis match, does not mean that it was not deliberated and premeditated. The fact that it was murder doesn't change anything. Psychiatrists, and we talked about them all yesterday afternoon and I wasn't too kind to them -- believe me, I held back a little bit -- I think they deserve just a little rougher treatment than I gave them, but psychiatrists can get together and disagree on whether Mr. Watson deliberated and premeditated these murders. They can disagree until wild flowers grow at the intersection of Seventh and Broadway in downtown Los Angeles, but we know, ladies and gentlemen, we know from his conduct and his statements that he deliberated and premeditated these murders in the most classical sense of the word.

Many things in life, obviously, are susceptible of more than one reasonable interpretation. His conduct and his statements on these two nights of murder are not susceptible to more than one reasonable interpretation, and that is that he deliberated and premeditated these murders.

If you or I had committed these murders and, of course, we wouldn't have -- when a person prefaces a statement with the word "if," whatever the statement is that follows it could be anything: "If I had wings, I could fly" -- but if we committed these murders, ladies and gentlemen, which we wouldn't have -- but, if we had and we didn't want to get caught, we would probably have acted in the same fashion that

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1 Charles Tex Watson did. In fact, we probably wouldn't have
2 done as good a job as he did in avoiding detection. After
3 all, cutting the telephone wires, climbing around the front
4 gate, being dressed in black, cutting the screen, checking for
5 open doors and windows, getting angry with people whom we are
6 with because they were careless, like he got angry with Sadie;
7 wiping fingerprints off the murder weapons, disposing of the
8 murder weapons hardly could be characterized, ladies and
9 gentlemen, as a murder perpetuated by a member of the Three
10 Stooges.
11 If Watson didn't deliberate, premeditate these
12 murders, what would a person have done who did deliberate and
13 premeditate these murders that Watson did not do? What could
14 he have done that he did not do? I don't know what. He took
15 every conceivable measure to insure that he was effective and
16 that he wouldn't get caught.
17 Linda Kasabian is the only person who took that
18 witness stand -- the only person -- who was with Watson on
19 these two nights of murder. Neither you nor I was there nor
20 the judge or Dr. Bohr or any of the other psychiatrists.
21 Linda is a human being with eyes and ears and,
22 as such, she can detect, like anyone else, whether there is
23 something wrong with a person, whether their mind has taken
24 leave of their body. It is the easiest thing in the world to
25 do. Even animals can sense if there is something wrong.
26 Linda said there was nothing wrong with this guy, he was very,
27 very much in control of himself.
28 Rudolf Weber confronts them and he says, "Hi, we

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were just getting a drink of water; we're sorry to have disturbed you": Cool, calm, collected.

As I said in my opening statement, ladies and gentlemen, on these two nights of murder, Charles Tex Watson was not suffering from any diminished mental capacity. Like any vicious, cold-blooded killer, he was suffering from a diminished heart, a diminished soul; but, unfortunately for Mr. Watson, a diminished heart and diminished soul are not defenses to first degree murder.

When you go back into that jury room, ask yourselves this question: If these seven savage murders were not willful, deliberate, premeditated murders, what in the world would be? Please ask yourselves that question.

When we talk about diminished mental capacity, ladies and gentlemen, we are talking about diminished mental capacity to commit a crime. Now, for obvious reasons the legal conception of mental capacity to commit a crime cannot be limited to those people of high intellectual endowments, who have perfectly normal minds and personalities. If that were the case, few would ever be convicted of first degree murder; so, even assuing that Charles Watson was not in perfect mental health at the time of these murders, and he had a slightly low I.Q. -- which, incidentally, is shared by fifty million Americans -- even assuming that, this is not crucial. The only issue is whether he deliberated and premeditated these murders. There is absolutely no doubt whatsoever that he did.

Finally, I am making some closing observations, then we can all go home, maybe watch television tonight and

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we'll come back tomorrow morning and Judge Alexander will instruct you on the law and then you can commence your deliberations.

We lawyers have been rather gabby and we have had a captive audience, you folks can't say boo, no matter what we say, you just have to sit there and listen; but when you go back to the jury room, I'm sure there is going to be a lot of talking going on back there. We all wish we could be there with you, we lawyers, to find out what goes on; but under the law we can't.

Mr. Watson and his two attorneys, Sam Bubrick and Maxwell Keith, may be hoping for miracles; but I tell them that 12 reasonable men and women chosen from this community heard the evidence in this case and they are not going to base their verdict on a Perry Mason script. They are going to base their verdict on the cold, hard, ugly facts that came from that witness stand under oath. Earl Stanley Gardiner isn't here to help Sam Bubrick and Maxwell Keith.

When a person is as guilty as sin, ladies and gentlemen, like Tex Watson is, and facing a penalty of death, as I have said before, they don't just lie down and give up and play dead; they don't throw up the white flag and surrender. No, they have got to come up with some kind of a defense and hope for the best, the very nature of things, human beings very obviously don't want to face up to the wrongs they have committed.

Criminals, particularly murders, since they obviously have more to lose, certainly normally maintain that

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they are not fully responsible for what they did. The reasons are multifold and diverse: "I was under the influence of drugs." "I was intoxicated." "I had an irresistible impulse." "I blacked out and when I came to, I realized I had killed a person." "The gun went off accidently."

The reasons are multifold and diverse, but there is always one common denominator: "I'm not fully responsible for what I did."

Watson hasn't laid down and played dead, either, ladies and gentlemen. He's come up with the defense of diminished mental capacity. It's the same old story dressed up in different clothing, "I'm not fully responsible for what I did." The only problem is that Tex Watson is responsible for what he did.

Our law bases its concept of criminal responsibility upon the centuries old Judeal Christian Ethic that a man is personally responsible for the wrongs he commits, as well as, of course, being personally praiseworthy for acts or behavior that reflected credit upon him. The criminal law, in the very, very last analysis, is based and predicated upon moral foundations and the assumption that man is endowed with free will is at the very basis, the very moral foundation of the criminal law.

Man is not standing on some rudderless vessel at sea, subject to whatever capricious wind might blow, ladies and gentlemen; he's free to make choices between good and evil. There is absolutely no question that on both of these nights, Watson was in complete command of everthing he did and was exercising his own free will. He brutally murdered these

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people, because he wanted to.

The fact that he stabbed them over and over again shows what: That he was a very willing participant in these murders, he didn't just kill them, ladies and gentlemen, he murdered with relish.

I stated yesterday morning and I will say it again, if he didn't want to kill these people, all he had to do was not do it. Linda Kasabian is a little girl of slight frame. If she could say no to Charles Manson, surely Tex Watson, a tall, strapping Texan who towered over Charles Manson, surely he could also say no. He didn't say no because he wanted to murder these people. Linda exercised her free will one way, Tex Watson exercised his free will another way.

On the hot summer night of August the 8th, 1969, Charles Manson sent out from the fires of hell at Spahn Ranch three heartless savages, Tex Watson, Susan Atkins and Patricia Krenwinkel; and unfortunately for him and Mr. Watson, one human being, the little hippie girl, Linda Kasabian.

Photographs of the victims, ladies and gentlemen, which is ghastly, we apologize, but you have to look at them -- are exhibits and you'll have them back in the jury room. The photographs of the exhibits show how very well Watson and his two co-conspirators, Atkins and Krenwinkel, carried out this mission of murder.

Roman Polanski, Sharon Tate's husband, is a movie director and he, himself, could not have conceived of a more monstrous, macabre nightmarish scene of human terror and massacre. What followed was perhaps the most inhuman,

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horror-filled hour of savage murder, of human slaughter in the recorded annals of crime.

The very next night, Leslie Van Houton joins the continuing conspiracy to commit murder and Leno and Rosemary are brutally butchered to death by Watson, Krenwinkel and Van Houton.

I might add this point, ladies and gentlemen, that among the four killers -- among the four killers, Watson, Krenwinkel and Van Houton -- it would appear that Watson was the main killer, the principal butcher, the one who murdered the most. This is inferable even from his own testimony. I think it is a very reasonable inference that Watson stabbed these victims more than the three girls put together.

He wants you to forget these two incredible savage nights of murder. He wants you to forget it very, very badly. He wants you to only see him as he looks now, a somewhat closely cropped, neat haircut, conservative Ive League attire; thin, almost anemic looking; instead of a sharp knife and a revolver in his hand, a pencil. He walks slowly. He is soft spoken, mild-mannered. Why, Charles Tex Watson is as harmless as an emaciated moth, he wouldn't hurt a flea. Of course not.

Let's go back to the hot summer nights of August 9th and 10th, 1969. On those two nights of murder, Charles Tex Watson didn't look the way he looks now. He was a strong, strapping, robust, athletic male, probably weighing between 160 to 180 pounds; as healthy as a young stallion; and when his boss, Charles Manson, who had visions of grandeur and greatness, told him to go out and kill, Watson, with murder in

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1 eyes and his heart, got some dark clothing, a knive, a
2 revolver and with Atkins, Krenwinkel and Kasabian, drove
3 directly to the Tate residence; cuts the telephone wires; climbs
4 around the front gate; cold-bloodly shoots Steven Parent to
5 death, fires four shots at close range, one time right in the
6 head; and he advances toward the residence, and like a tortu-
7 ous snake, he enters the residence in the middle of the night;
8 and like a virtual savage he cuts and butchers these people
9 up like animals.
10 The following night he does the same thing to
11 Leno and Rosemary La Bianca. He wants you to forget. He
12 wants you to forget, but you are going to have to remember.
13 He wants you to forget that he had the heart of
14 the wildest animal in the jungle, that he had an insatiable
15 hunger for the merciless, barbaric death of other human beings,
16 an unquenchable thirst for their life blood; but by your
17 verdict of first degree murder you are going to tell Charles
18 Tex Watson you have not forgotten.
19 You don't put seven people in their graves and get
20 by with it, simply by dressing like a college student and
21 acting harmless in a court of law for two months. It is not
22 quite that easy.
23 The defense tried to sweep these seven brutal
24 murders under the rug. It can't be done.
25 Watson did everything possible to escape full
26 responsibility for these ghastly murders; among other things,
27 ladies and gen tlemen, he employed the ink bag of the octopus
28 which we talked about yesterday, by way of the psychiatric

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1 defense of diminished mental capacity; but the evidence which
2 came from that witness stand under oath stripped away all of
3 the layers of psychiatric mumbo jumbo and focused a very
4 bright, penetrating spotlight on these two dark black nights
5 of murder. What we saw, ladies and gentlemen, was an
6 incredibly vicious, cold-blooded killer, Charles Tex Watson,
7 who was a party to a chillling, horrifying, monstrous, all
8 most unearthly conspiracy to commit a wanton orgy of murder,
9 a conspiracy, whose participant, Charles Watson, was blinded
10 by the glare of the spotlight and who sought to cover his eyes
11 and scurry off into the sanctuary of other dark places; but
12 our system of law, ladies and gentlemen, is predicated on the
13 concept of justice, which means that when you murder a fellow
14 human being, you do have to pay for your crime.
15 Ladies and gentlemen of the jury, we have beheld
16 the form of the retreating octopus. We have brought Charles
17 Tex Watson back to face justice.
18 Truth, ladies and gentlemen, is very, very diffi-
19 cult to smother and suppress. I think you can call on your
20 own human experience for that. The truth has a way about it
21 of seeping to the surface. The chemistry of the truth is to
22 rise for a breath of fresh air. The truth came out at this
23 trial, ladies and gentlemen.
24 This is not a case of diminished mental capacity.
25 If anything, Watson had more of a mental capacity to deliberate
26 and premeditate the deaths of other human beings than the
27 average person. This is a case of Charles Tex Watson being
28 a diminished human being with a diminished heart and a diminished

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1 soul.

2 Under the laws of this state and land, a defendant
3 is entitled to have his day in court. Charles Tex Watson got
4 that. He is also entitled to have a fair trial with an
5 impartial jury. You folks gave him that. That's all that he's
6 entitled to.

7 Since he murdered seven human beings, the People
8 of the State of California are entitled to a guilty verdict.
9 You folks are 12 reasonable men and women; this is why we
10 selected you as jurors on this case.

11 Based on the evidence that came from that witness
12 stand, not only isn't there any reasonable doubt that he is
13 guilty of first degree murder, there is absolutely no doubt
14 whatsoever. As sure as night follows day, as sure as I'm
15 standing here, he is guilty of first degree murder.

16 As I told you earlier yesterday, he is either
17 guilty of first degree murder or he should walk out of this
18 courtroom. He's either guilty of first degree murder or he
19 is not guilty of anything at all.

20 But, we know that he is guilty of first degree
21 murder. All of the evidence, a monumental amount of evidence,
22 much of it scientific, conclusively proves that he is guilty
23 of first degree murder.

24 I turn you over to your good conscience in
25 evaluating the testimony and the evidence that came from that
26 witness stand under oath. The prosecution did its job in
27 gathering and presenting the evidence. The witnesses did
28 their job by taking that witness stand and testifying under

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1 oath.

2 Now, you folks are the last link in the chain of
3 justice. I respectfully ask that you come back into this
4 courtroom and say, "We, the Jury, in the above-entitled action,
5 find the defendant, Charles Watson guilty of murder as charged
6 in Counts I through VII of the indictment and we find it to be
7 murder in the first degree; and we further find defendant
8 Charles Watson to be guilty of the crime of conspiracy to
9 commit murder as charged in Count No. VIII of the indictment."

7f. 10 It is very, very easy, ladies and gentlemen, to
11 forget these people over here. It is very easy to forget the
12 victims of any crime: Sharon Tate -- Sharon Tate, let's not
13 forget her; Abigail Folger, not just a name but a human being;
14 Wojiciech Frykowski; Jay Sebring; Steven Parent; Leno La Bianca;
15 Rosemary La Bianca. They are not with us here now in this
16 courtroom, but from their graves, they cry out for justice.
17 Justice can only be served by coming back into this courtroom
18 with a verdict of first degree murder. Anything less than
19 first degree murder would be a mockery, a travesty, a burlesque,
20 a perversion of justice. In the contest between justice and
21 injustice, injustice would win out.

22 It has been a very long, complicated trial. I
23 don't have to tell you that, you know it just as well or better
24 than I.

25 On behalf of the State of California, I want to
26 thank you very much for the patience and attention you have
27 demonstrated throughout this entire trial. You have been
28 an exemplary jury.

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The plaintiff at this trial is the People of the State of California. I have all the confidence in the world that you are not going to let them down.

Thank you very much.

THE COURT: Ladies and gentlemen of the jury, at this time we will recess until 9:30 tomorrow morning.

During the recess, do not form or express any opinion in this case; do not discuss it among yourselves, let no one else talk to you about this case, keep an open mind and, again, please refrain from reading or seeing any of the news media.

You will get this case tomorrow morning.

9:30; thank you, ladies and gentlemen.

(An adjournment was taken until Thursday, October 7, 1971, at 9:30 a.m.)

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LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 7, 1971, 9:30 A.M.

--oOo--

THE COURT: Good morning, ladies and gentlemen.

THE JURORS: Good morning.

THE COURT: Gentlemen.

People against Watson. Let the record show all jurors are present; defendant and all counsel are present.

If you can't hear me, ladies and gentlemen, would you speak right up, please?

Can you hear me, Mrs. Oreskovich, over there?

THE JUROR: Very well; I was just looking at the date.

THE COURT: Ladies and gentlemen of the jury: It is my duty to instruct you in the law that applies to this case and you must follow the law as I state it to you.

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INSTRUCTIONS GIVEN

CALJIC 1.00

THE COURT: Ladies and gentlemen of the jury:

It is my duty to instruct you in the law that applies to this case and you must follow the law as I state it to you.

As jurors it is your exclusive duty to decide all questions of fact submitted to you and for that purpose to determine the effect and value of the evidence. In performing this duty you must not be influenced by pity for a defendant or by passion or prejudice against him. You must not be biased against a defendant because he has been arrested for this offense, or because a charge has been filed against him, or because he has been brought to trial. None of these facts is evidence of his guilt and you must not infer or speculate from any or all of them that he is mire likely to be guilty than innocent.

In determining whether the defendant is guilty or not guilty, you must be governed solely by the evidence received in this trial and the law as stated to you by the court. You must not be governed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling. Both the People and the defendant have a right to expect that you will conscientiously consider and weigh the evidence and apply the law of the case, and that you will

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reach a just verdict regardless of what the consequences of such vereict may be.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

PROPOSED JURY INSTRUCTION

Reference has been made from time to time to the trial of Charles Manson, Patricia Krenwinkel, Susan Atkins and Patricia Van Houten. You are instructed that you must not consider as evidence in this case anything suggested by those references nor may you speculate about what defenses, if any, may have been offered in that trial nor what, if anything, may have been said or done by counsel or witnesses in that case.

CALJIC 1.01

If the court repeats any rule, direction or idea, or states the same in varying ways, no amphasis is intended and you must not draw any inference therefrom. You are not to single out any certain sentence or any individual point or instruction and ignore the others. You are to consider all the instructions as a whole and are to regard each in the light of all the others.

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The order in which the instructions are given has no significance as to their relative importance.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 1.02

You must not consider as evidence any statement of counsel made during the trial; however, if counsel for the parties have stipulated to any fact, or any fact has been admitted by counsel, you will regard that fact as being conclusively proved as to the party or parties making the stipulation or admission.

A "stipulation" is an agreement between the attorneys as to matters relating to the trial.

As to any question to which an objection was sustained, you must not speculate as to what the answer might have been or as to the reason for the objection.

You must never speculate to be true any insinuation suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must not consider for any purpose any offer of evidence that was rejected, or any evidence that was stricken out by the court; such

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matter is to be treated as though you had never heard of it.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.00

The testimony of a witness, a writing, a material object, or anything presented to the senses offered to prove the existence or nonexistence of a fact is either direct or circumstantial evidence.

Direct evidence means evidence that directly proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact.

Circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

It is not necessary that facts be proved by direct evidence. They may be proved also by circumstantial evidence or by a combination of direct evidence and circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable

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as a means of proof. Neither is entitled to any greater weight than the other.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.01/1

You are not permitted to find a defendant guilty of any crime charged against him based on circumstantial evidence unless the proved circumstances are not only consistent with the theory that defendant is guilty of the crime, but cannot be reconciled with any other rational conclusion, and each fact which is essential to complete a set of circumstances necessary to establish that defendant's guilty has been proved beyond a reasonable doubt.

Also, if the evidence as to any particular count is susceptible of two reasonable interpretations, one of which points to a defendant's guilt and the other to his innocence, it is your duty to adopt that interpretation wihch points to his innocence, and reject the other which points to his guilt.

You will notice that the second paragraph of this instruction applies only when both of the interpretations appear to you to be reasonable. If, on the other hand, one of the interpretations appears to you to be reasonable and the other to be

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unreasonable, it would be your duty to adopt the reasonable interpretation and to reject the unreasonable interpretation.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.09

Certain evidence was admitted for a limited purpose.

At the time this evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted.

You are again instructed that you must not consider such evidence for any purpose except the limited purpose for which it was admitted.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.10

There has been admitted in evidence the testimony of medical experts of statements made to them by the defendant in the course of an examination of the defendant which was made for the purpose of diagnosis. The testimony of such statements may be considered by you only for the limited purpose of showing the

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information upon which the medical expert based his opinion. Such testimony is not to be considered by you as evidence of the truth of the facts disclosed by defendant's statements.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.11

Neither side is required to call as witnesses all persons who may have been present at any of the events disclosed by the evidence or who may appear to have some knowledge of these events, or to produce all objects or documents mentioned or suggested by the evidence.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.20

Every person who testifies under oath is a witness. You are the sole and exclusive judges of the credibility of the witnesses who have testified in this case.

In determining the credibility of a witness you may consider any matter that has a tendency in reason to prove or disprove the truthfulness of his testimony, including but not limited to the following:

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His demeanor while testifying and the manner in which he testifies;

The character of his testimony;

The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies;

The extent of his opportunity to perceive any matter about which he testifies;

The existence of nonexistence of a bias, interest, or other motive;

A statement previously made by him that is consistent with his testimony;

A statement made by him that is inconsistent with any part of his testimony;

The existence or nonexistence of any fact testified to by him;

His attitude toward the action in which he testifies or toward the giving of testimony;

His admission of untruthfulness;

~~His prior conviction of a felony.~~

His prior conviction of a felony.

Requested by Plaintiff

Given as Modified

Adolph Alexander, Judge

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CALJIC 2.23

The fact that a witness had been convicted of a felony, if such be a fact, may be considered by you only for the purpose of determining the credibility of that witness. The fact of such a conviction does not necessarily destroy or impair the witness' credibility. It is one of the circumstances that you may take into consideration in weighing the testimony of such a witness.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.21

A witness willfully false in one material part of his testimony is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you shall believe the probability of truth favors his testimony in other particulars.

However, discrepancies in a witness' testimony or between his testimony and that of others, if there were any, do not necessarily mean that the witness should be discredited. Failure of recollection is a common experience; and innocent misrecollection is not uncommon. It is a fact, also, that two persons witnessing an incident or a

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transaction often will see or hear it differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.22

You are not bound to decide in conformity with the testimony of a number of witnesses, which does not produce a conviction in your mind, as against the testimony of a lesser number or other evidence, which appeals to your mind with more convincing force. [Testimony which you believe given by one witness is sufficient for the proof of any fact.] This does not mean that you are at liberty to disregard the testimony of the greater number of witnesses merely from caprice or prejudice, or from a desire to favor one side as against the other. It does mean that you are not to decide an issue by the simple process of counting the number of witnesses who have testified on the opposing sides. It means that the final test is not in the relative number of witnesses, but in the relative convincing force of the evidence.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 2.40

Evidence of the defendant's character, as to those traits which ordinarily would be involved in the commission of a crime such as that charged in this case is relevant to the question of the defendant's guilt or innocence because it may be reasoned that a person of good character as to such traits would not be likely to commit the crime of which the defendant is charged.

Evidence of good character may be sufficient to raise a reasonable doubt whether the defendant is guilty, which doubt otherwise would not exist.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.51

Motive is not an element of the crime charged and need not be shown. However, you may consider motice or lack of motive as a circumstance in this case. Presence of motive may tend to establish guilt. Absence of motive may tend to establish innocence. You will therefore give its presence or absence, as the case may be, the weight to which you find it to be entitled.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 2.70

A statement made by a defendant other than at his trial may be either an admission or a confession.

An admission is a statement by a defendant, which by itself is not sufficient to warrant an inference of guilt, but which tends to prove guilt when considered with the rest of the evidence.

A confession is a statement by a defendant which discloses his intentional participation in the criminal act for which he is on trial and which discloses his guilt of that crime.

You are the exclusive judges as to whether an admission or a confession was made by the defendant and if the statement is true in whole or in part. If you should find that such statement is entirely untrue, you must reject it. If you find it is true in part, you may consider that part which you find to be true.

Evidence of an oral admission or an oral confession of the defendant ought to be viewed with caution.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 2.72

No person may be convicted of a criminal offense unless there is some proof of each element of the crime independent of any admission made by him outside of this trial.

The identity of the person who is alleged to have committed a crime is not an element of the crime [nor is the degree of the crime]. Such identity [or degree of the crime] may be established by an admission.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.80

A person is qualified to testify as an expert if he has special knowledge, skill, experience, training, or education sufficient to qualify him as an expert on the subject to which his testimony relates.

Duly qualified experts may give their opinions on questions in controversy at a trial. To assist you in deciding such questions, you may consider the opinion with the reasons given for it, if any, by the expert who gives the opinion. You may also consider the qualifications and credibility of the expert.

[In resolving any conflict that may exist in the testimony of expert witnesses, you should weigh the

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opinion of one expert against that of another. In doing this, you should consider the relative qualifications and credibility of the expert witnesses, as well as the reasons for each opinion and the facts and other matters upon which it was based.]

You are not bound to accept an expert opinion as conclusive, but should give to it the weight to which you find it to be entitled. You may disregard any such opinion if you find it to be unreasonable.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.81

In determining the weight to be given to an opinion expressed by any witness [who did not testify as an expert witness], you should consider his credibility, the extent of his opportunity to perceive the matters upon which his opinion is based and the reasons, if any, given for it. You are not required to accept such an opinion but should give it the weight, if any, to which you find it entitled.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 2.82

In examining an expert witness, counsel may propound to him a type of question known in law as a hypothetical question. Bu such a question the witness is asked to assume to be true a hypothetical state of facts, and to give an opinion based on that assumption.

In permitting such a question, the court does not rule, and does not necessarily find that all the assumed facts have been proved. It only determines that those assumed facts are within the probable or possible range of the evidence. It is for you, the jury, to find from all the evidence whether or not the facts assumed in a hypothetical question have been proved, and if you should find that any assumption in such a question has not been proved, you are to determine the effect of that failure of proof on the value and weight of the expert opinion based on the assumption.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.90

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an

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acquittal. This presumption places upon the State the burden of proving him guilty beyond a reasonable doubt. Reasonable doubt is defined as follows: It is not a mere possible doubt; because everything relating to human affairs and depending on moral evidence, is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

The law does not require demonstration or that degree of proof which, excluding all possibility of error, produces absolute certainty, for such degree of proof is rarely possible. Moral certainty only is required, which is that degree of proof which produces conviction in an unprejudiced mind.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.00

All persons concerned in the commission of a crime who either directly and actively commit the act constituting the offense or who knowingly and with criminal intent aid and abet in its commission or, whether present or not, who advise and encourage

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its commission, are regarded by the law as principals in the crime thus committed and are equally guilty thereof.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.01

A person aids and abets the commission of a crime if he knowingly and with criminal intent aids, promotes, encourages or instigates by act or advice, or by act and advice, the commission of such a crime.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.10

An accomplice is one who is liable to be prosecuted for the identical offense charged against the defendant on trial.

To be an accomplice, the person must have knowingly and with criminal intent aided, promoted, encouraged, or instigated by act or advice, or by act and advice, the commission of such offense.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 3.11

A conviction can not be had upon the testimony of an accomplice unless it is corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.12

Corroborative evidence is evidence of some act or fact related to the offense which, if believed, by itself and without any aid, interpretation or direction from the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged.

However, it is not necessary that the corroborative evidence be sufficient in itself to establish every element of the offense charged or that it corroborate every fact to which the accomplice testifies. The evidence required to corroborate the testimony of an accomplice is sufficient if it tends to connect the defendant with the commission of the crime in such a way as may reasonably satisfy the jury that the witness who must be corroborated is telling the truth. It is not necessary that the evidence used to corroborate the testimony of an accomplice prove independently that the defendant is

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guilty of the offense. Evidence corroborating the testimony of an accomplice need not connect the defendant with the commission of the offense beyond a reasonable doubt.

In determining whether an accomplice has been corroborated, you must first assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence standing by itself or in conjunction with any other remaining evidence which tends to connect the defendant with the commission of the offense.

If there is not such independent evidence which tends to connect defendant with the commission of the offense, the testimony of the accomplice is not corroborated.

If there is such independent which you believe, then the testimony of the accomplice is corroborated.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.16

If the crimes of murder and conspiracy to commit murder the commission of which are charged against the defendant, were committed by anyone, the witness Linda Kasabian was an accomplice as a matter of law and her testimony is subject to

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the rule requiring corroboration.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.18

The testimony of an accomplice ought to be viewed with distrust. This does not mean that you may arbitrarily disregard such testimony, but you should give to it the weight to which you find it to be entitled after examining it with care and caution and in the light of all the evidence in the case.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

PEOPLE'S SPECIAL INSTRUCTION NO. 6

You are instructed that evidence sufficient to corroborate the testimony of an accomplice may be slight and entitled to little consideration when standing alone. The evidence is sufficient even though slight if it tends to connect the defendant with the commission of the crime.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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PEOPLE'S SPECIAL INSTRUCTION NO. 7

You are instructed that the evidence required to corroborate the testimony of an accomplice may be either circumstantial or direct.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 6.23

In Count VIII the defendants are charged with conspiracy to commit murder in violation of Sections 182.1 and 187, Penal Code of California, a felony, as follows:

> That on or about the 8th through the 10th day of August, 1969 at and in the County of Los Angeles, State of California, Charles Manson, Charles Watson, Patricia Krenwinkel, Susan Atkins, Linda Kasabian, and Leslie Van Houten, the said defendants, did willfully, unlawfully, feloniously and knowingly conspire, combine, confederate and agree together to commit the crime of murder, a violation of Section 187, Penal Code of California, a felony.

It is alleged that the following were overt acts which were committed in this state by one or more of the defendants for the purpose of furthering the object of the conspiracy:

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OVERT ACT NO. 1

That on or about August 8, 1969, the said defendants, CHARLES WATSON, PATRICIA KRENWINKEL, SUSAN ATKINS and LINDA KASABIAN did travel to the vicinity of 10050 Cielo Drive in the City and County of Los Angeles.

OVERT ACT NO. II

That on or about August 8, 1969, the defendants, CHARLES WATSON, PATRICIA KRENWINKEL, and SUSAN ATKINS did enter the residence at 10050 Cielo Drive, City and County of Los Angeles.

OVERT ACT NO. III

That on or about August 10, 1969, the defendants, CHARLES MANSON, CHARLES WATSON, PATRICIA KRENWINKEL, SUSAN ATKINS, LINDA KASABIAN and Leslie Van Houten did travel to the vicinity of 3301 Waverly Drive, City and County of Los Angeles.

OVERT ACT NO. IV

That on or about August 10, 1969, the defendants, CHARLES MANSON, CHARLES WATSON, PATRICIA KRENWINKEL and Leslie Van Houten did enter the residence at 3301 Waverly Drive, City and County of Los Angeles.

The defendants are also charged with the commission of the following public offenses:

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COUNT I

That on or about the 9th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Abigail Anne Folger, a human being.

COUNT II

That on or about the 9th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Wojiciech Frykowski, a human being.

COUNT III

That on or about the 9th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Steven Earl Parent, a human being.

COUNT IV

That on or about the 9th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Sharon Marie Polanski, a human being.

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COUNT V

That on or about the 9th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Thomas John Sebring, a human being.

COUNT VI

That on or about the 10th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Leno A. La Bianca, a human being.

COUNT VII

That on or about the 10th day of August, 1969, at and in the County of Los Angeles, State of California, the said defendant, CHARLES WATSON, did willfully, unlawfully, feloniously and with malice aforethought murder Rosemary La Bianca, a human being.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

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CALJIC 3.31

In the crime charged in Count VIII of the indictment, there must exist a union or joint operation of act or conduct and a certain specific intent.

In the crime of conspiring to commit murder, there must exist in the mind of the perpetrator the specific intent to ~~commit murder of the first degree~~ kill a human being by means of a willful, deliberate and premeditated killing with malice aforethought as that type of murder is defined elsewhere in these instructions, and unless such intent so exists that crime is not committed.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

CALJIC 6.10

A conspiracy is an agreement between two or more persons to commit any crime, and with the specific intent to commit such crime, followed by an overt act committed in this state by one or more of the parties for the purpose of accomplishing the object of agreement. Conspiracy is a crime.

In order to find a defendant guilty of conspiracy, in addition to proof of the unlawful agreement, there must be proof of the commission of at least one of the overt acts alleged in the

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indictments. It is not necessary to the guilt of any particular defendant that he himself committed the overt act, if he was one of the conspirators when such an act was committed.

The term "overt act" means any step taken or act committed by one or more of the conspirators which goes beyond mere planning or agreement to commit a public offense and which step or act is done in furtherance of the accomplishment of the object of the conspiracy.

To be an "overt act", the step taken or act committed need not, in and of itself, constitute the crime or even an attempt to commit the crime which is the ultimate object of the conspiracy. Nor is it required that such step or act, in and of itself, be a criminal or an unlawful act.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 6.11

Each member of a criminal conspiracy is liable for each act and bound by each declaration of every other member of the conspiracy if said act or said declaration is in furtherance of the object of the conspiracy.

The act of one conspirator pursuant to or in furtherance of the common design of the conspiracy

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is the act of all conspirators. Every conspirator is legally responsible for an act of a coconspirator that follows as one of the probable and natural consequences of the object of the conspiracy even though it was not intended as a part of the original plan and even though he was not present at the time of the commission of such act.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 6.12

It is not necessary in proving a conspiracy to show a meeting of the alleged conspirators or the making of an express or formal agreement. The formation and existence of a conspiracy may be inferred from all circumstances tending to show the common intent and may be proved in the same way as any other fact may be proved, either by direct testimony of the fact or by circumstantial evidence, or by both direct and circumstantial evidence.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 6.13

Evidence that a person was in the company of or associated with one or more other persons alleged or proved to have been members of a conspiracy is not, in itself, sufficient to prove that such person was a member of the alleged conspiracy.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.02

The specific intent with which an act is done may be manifested by the circumstances surrounding its commission. But you may not find any defendant guilty of the offense of conspiracy to commit murder charged in Count VIII unless the proved circumstances not only are consistent with the hypothesis that he had the specific intent to commit murder with malice aforethought, but are irreconcilable with any other rational conclusion.

Also, if the evidence as to such specific intent is susceptible of two reasonable interpretations, one of which points to the existence thereof and the other to the absence thereof, you must adopt that interpretation which points to its absence. If, on the other hand, one interpretation of the evidence as to such specific intent appears to you to be reasonable and the other interpretation to be unreasonable, it

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would be your duty to accept the reasonable interpretation and to reject the unreasonable.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.10

Murder is the unlawful killing of a human being, with malice aforethought.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.11

"Malice" may be either express or implied.

[Malice is express when there is manifested an intention unlawfully to kill a human being.]

[Malice is implied [when the killing results from an act involving a high degree of probability that it will result in death, which act is done for a base, anti-social purpose and with a wanton disregard for human life].

The mental state constituting malice aforethought does not necessarioy require any ill will or hatred of the person killed.

"Aforethought" does not imply deliberation or the lapse of considerable time. It only means that

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the required mental state must precede rather than follow the act.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

CALJIC 8.20

All murder which is perpetrated by any kind of willful, deliberate and premeditated killing with malice aforethought is murder of the first degree.

The word "deliberate" means formed or arrived at or determined upon as a result of careful thought and weighing of considerations for and against the proposed course of action. The word "premeditated" means considered beforehand.

If you find that the killing was preceded and accompanied by a clear, deliberate intent on the part of the defendant to kill, which was the result of deliberation and premeditation, so that it must have been formed upon pre-existing reflection and not under a sudden heat of passion or other condition precluding the idea of deliberation, it is murder of the first degree.

The law does not undertake to measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different

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individuals and under varying circumstances. The true test is not the duration of time, but rather the extent of the reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it include an intent to kill, is not such deliberation and premeditation as will fix an unlawful killing as murder of the first degree. To constitute a deliberate and premeditated killing, the slayer must weigh and consider the question of killing and the reasons for and against such a choice and, having in mind the consequences, he decides to and does kill.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.30

Murder of the second degree is the unlawful killing of a human being with malice aforethought when there is manifested an intention unlawfully to kill a human being but the evidence is insufficient to establish deliberation and premeditation.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 8.37

Manslaughter is the unlawful killing of a human being without malice aforethought. It is not divided into degrees but is of two kinds, namely, voluntary manslaughter and involuntary manslaughter.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.40

Voluntary manslaughter is the intentional and unlawful killing of a human being without malice aforethought.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

CALJIC 8.70

Murder is classified into two degrees, and if you should find the defendant guilty of murder, it will be your duty to determine and state in your verdict whether you find the murder to be of the first or second degree.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 8.71

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by a defendant, but you have a reasonable doubt whether such murder was of the first or of the second degree, you must give to such defendant the benefit of that doubt and return a verdict fixing the murder as of the second degree.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.72

If you are satisfied beyond a reasonable doubt that the killing was unlawful, but you have a reasonable doubt whether the crime is murder or manslaughter, you must give the defendant the benefit of such doubt and find it to be manslaughter rather than murder.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 8.74

Before you may return a verdict in this case, you must agree unanimously not only as to whether the defendant is guilty or not guilty, but also, if you should find him guilty of an unlawful killing, you must agree unanimously as to whether he is guilty of [murder of the first degree,] [or] [murder of the second degree] [or] [manslaughter.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.77

If you find from the evidence that at the time the alleged crime was committed, the defendant had substantially reduced mental capacity, whether caused by mental illness, mental defect, intoxication, or any other cause, you must consider what effect, of any, this diminished capacity had on the defendant's ability to form any of the specific mental states that are essential elements of murder and voluntary manslaughter.

Thus, if you find that the defendant's mental capacity was diminished to the extent that you have a reasonable doubt whether he did, maturely and meaningfully, premeditate, deliberate, and reflect upon the gravity of his contemplated act, or form an intent to kill, you cannot find him guilty of a

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willful, deliberate and premeditated murder of the first degree.

Also, if you find that his mental capacity was diminished to the extent that you have a reasonable doubt whether he did harbor malice aforethought, you cannot find him guilty of murder of either the first or second degree.

Furthermore, if you find that his mental capacity was diminished to the extent that he neither harbored malice aforethought nor had an intent to kill at the time the alleged crime was committed, you cannot find him guilty of either murder or voluntary manslaughter.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 8.41

Voluntary manslaughter is the intentional and unlawful killing of a human being without malice aforethought.

There is no malice aforethought if the evidence shows that due to diminished capacity caused by mental illness, mental defect, or intoxication, the defendant did not have the capacity to attain the mental state

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constituting malice aforethought, even though the killing be intentional, voluntary, deliberate, premeditated, and unprovoked.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

CALJIC 8.48

Involuntary manslaughter is the unlawful killing of a human being without malice aforethought and without an intent to kill.

There is no malice aforethought and intent to kill if by reason of diminished capacity caused by mental illness, mental defect, or unconsciousness resulting from voluntary intoxication, the defendant did not have the mental capacity to harbor malice aforethought and to form an intent to kill.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

CALJIC 3.31

In the crimes charged in [Counts 1 to 7 of] the ~~information~~ indictment, there must exist a union or joint operation of act or conduct and a certain specific intent.

In the crime of murder, there must exist in the mind of the perpetrator the specific intent to

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kill a human being, and unless such intent so exists that crime is not committed.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 2.02

The specific intent with which an act is done may be manifested by the circumstances surrounding its commission. But you may not find a defendant guilty of a willful, deliberate, premeditated murder of the first degree unless the proved circumstances not only are consistent with the hypothesis that he had the specific intent to kill a human being with malice aforethought which was the result of deliberation and premeditation as those terms are defined elsewhere in these instructions but are irreconcilable with any other rational conclusion.

Also, if the evidence as to such specific intent is susceptible of two reasonable interpretations, one of which points to the existence thereof and the other to the absence thereof, you must adopt that interpretation which points to its absence. If, on the other hand, one interpretation of the evidence as to such specific intent appears to you to be

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reasonable and the other interpretation to be unreasonable, it would be your duty to accept the reasonable interpretation and to reject the unreasonable.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 3.34

The intent with which an act is done is shown by the circumstances attending the act, the manner in which it is done, the means used, and the soundness of mind and discretion of the person committing the act.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.02

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law applicable to it, uninfluenced by your decision as to any other count. The defendant may be convicted or acquitted on any or all of the offenses charged. Your finding as to each count must be stated in a separate verdict.

Requested by Plaintiff
Given as Modified
Adolph Alexander, Judge

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CALJIC 17.30

I have no intended by anything I have said or done, or by any questions that I may have asked, to intimate or suggest what you should find to be the facts on any questions submitted to you, or that I believe or disbelieve any witness.

If anything I have done or said has seemed to so indicate, you will disregard it and form your own opinion.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.31

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions will apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the court is expressing any opinion as to the facts.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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CALJIC 17.40

Both the People and the defendant are entitled to the individual opinion of each juror.

It is the duty of each of you to consider the evidence for the purpose of arriving at a verdict if you can do so. Each of you must decide the case for yourself, but should do so only after a discussion of the evidence and instructions with the other jurors.

You should not hesitate to change an opinion if you are convinced it is erroneous. However, you should not be influenced to decide any question in a particular way because a majority of the jurors, or any of them, favor such a decision.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.41

The attitude and conduct of jurors at the beginning of their deliberations are matters of considerable importance. It is rarely productive of good for a juror at the outset to make an emphatic expression of his opinion on the case or to state how he intends to vote. When one does that at the beginning, his sense of pride may be aroused,

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and he may hesitate to change his position even if shown that it is wrong. Remember that you are not partisans or advocates in this matter, but are judges.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.43

In your deliberations the subject of penalty or punishment is not to be discussed or considered by you. If you return a verdict of guilty of murder in the first degree, then the matter of penalty or punishment will be considered and determined in a separate proceeding. If you return a verdict of guilty of murder in the second degree or of any lesser offense, the matter of penalty or punishment will be determined in the manner provided by law.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.49

In this case there are 5 possible verdicts ~~[as to each count]~~ [as to Counts 1 thru 7]. These various possible verdicts are set forth in the forms of verdict which you will receive. Only one of the possible verdicts may be returned by you [as to any particular count]. If you all have

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agreed upon one verdict [as to any particular count], the corresponding form is the only verdict form to be signed [as to that count]. The other forms are to be left unsigned.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

CALJIC 17.50

You shall now retire and select one of your number to act as foreman, who will preside over your deliberations. In order to reach a verdict, all twelve jurors must agree to the decision. As soon as all of you have agreed upon a verdict, you shall have it dated and signed by your foreman and then shall return with it to this room.

Requested by Plaintiff
Given as Requested
Adolph Alexander, Judge

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Swear two bailiffs, please.

THE COURT: Yes, your Honor.

(Two bailiffs were sworn to take charge of the jury during its deliberations, and to take charge of the four alternate jurors and keep them apart from the jury while they are deliberating.)

THE COURT: You four alternates will be in isolation.

A JUROR: Do we take our books with us now?

THE COURT: You may.

(At 10:40 a.m., the jury retired to commence deliberations.)

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LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 8, 1971, 1:30 P.M.

--oOo--

(The following proceedings were had in chambers:)

THE COURT: Let the record show we are in chambers.

Mr. Kay of the district attorney's office is here and Mr. Bubrick, representing the defendant.

Early this morning I was told that Mrs. Casalenuovo, one of our jurors, took sick last night after her shower. I was told that she is pregnant and that she was spotting. She came back this morning and I am told that all during the deliberations this morning she has been flat on her back and when it came lunch time, she either couldn't or wouldn't go to lunch with the other jurors, so I immediately sent for a female bailiff and had a female bailiff sit with her.

I then sent for a nurse, a registered nurse by the name of Minnie Jackson, employed by the county, who examined her and told me her blood pressure was 140/78, which is a little bit high; her pulse was 100; and she told the nurse that while she is feeling all right, when she stands, she spots and that she is pregnant.

She told us her doctor, her obstetrician, was Dr. Pasternak, out in Century City. I had the nurse call Dr. Pasternak and Dr. Pasternak told Nurse Jackson that he examined Mrs. Casalenuovo on June 22. At that time she believed she was pregnant, but he did not find that she was pregnant.

He was given her blood pressure and her pulse and he says that if she is pregnant and she is spotting, he wants to see her before Monday.

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1 Now, she is still in the jury room --
2 MR. KAY: He wouldn't come down here and examine her?
3 THE COURT: No, no.
4 Now, I don't think we have a right to gamble with
5 this woman's health and the life of her baby. If she tells
6 us that she is pregnant -- and she told the nurse she is
7 pregnant -- I don't think we can question it.
8 I do know that she has been on her back and she
9 asked the bailiffs to bring her back some food when he brings
10 the jury back. She is lying on her back.
11 Now, that's the sum and substance of it.
12 MR. BUBRICK: I am inclined to agree, Judge, much as I
13 hate to lose her. She's obvious going to have a miscarriage
14 if she's spotting now, and if she moves around.
15 THE COURT: If she doesn't have a miscarriage -- they
16 generally keep them on their backs.
17 MR. KAY: She's probably not taking part in the delibera-
18 tions, anyway, is she?
19 THE COURT: Well, she says she feels all right as long
20 as she is on her back; but feeling all right and spotting, if
21 she is pregnant --
22 MR. BUBRICK: Then, having the concern that would come,
23 I imagine, with the thought that --
24 THE COURT: She has got to stand. We can't keep her on
25 her back during the deliberations.
26 She wouldn't go out to lunch with the other jurors.
27 MR. KAY: I hate to lose her, too.
28 THE COURT: I hate to lose her, too; she seems to be a

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very intelligent little woman, but I don't think we have a right to gamble with her health or the health of her baby.

MR. BUBRICK: No, because if she is, as you have indicated, usually they put them in bed and they keep them flat on their back if they are pregnant and spotting.

THE COURT: So, gentlemen, is it all right for me to go in to talk to Mrs. Casalenuovo, see how she feels, give her the alternatives and ask her what she wants to do?

MR. KAY: I think that's good.

MR. BUBRICK: By all means.

THE COURT: I think we better do that before the jury comes back.

Do you want the reporter with me?

MR. KAY: I don't see that that's necessary.

MR. BUBRICK: I don't feel that's necessary, Judge.

THE COURT: All right, before the jury comes back, so she wouldn't be embarrassed by them -- the female bailiff is in there and I will keep her in there while I talk to her.

I don't think we need the defendant here for this at all?

MR. BUBRICK: I don't think so, either, Judge; there is nothing he could do about it at all.

(Judge leaves and then returns to chambers.)

THE COURT: In accordance with our discussion, I just spoke to Mrs. Casalenuovo.

She tells me she's no longer nauseous, she is no longer taking Dramamine, that her spotting is so light she is not concerned at all, she has asked to remain.

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I told her she could remain on one condition: That if her condition worsens, she is to let us know immediately.

MR. BUBRICK: Fine.

MR. KAY: Good.

THE COURT: She promised to do that, and she seems to be very happy now.

MR. KAY: That is good news.

THE COURT: She is very happy; she says she is feeling fine and the spotting is so light she says she is not concerned.

I guess we were more concerned than she.

* * * *

LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 12, 1971, 11:00 A.M.

--oOo--

(The following proceedings took place in chambers, outside the presence of the jury:)

THE COURT: Let the record show that I have Vince Bugliosi on the telephone with Mr. Max Keith on the other line.

Vince, I have received a note from Mrs. Rosemary Casalenuovo, one of our jurors, in which she says:

"As you know, I did have a slight problem last week and although that problem has ceased, I would appreciate it if I may be permitted to keep ym appointment with Dr. Pasternak, which is scheduled

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for today at 4:30."

Then she goes on to say if she misses today's appointment, she will not be able to see him for two or three weeks.

She says she is sure she is pregnant and she was spotting last week when I spoke to her.

Now, I intend, if it is agreeable with you, I will swear a female deputy in and a male deputy and they will drive her over to Dr. Pasternak's to see him by 4:30 and be brought back immediately.

I will call Dr. Pasternak to question him he is not to talk to her about this case at all.

Is that agreeable with you?

Vincent says that it is so stipulated. I recognize his voice. It is he, and Max Keith also said, on behalf of Watson, he stipulates. He is on the other phone, the other extension.

All right, Vince. I will handle it that way.

* * * *

LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 12, 1971, 4:10 P.M.

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(At 4:10 P.M., the jury returned to the courtroom, and the following proceedings were had:)

THE COURT: People against Watson.

Let the record show all jurors are present; all counsel and defendant are present.

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Mr. Rodriguez, I see you hold the verdicts; I take it you are the foreman?

MR. RODRIGUEZ: Yes, I am, your Honor.

THE COURT: Have you agreed upon a verdict in this case?

MR. RODRIGUEZ: We have agreed upon a verdict.

THE COURT: Would you hand the verdicts to the bailiff, please?

Will the clerk please read the verdicts?

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count I of the indictment and find it to be murder in the first degree.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count II of the indictment and find it to be murder in the first degree.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count III of the indictment and find it to be murder in the first degree.

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"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count IV of the indictment and find it to be murder in the first degree.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count V of the indictment and find it to be murder in the first degree.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count VI of the indictment and find it to be murder in the first degree.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of murder as charged in Count VII of the indictment and find it to be murder in the first degree.

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"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE CLERK: Title of Court and Cause:

"We, the jury in the above-entitled action, find the defendant Charles Denton Watson guilty of conspiracy to commit murder as charged in Count VIII of the indictment.

"This 12th day of October, 1971.

"Carlos Rodriguez, Foreman."

THE COURT: Ladies and gentlemen of the jury, is this your verdict, so say you one, so say you all?

(The jury indicated in the affirmative.)

THE COURT: Mr. Bubrick, do you wish the jury polled?

MR. BUBRICK: Yes, please, your Honor.

THE COURT: Do you wish them polled as to each individual count?

MR. BUBRICK: Yes, your Honor.

THE COURT: Ladies and gentlemen of the jury --

MR. BUBRICK: Your Honor, instead of each individual count, may they each be asked if that is the fact as to their verdict, as to Counts I through VIII?

THE COURT: Is that agreeable with you?

MR. KEITH: Yes, your Honor.

THE COURT: You may do it that way.

THE CLERK: Ladies and gentlemen of the jury, as I read this, if these are your verdicts, would you answer "Yes"?

Mrs. Louise Stanton?

MRS. LOUISE STANTON: Yes.

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THE CLERK: Irvin Spanier?

MR. SPANIER: Yes.

THE CLERK: Francisco Jeffers?

MR. JEFFERS: Yes.

THE CLERK: Kenneth R. Morgan?

MR. MORGAN: Yes.

THE CLERK: Alice K. Nihei.

MISS NIHEI: Yes.

THE CLERK: Mathew Batie.

MR. BATIE: Yes.

THE CLERK: Gwendolyn Spencer?

MRS. SPENCER: Yes.

THE CLERK: Mrs. Marie E. Trainor?

MRS. TRAINOR: Yes.

THE CLERK: Carlos Rodriguez?

MR. RODRIGUEZ: Yes.

THE CLERK: Rosemary Casalenuovo?

MRS. CASALENUOVO: Yes.

THE CLERK: George T. Ujiiye?

MR. UJIIYE: Yes.

THE CLERK: Norma P. Oreskovich?

MRS. ORESKOVICH: Yes.

THE CLERK: Twelve jurors answered "Yes," your Honor.

THE COURT: All right.

Record the verdicts as they are.

Thank you, ladies and gentlemen. Your services, however, are not yet completed. We now must enter the Phase to determine if not guilty by reason of insanity.

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1 Mr. Rodriguez, you probably have spoken to your
2 jurors. Would you want one day off and then start your
3 deliberations on the insanity phase, or would you care to
4 start tomorrow?
5 MR. KEITH: May the Court please, we intend to offer
6 evidence on that issue.
7 THE COURT: I know that; I know that, but the thing is,
8 has the jury considered whether they want to start listening
9 to the evidence tomorrow or do they want a day off on that?
10 MR. BUBRICK: Could we offer a suggestion as to Monday,
11 your Honor?
12 I don't know if we could get our witnesses together
13 by tomorrow or by Thursday.
14 MR. BUGLIOSI: May we approach the bench on this?
15 THE COURT: Yes.
16 (Unreported discussion between Court and counsel:)
17 THE COURT: If I said, "begin deliberations," I was
18 mistaken in that. We must take testimony on that question of
19 insanity.
20 A JUROR: Are we still sequestered?
21 THE COURT: No, you may go home tonight.
22 Ladies and gentlemen of the jury, all counsel have
23 agreed that we will start the insanity phase on Friday, the
24 15th of October.
25 Now, ladies and gentlemen, again, let me caution
26 you as to this phase of the case: Do not discuss it with
27 anybody; let no one speak to you about this case, because,
28 remember, you are still jurors in this case, your services

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have not yet terminated, and please refrain from reading any news media concerning this case.

Now, will that be agreeable, Mr. Rodriguez, Friday, October 15th?

MR. RODRIGUEZ: It will be very agreeable.

THE COURT: All right, we will recess at this time till Friday, October 15th, 9:30 a.m.

Thank you, ladies and gentlemen.

We will have the spectators remain seated until the jurors leave.

All alternates come back, too; you are still part of the jury.

You may be excused, ladies and gentlemen.

(At 4:30 p.m., Tuesday, October 12, 1971, an adjournment was taken until Friday, October 15, 1969, at 9:30 a.m.)

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LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 15, 1971; 9:45 A.M.

- - -

THE COURT: Good morning.

THE JURORS: Good morning.

THE COURT: People against Watson.

Let the record show all our jurors are present -- for which I am very thankful -- all counsel and defendant are present.

Now, ladies and gentlemen of the jury, we are about to start what we call now the insanity phase of this trial.

You will recall when we started this trial you were told that should you find the defendant guilty of any offense you then will have to determine whether or not he was legally insane at the time of the commission of the offense.

Now, all counsel have stipulated that in determining the issue of insanity you may consider all the evidence that you have heretofore heard in connection with this case.

Now, I am satisfied that many of us have forgotten the legal definition of insanity. I think I told you when you were being voir dired that there are various medical definitions of insanity, but there is only one legal definition of insanity. I will read that definition to you again, lest some of us may have forgotten.

"The defendant has heretofore been found guilty of the offense of murder and conspiracy to commit murder and it is now your function to

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determine the issue raised by the defendant's plea of not guilty by reason of insanity. Such plea now places before you the issue as to whether he was legally sane or legally insane at the time of the commission of the offense. This is the sole issue for you to determine in this proceeding."

You notice we emphasize "legally sane" or "legally insane" and not the medical definition of insanity.

"Although you may consider evidence of his mental condition before and after the time of the commission of the offense, such evidence is to be considered for the purpose of throwing light upon his mental condition as it was when the offense was committed. Legal insanity, as the words are used in these instructions, means a diseased or deranged condition of the mind which makes a person incapable of knowing or understanding the nature and quality of his acts or makes a person incapable of knowing or understanding that his act was wrong.

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"If you find that the defendant was capable of knowing and understanding the nature and quality of his act, and in addition was capable of knowing and understanding that his act was wrong, you will find that he was legally sane.

"However, if you find that the defendant was not capable of knowing or understanding the nature and quality of his act, you will find that he was legally insane. Or if you find that he was incapable of knowing or understanding that his act was wrong, you will find that he was legally insane.

"The defendant has the burden of proving his legal insanity by a preponderance of the evidence. By a preponderance of evidence is meant such evidence as when weighed with that opposed to it has more convincing force and a greater probability of truth."

Now, in this case, the defendant, having the burden of proving his legal insanity, he has the right to open and close on the question of insanity.

Therefore, the defendant may now proceed with his case.

MR. KAY: Your Honor, I believe it wasn't stated by the court on the record that we do stipulate what your Honor said, that the jury may consider all the evidence.

THE COURT: Have I stated the stipulation correctly?

MR. KEITH: Yes.

MR. BUBRICK: Yes.

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MR. KAY: So stipulated.

MR. KEITH: Dr. Frank.

IRA M. FRANK,

recalled as a witness on behalf of the defendant, having been previously duly sworn, testified further as follows:

THE CLERK: Doctor, you have been previously sworn.

Would you be seated and state your name for the record.

THE WITNESS: Dr. Ira M. Frank.

DIRECT EXAMINATION

BY MR. KEITH:

Q Doctor, inasmuch as both sides have stipulated that all the evidence that was heard by the jury at the preceding phase of this case will be considered by them at this phase, I won't go in again to all your qualifications.

However, I will ask you, since you testified heretofore have you been the recipient or beneficiary of a grant or fellowship to engage in the research and study of the effect of marijuana?

A Yes, I have.

Q Could you tell the jury or describe to the jury the nature of that grant or fellowship?

A Yes. My associates and I at UCLA have been awarded a one-quarter million dollar contract from the National Institute of Mental Health to do what is to date the most extensive evaluation of marijuana ever attempted, which includes

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not only testing subjects who smoke marijuana and then leave at the end of the day after all measurements have been made, but also evaluating the cumulative effect of marijuana on subjects who come in and stay for 35 days and smoke marijuana everyday for 30 days.

I think our measurements are probably the most extensive that anyone has ever attempted before.

Q Thank you, Doctor.

Now, Doctor, just to recapitulate, you examined the defendant, Mr. Watson, at some length at UCLA NPI earlier this year in March or April.

A That is right. I saw Mr. Watson on March 19th, March 26th, April 2nd and April 9th, 1971 for a total of between 12 and 16 hours. I think it was more like 16 hours.

Q You talked to him also for a relatively short period of time at or about the time he testified in his own behalf here in court; is that right?

A Yes, I did. I saw him for approximately an hour and then informally on several occasions during the previous trial and also today.

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#3

Q And you talked to him a short time this morning?

A Yes, I did.

Q Doctor, you are aware of the nature of this proceeding, I take it, by reason of what we have told you and what his Honor has just expressed here.

A Yes, I listened very carefully to the judge.

Q We are here to discuss legal insanity as opposed to diminished capacity, which was the issue in the preceding phase of the trial; you understand that?

A Yes.

Q Doctor, I will get right to it: By reason of your various examinations of Mr. Watson personally, and also by reason of the information that you have received about the nature and circumstances of this case not only from counsel but also, perhaps, during cross examination before by Mr. Bugliosi, have you formed an opinion as to whether or not Mr. Watson was capable of knowing or understanding the nature and quality of his act; to wit, the acts I am talking about are the Tate-La Bianca homicides?

A Yes, I have formed such an opinion.

Q Have you also formed an opinion as to whether or not Mr. Watson was capable of knowing or understanding at the time of the homicides that what he did was wrong?

A Yes, I have formed such an opinion.

Q You see, there's two parts to the question and you have formed an opinion as to both parts?

A Yes, I have.

Q Could you tell us, Doctor, what is your opinion

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concerning the issue of whether Mr. Watson had the capacity to know or understand the nature and quality of his act; that is, killing --

A It is my opinion --

Q -- let me finish -- that is, killing the people at the Tate residence and at the La Bianca residence?

A It is my belief that he did not understand the nature and quality of his acts.

Q What is your opinion regarding this second section of this overall issue; and that is whether or not Mr. Watson was capable of knowing or understanding that his acts -- that is, the killings -- were wrong?

A Well, I feel very strongly that Mr. Watson was incapable of knowing whether his acts were right or wrong.

Q Doctor, could you enlighten us as to the bases or basis, as the case may be, of your two opinions?

A Yes. I think in both cases that Mr. Watson would qualify as to insanity at the time of the killings --

Q You mean legal insanity or psychiatric insanity?

A Legal insanity, as I understand it from those definitions.

I think at the time Mr. Watson was almost a robot in the sense that he executed all his actions completely mechanically. What he did in every respect could have been the work of a programmed robot, requiring no true understanding of what he was doing. He carried out his acts mechanically, without any rational motive, in a completely senseless and irrational manner; and I believe that at the time of the

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killings that he was suffering from such a state of mind that his understanding and his emotions were completely divorced from his actions.

He had been told precisely what to do by Mr. Manson and carried out those instructions in a very mechanical way, the way that a machine would, the way that a computer would.

In fact, even the terminology he used was that "Manson computed me to do these" --

Q When you say that, is that what Mr. Watson told you?

A That's right, on many occasions.

In talking with him I asked him specifically this morning, did he understand what he was doing; and he said to him these people were just bodies, that they were already dead, that Manson had told him and he had believed that there was such turmoil and so much killings, so many natural disasters such as earthquakes, that people were just killing themselves and were both physically and spiritually dead. The only people who were alive were the people at the ranch and it was therefore up to them to perpetuate the race.

These people, as I said, were only bodies, and it is my belief that when he committed these killings, in a sense to him they were not killings and that he was not taking a human life. I think there was no appreciation, no understanding, no comprehension that he was taking a human life and that they were conducted, as he puts it, without hesitation

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and without thought. Those are his exact words as he described them to me when I interviewed him in April and as he described the killings to me this morning.

Q Doctor, in arriving at this opinion did you take into account or consider the totality of the so-called Manson philosophy or thought system that the jury has heard many times --

A Yes, I did.

Q And did you take into account information you received to the effect that it was a rather nightly affair at the Spahn Ranch for Manson to lecture his charges as to the rightness of killing people?

A Yes.

Q And how the establishment was to be done away with because they were already dead and how the race war was to start?

A I wouldn't exactly call it rightness, though; it was just a question of it really -- there was no consideration of rightness or wrongness. It was just something that had to be done to insure the survival of the human race.

The people, according to Manson, the people who lived in the cities were decrepit, they were morally bankrupt, they were spiritually bankrupt, that they were already dead in every sense of the word. They were not only dead spiritually but they would be dead physically. They would be literally killing each other.

The only hope for survival, according to this, I believe, is a delusional system: The only hope was the

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survival of this small group of people living with Manson at the ranch.

Q Doctor, the instruction that the court read to the jury and which you heard says, in part, that legal insanity means a diseased or deranged condition of the mind which makes a person incapable of knowing, et cetera, et cetera, et cetera.

Do you have an opinion as to whether or not at the time of these homicides Mr. Watson had a diseased or deranged condition of the mind, in the terms of the instruction, although you can put it in psychiatric terms if you will?

A Yes, I think he had several diseased states of the mind: One being what I feel that we have shown fairly conclusively, that he had brain damage, as a result of psychological testing, which showed, for instance, almost a 30 point drop in his I.Q. from the time that he was tested in high school to the time that he was tested by us.

Q Doctor, you have used a premise which is not quite correct, according to the evidence as I recall it. I don't believe that his I.Q. was actually tested in high school or college, but Dr. Palmer testified that he estimated that Watson's I.Q. was in the 110-120 range during that period of his life as a result of reconstructing Watson's grades, and so forth.

A Yes, I believe you are correct. It was based on the fact that he was almost a straight A student throughout high school, but this is quite a different condition than the way he presented when we saw him in April, that is somebody -- at least, until I went into his past history, I felt that he

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was borderline mentally retarded; and, as I said last time, I was happy to see that he seems to have improved considerably between the time that we sawhim in April and today.

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#4

Q Go ahead.

A Also the EEG brain wave is in my opinion evidence of brain damage as well as muscular incoordination and inability to perform even simple motor tasks.

Q Excuse me, Doctor --

A All of those are evidence of brain damage.

Q I didn't mean to interrupt. I am sorry.

Did you consider in reaching this conclusion of brain damage that an earlier Atascadero EEG, which was interpreted by your Dr. Walter, indicated that the results of that test are within normal limits?

A Yes.

And it is not uncommon to find somebody with clinically proven brain damage, even proven later at autopsy, to have inconsistent EEG's, some normal and some abnormal.

So the fact that he had one normal EEG I think does not preclude the possibility of brain damage.

Q And did you also consider the possibility when you spoke with Mr. Watson that in March and April of this year, and when Mr. Watson was examined by Dr. Walter, that Mr. Watson might be trying to fool you, to feign mental illness?

A Certainly. I think we maintain a healthy skepticism in every patient and especially in patients who are referred by the courts or by attorneys.

That is certainly on our mind throughout the entire series of interviews.

Q Have you formed an opinion whether or not Mr. Watson was or was not attempting to fool you, pull the wool over your

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eyes?

A Yes. I was impressed very much by his sincerity and I believe that he was trying to be as cooperative and as open as he possibly could be.

In many cases in his interviews with us his need to please was so great that he exhibited the same, what I call overachievement, that is straining his capacities with us to try and cooperate, as he did when he was in high school, straining his capacities to break a track record and be on the basketball team and football team and maintain straight A's.

Q Did you find as a result of your examination any other conditions beyond brain damage indicating to you a diseased or deranged condition of the mind?

A Yes.

I felt that Mr. Watson at the time of the killings and at the time of the interviews was suffering from chronic schizophrenia, a severe psychosis, that is a derangement of the mind in which a person is unable to function in a normal way, in which they lose contact with reality and have difficulty in interpreting, understanding, and acting on the impressions that they receive from the environment.

Q Now, we may have discussed this before, but just to refresh the jury's recollection, what was the basis or what is the basis of your opinion that Mr. Watson was suffering at the time of the killings from a psychosis?

A In my opinion from what he has told me and from what I read in many sources, I think the very bizarre nature of his actions, the delusional system that he described to me --

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Q When you say delusional system, are you talking about the so-called thought system that was prevalent at the Spahn Ranch -- helter skelter and the rest of it?

A That is right, and the fact that he accepted it completely and incorporated it into his own process of thinking and acting.

Q Did you consider, Doctor, that psychiatric phenomenon known as folie a deux in reaching your opinion of psychosis in this case?

A Yes, I did.

I felt that Mr. Watson, along with Mr. Manson and the other members of the ranch, who participated in these killings, all shared a common psychosis, common delusional system, the one that has been described very extensively, and that they acted on the basis of that delusional system in an irrational and bizarre manner.

Q Now, you told us before that a psychotic person is suffering from probably the most severe mental disorder that one can be afflicted with; is that correct?

A Yes, it is. It is a complete, in some cases a complete disorganization of the personality.

Q There are different kinds of psychoses; is that correct?

A Yes, there are.

Q And can you place a psychiatric label on this particular psychosis that Mr. Watson was suffering from at the time of the killings or am I being too unsophisticated?

A No. I think he was suffering from two types of

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1 psychosis: The first type being schizophrenia, which is a
2 naturally occurring disease, a naturally occurring psychosis.
3 Secondly, I thought he was suffering from a drug
4 induced psychosis -- both processes going on simultaneously
5 and in my opinion both additive in their effects.
6 Q When you say drug induced psychosis, are you
7 referring to a psychosis induced after a long period of
8 chronic ingestion of various drugs, or are you talking about
9 an acute psychosis that one might suffer from during, let's
10 say, a bad trip?
11 A I think both, but predominantly the acute psychosis,
12 the direct result of having ingested very large quanitities
13 of various hallucinogenic drugs.
14 Q Now, are you talking at a particular time or are
15 you talking about a prolonged usage when you say an acute
16 psychosis resulting from heavy ingestion of various types of
17 drugs?
18 A Well, I think that --
19 Q I don't quite understand.
20 A I think there was a series of acute psychoses from
21 day to day at the Spahn Ranch, but in addition there was an
22 acute psychosis during the period of the killings themselves.
23 From what Mr. Watson has told me and from what I
24 have read, there was very heavy use within the 24 hours preceding
25 both killings.
26 Q Let me ask you this, Doctor: Let's assume, for the
27 sake of argument, that Mr. Watson on the day of the killings
28 had not taken a single drug, of either belladonna or LSD or

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speed or cocaine or what have you, or marijuana, would your opinion change about his psychotic state at the time of the homicides, bearing in mind that he had theretofore been a heavy and chronic user of LSD, belladonna and other hallucinogenics and speed?

A As I suggested before I think all three disease states were additive. I think if he had not used drugs immediately preceding the killings, that the effects would be that much less, but nonetheless the residual effects of the chronic drug use, the brain damage, and the residual effects of this schizophrenia would very much have made him psychotic at that time.

I even felt when I interviewed him in March and April, which was well over six months after he had used other drugs -- after he had used drugs, even though there was some six months or so time span, he was still suffering from brain damage and from chronic schizophrenia.

Q Where did you get the period of six months, bearing in mind that he was arrested in December of 1970 -- '69, I'm sorry.

A I'm sorry then --

Q It would be a period of more like 15 months.

A Fifteen months. Thank you for correcting me.

Q So in your opinion, Doctor, the chronic use of drugs did contribute to Mr. Watson's mental condition at the time of these homicides whether or not he had taken drugs just before the homicides themselves?

A Yes. I feel that he was affected by all three

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diseased states of mind.

Q 1. Brain damage; 2, schizophrenia?

A Schizophrenia.

Q And 3?

A The drug usage, acute drug psychosis.

Q Do you include on those three categories the dominance of Manson, which you indicated to be a folie a deux or folie a famille situation, or is that a fourth?

A Well, I think that all of these three disease states made him extremely suggestible to the influence of Manson and, in fact, incapable of operating independently, of functioning on his own.

I think he was so diseased and deranged at the time that he could not effectively think for himself, but required someone like Manson to direct him and guide him and, as he put it, program him or compute him.

Q Doctor, for a person to be afflicted with the types of mental diseases that you have described, would you expect such a person to be what often lay people think of as persons who are severely mentally ill, sort of babbling at the mouth and not being coherent, sitting in the corner and not saying anything but twiddling their thumbs from day to day? You know what I am talking about.

A Yes, I do -- a very autistic behavior, a term that we use which means almost completely withdrawing from the world into themselves and there were periods when Mr. Watson exhibited this type of behavior to an extreme degree, such as in the county jail before he was sent to Atascadero

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where it actually became a life threatening situation, he was so withdrawn into himself.

In addition there were residuals of that which were present during my interviews with him.

Q Let's assume a lay person saw Mr. Watson walking down the street sometime in August of 1969, would it be immediately apparent to a lay person that Mr. Watson was afflicted with serious mental disorders or might one not be able to tell?

A In a superficial impression I think one might gain the impression that there was probably something a little wierd about him, but certainly if he maintained his thoughts to himself, and if he was not required to do anything complex, one, as I said, might be left with just this feeling that there was something a little wierd about him.

I think if someone stopped to talk with him in depth, it would soon be very apparent to them that he was very severely ill at the time.

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#5

THE COURT: I think what Mr. Keith meant to ask you is can someone be legally insane without being just a babbling idiot?

THE WITNESS: Oh, definitely.

MR. KEITH: I was working up to it; that's exactly what I had in mind.

THE COURT: Just saved you some time.

Q BY MR. KEITH: Doctor, assuming -- just assuming for the sake of argument that Mr. Watson, on the evening of the Tate homicides, drove a car, carried a rope, slit a screen, told the girls to do certain things and then afterwards again drove a car -- we are just assuming this now -- told the girls to wipe off the knives and throw the knives and gun out the window, told the girls to throw the clothing that they had discarded out the window and stopped at a gas station and bought some gas and also before that time stopped the car and had the girls and himself hose themselves off and told Mr. Weber when they were accosted that they were just getting a drink of water; he acted very coolly and calmly at that particular episode when they were confronted by Mr. and Mrs. Weber -- let's assume these things are so; would this, these assumed facts, change your opinion about Mr. Watson's legal insanity?

A Well, I think that every piece of normal behavior that can be described would somewhat lessen the possibility that he was insane; but all of those actions that you described are relatively simple ones or ones that he had been doing for many, many years. They had become almost automatic

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1 to him and I think that all of these are either very concrete --
2 that is, somebody comes up to him and he's taking a drink of
3 water or washing his hands with the hose; somebody asked him,
4 "What are you doing?"
5 He says, "I'm taking a drink of water."
6 This does not require a great deal of judgment or
7 appreciation. It is something that almost comes out
8 automatically. I think these functions he would be capable
9 of doing while being insane; and, as a matter of fact, many
10 of these functions, I think, probably a well-programmed robot
11 could do.
12 Q Doctor, let's assume that Mr. Watson, when he
13 entered the Tate residence, said to those present, "I'm the
14 devil here to do the devil's work," and believed it.
15 Would this be an indication to you of a delusional
16 state?
17 A Yes, it would.
18 Q And let's assume that Mr. Watson, after the
19 homicides, when he was confronted by the Webers, did act very
20 calmly and composedly, bearing in mind that he had just
21 stabbed and shot five people to death, would this be an
22 indication to you of an inappropriate reaction or affect?
23 A Well, I would certainly expect that someone who
24 had just killed a large number of people in a totally senseless
25 murder, that they would probably be either scared to death if
26 they were rational and sane, or they would be acting in a
27 completely cruel and detached way if they were insane or
28 completely psychotic at the time.

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This is perfectly consistent with the fact that he was insane and psychotic at the time, because to him he really hadn't done anything significant.

Q And let's also assume that, oh, a week or two weeks after the homicides he told one of the young ladies who was a member of the Manson family group, in a town called Olancha, that he had killed Sharon Tate and that it was fun.

Let's assume that he said that, just for the sake of argument. Would this indicate to you any evidence of mental or emotional derangement or an inappropriate reaction or affect?

A I think that if he indeed did say this and he did seem to be enjoying it, I think this certainly would be evidence of the deranged mind. It certainly would be totally inappropriate.

Q Is an inappropriate reaction to a particular situation some evidence of schizophrenia or some other mental or emotional disease or disorder?

A Yes, it is one of the cardinal signs of schizophrenia, is inappropriate behavior and inappropriate mood or affect.

That is, for instance, a person might be describing the death of his father and laugh and joke about it. This is one of the most common signs of schizophrenia.

Q Isn't this expression on the part of Mr. Watson, assuming he made it, analogous to what you have just told us about laughing at the death of somebody's father?

A Definitely. Maybe it is also analogous to the

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1 situation of a little boy playing cops and robbers, where he
2 shoots his playmate with the toy gun and then laughs about it.
3 Again, I think we could draw the analogy even
4 closer in the sense that he goes through all the mechanics of
5 killing his friend, but at the same time not feeling that he
6 actually took his life, just play acting in a way. I think
7 it is this very regressive type of behavior which was very
8 much a part of his actions that night.
9 MR. KEITH: I have no further questions of this witness.
10
11 CROSS-EXAMINATION
12 BY MR. BUGLIOSI:
13 Q Doctor, I don't have anywhere near the questions
14 I had for you the last trial, but I do have a few that I'd
15 like to ask.
16 Prior to examining Mr. Watson have you ever
17 examined any defendant before him for the purpose of determining
18 whether the patient was sane or insane at the time of the
19 crime; and, if so, what case?
20 A No, except one instance -- it wasn't for a murder
21 trial, but, rather, for a case of a man who had sprinkled LSD
22 on potato chips out at the marina, and there were questions
23 of his mental competency.
24 Q I am talking about sanity, because this is the
25 sanity trial now --
26 A No.
27 Q So, prior to Watson you had never examined any
28 defendant -- murder case, potato chip case, whatever you might

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1 want to call it, burglary case -- no case have you ever
2 examined a defendant for the purpose of determining whether
3 he was sane or insane at the time of the crime?
4 A That's right.
5 Q This is your first case?
6 A Yes.
7 Q Isn't it true, Doctor, that the term "insanity"
8 is not a psychiatric term?
9 A Yes, it is.
10 Q It is not a psychiatric term; is that correct?
11 A Yes, it is.
12 Q It is a psychiatric term?
13 A No, it is not a psychiatric term; it is a legal
14 term.
15 Q In fact, legal insanity, as subject matter, is
16 really not a part of the curriculum for any person studying
17 psychiatry; isn't that true?
18 A Oh, no; I wouldn't say that --
19 Q Had you ever --
20 A -- most residents have some training in forensic
21 psychiatry, or many do.
22 Q Did you ever study the subject matter of legal
23 insanity?
24 A Yes, I did. I took a one year fellowship at UCLA
25 in legal psychiatry.
26 Q I'm talking about legal insanity, the particular
27 subject matter of legal insanity, the M'Naghten rule; did you
28 ever study that?

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1 Did you ever study that in your courses?
2 A Yes; as I indicated before, in this fellowship
3 in legal psychiatry we went into the M'Naghten rule in depth.
4 If I may, I'd like to change one of my answers.
5 Q Okay.
6 A In thinking it over, I think insanity is, itself,
7 a legal concept; but it is a legal-psychiatric concept, in
8 my opinion, it isn't purely legal and it isn't purely
9 psychiatric, but it involves both.
10 Q There is an American Psychiatric Association
11 handbook, isn't there, where they set forth psychiatric terms?
12 A Yes.
13 Q Is the term "insanity" in there?
14 A Not to my knowledge.
15 Q So, insanity, basically, is a legal concept,
16 not a psychiatric concept?
17 A Yes, it is a legal concept but, again, it can't
18 be divorced completely from psychiatric findings or from
19 psychiatrists. I think that the determination of insanity,
20 even though it is a legal determination, involves the opinions
21 and testimony of psychiatrists.
22 Q For the purpose of helping the jury make up their
23 minds?
24 A That's correct.
25 Q You are aware that the current test for insanity
26 in the State of California is the so-called M'Naghten right-
27 wrong test; is that correct?
28 A Yes, I do.

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Q Do you disagree with the current insanity test in the State of California?

MR. BUBRICK: Objection, immaterial.

MR. KEITH: Objection, your Honor.

MR. BUGLIOSI: 780(f), Evidence Code, your Honor -- may we approach the bench on it?

THE COURT: Give me 780(f) of the Evidence Code. I can't remember them all.

MR. BUGLIOSI: Bias or prejudice against a particular concept about which the witness is testifying.

THE COURT: This would not show bias.

Sustained.

Q BY MR. BUGLIOSI: Would you rather see some other form or some other test for insanity substituted for the M'Naghten test?

MR. BUBRICK: Same objection --

MR. BUGLIOSI: If he would, he might be prejudiced against it, your Honor.

THE COURT: Sustained.

Q BY MR. BUGLIOSI: Are you opposed to the death penalty, Doctor?

I believe you testified you were during the previous --

MR. BUBRICK: Objected to as immaterial, your Honor.

THE COURT: He has already testified to that before.

Q BY MR. BUGLIOSI: Now, you realize that if Watson is found to be insane he cannot receive the death penalty; you realize that, do you not?

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A Yes, I do.

Q Tell me this, Doctor, again --

MR. BUGLIOSI: Again, your Honor, I'm asking this under 780, subdivision (f).

Q --if you felt that Watson was sane at the time of these murders but you knew that if you testified that he was sane he could possibly receive the death penalty, would you still testify he was sane?

MR. BURRICK: Object to that --

MR. KEITH: Object to it as argumentative.

THE COURT: I will allow him to answer it.

Q BY MR. BUGLIOSI: Did you understand the question, Doctor?

A Could you repeat it, please?

Q If you felt that Watson was sane at the time of the murders but you knew that if you testified that he was sane he might be sentenced to death, would you still testify he was sane?

A No, I don't feel that psychiatry should be used in this way.

Q So, in other words, even if you felt he was sane at the time of these murders you wouldn't take that witness stand and help Mr. Watson on the way to the gas chamber; is that correct?

A Yes, that is correct.

Q Also along the same line, Doctor, could your opposition to the death penalty unconsciously have influenced your conclusion that Mr. Watson was insane at the time of these

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1 murders?

2 MR. BURRICK: Object to that, your Honor --

3 MR. KEITH: How would he know if he was unconsciously --

4 THE COURT: If he can answer that -- you may answer it,

5 Doctor.

6 THE WITNESS: I would certainly say, conceivably.

7 Q BY MR. BUGLIOSI: Could it have consciously

8 influenced your opinion, your opposition to the death penalty?

9 A No. I had no -- I really wasn't thinking about

10 this particular factor until you, yourself, brought it up at

11 the trial.

12 Q You mean the first trial?

13 A The first trial.

14 Q Doctor, assume that up at Atascadero when Mr.

15 Watson was being interviewed by Dr. Owre, one of the staff

16 psychiatrists up at Atascadero, assume that in Dr. Owre's

17 opinion Mr. Watson put on a Mortimer Snerd act, that he

18 opened up his mouth and he didn't talk sense or anything like

19 that; and then after he left Dr. Owre, Dr. Owre had him

20 observed by other staff personnel up there and when Mr. Watson

21 didn't think he was being observed, the mouth closed and he

22 acted very normally.

23 Would you attach any significance to that?

24 MR. KEITH: I'm going to object to that question on the

25 grounds it is an improper hypothetical question.

26 THE COURT: Overruled.

27 MR. BUGLIOSI: I believe this is the testimony of Dr.

28 Owre.

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1 THE WITNESS: I think he might have been under very
2 considerable stress in his interview with the doctor up at
3 Atascadero; and people who are very sick tend to do very
4 poorly under severe stress.
5 Q BY MR. BUGLIOSI: You mean you are assuming, then,
6 that his stress while being interviewed by Dr. Owre caused
7 him to open up his mouth?
8 A Well, if that is, indeed -- if that indeed was the
9 case, it is certainly possible.
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Q Is that a common phenomenon, Doctor, when people are under stress, to open their mouths?

Isn't it much more common for them to close their mouths and grit their teeth when they are tense?

A It depends upon the person.

Q I realize that, but you are giving opinions now as to whether Mr. Watson had done this.

Now, that opinion is based upon your knowledge of human nature; right?

A I think, if you recall, the look or surprise or of shock is very frequently one of an open mouth look, wide eyes and open mouth.

Q I don't believe we are talking about surprise or shock now, we are talking about --

A Fear.

Q -- we are talking about the doctor interviewing him up there and you were saying he may have been under stress.

A That's right.

Q Now, you equate --

A Surprise, shock and fear, I believe, are reactions -- or, create reactions as stresses; and he may very well have had this particular look.

Q Is there also the possibility that Mr. Watson was feigning mental illness with Dr. Owre by opening up his mouth and then when he did not know he was being observed he closed his mouth; is that a possibility?

A Certainly possible.

Q But you don't think that's reasonable, do you?

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A Well, it may have been that in opening his mouth for a long time the muscles of his jaws fatigued and he decided to close them.

I mean, I really don't see that this is very significant.

Q And it was just kind of coincidental that he opened his mouth in front of Dr. Owre but not in front of the other people?

A I have seen him open his mouth in the courtroom many times and have a staring look with his mouth open and his head cocked to one side and his eyes rolled up at the ceiling.

I have seen him many times with his mouth closed. I really don't know what that signifies, as an isolated phenomenon.

Q I believe you testified that in your opinion Mr. Watson, among other things, was a schizophrenic at the time of these murders; is that correct?

A Yes.

Q Now, mental hospitals are full of schizophrenics, aren't they, Doctor?

A Yes, they are.

Q In fact, many, many schizophrenics aren't hospitalized at all; is that correct?

A Absolutely.

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Q In fact, I think we agreed during the last trial that some doctors and lawyers are schizophrenic; right?

A Yes, I would agree.

Q Doctor, you certainly don't believe, Doctor, that just because a person is a schizophrenic, that if they do something wrong, they can never realize that what they did was wrong?

You don't believe that?

A No. I would agree that there is a vast range of abilities to control actions and to perform effectively among schizophrenics.

Q So you don't equate the psychiatric diagnosis of schizophrenia with the legal concept of insanity?

A No, I do not.

6A

Q Could you relate what the provisions of the M'Naghten test are, Doctor?

A Yes.

The defendant is able to know and understand the nature and qualities of his acts, and that he knows and understands that what he did was wrong.

Q Do you feel that is the complete test?

A It was the complete test as described by the judge this morning, quoting a Cal jury instruction code.

Q Is that the first time you had ever heard of that test?

A No, certainly not.

Q When Judge Alexander read it.

A As I mentioned I had studied it for a year.

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Q You didn't study legal insanity for a year, Doctor.

A Well, it came up many times during the year.

Q But you didn't study legal insanity for a year, did you?

A Not 24 hours a day, certainly not.

Q It wasn't part of the subject matter five days a week either, was it?

A No, but we had several months of it, though, at different points along the course and as different trials came up.

Q The total time devoted to legal insanity was probably what? A couple of days, collectively?

A I would say more like two to three weeks totally.

Q Didn't you make the statement this morning before court that your understanding of legal insanity was different from the M'Naghten test?

A No. What I did was to quote from a booklet which describes the M'Naghten test in a previous edition of the California jury instruction code, the 1958 edition, where the wording was very slightly different. If you would like I would be glad to read that to you.

Q If it is 1958 I think I will pass on that.

A Unfortunately it has not changed appreciably since then.

Q Would you please tell the jury your understanding of what the right-wrong test of M'Naghten means; in other words, your understanding of what M'Naghten means by right and

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1 wrong?

2 A Yes.

3 I think it is probably best illustrated by Mr.
4 Watson. For instance, this morning, as I did in March and
5 April, I asked him very specifically did he understand that
6 what he was doing was wrong at the time and he told me he
7 just didn't consider whether it was right or wrong, that there
8 was no wrong. Everything was perfect.

9 And this is I think almost an exact quote --
10 everything is total perfection.

11 Q You asked him this morning whether he thought it
12 was right to kill these people?

13 A Yes, as I did previously, and what I quoted was
14 essentially what he had said previously.

15 Q Right, but you realize that Mr. Watson is not the
16 one to determine whether he was insane. You realize that.

17 A Well, I think he is the one, the best one who can
18 describe how he felt at that time.

19 Q Right, but you realize that the definition of
20 right and wrong will not be coming from Mr. Watson. You
21 realize that.

22 A Yes. I was just trying to explain it, using him
23 as an example.

24 Q Would you define it in your own terms, what you
25 mean by right and wrong?

26 A I think if a person knows and understands and
27 appreciates the fact that what he is doing is against the law,
28 harmful to other people, a violation of their rights, and that

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he would be subject to conviction for it, that if he realizes and understands and appreciates this, then I would say he is capable of understanding right from wrong.

Q So it is your opinion then that if a person commits a crime and he knows that at the time he commits a crime that if he gets caught he is going to be punished, you feel then that he does know that what he did was wrong?

A Yes, if he understands it and understands the reason for it, the reason for the punishment.

Q And would you also agree that if a person commits a crime, whatever that crime is, and in his mind he knows that the rest of society thinks that it is wrong, that he is not insane?

A I think if in his mind he truly understands and appreciates that the rest of society considers it wrong, even though his view might be somewhat different, I think he would be not insane.

Q So you would agree then, just hypothetically, just to prove the point, that if a man went around raping women, and he honestly and truly believed in his own distorted sense of morality, his own personal code of ethics, if he honestly believed it was perfectly all right to rape these people, but he knew that society thought it was wrong and it was against the law and if he got caught he would be punished, he knew that -- you agree that that person would not be insane?

A Yes, if he knew and understood and appreciated that the rest of society considered it wrong, then he would be sane in my opinion.

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Q Now, with that in mind, Doctor, let's make some assumptions:

Let's assume that en route to the Tate residence, Mr. Watson told Linda Kasabian that if they were stopped by the police, to wrap the knives and revolver up and throw them away -- wouldn't this show that he was aware that what he was about to do was wrong in the eyes of society, and that if he got caught he could be punished, wouldn't that show that?

A Possibly, although there might be other explanations.

Q Do you have any other explanation to give to the jury?

A Well, if this is what he was told to do by Manson, for instance, and he was merely carrying out Manson's instructions, without really thinking about it or understanding it, this would be another explanation. If he told her to do what? To throw the knives away?

Q To wrap the knives and the revolver up and if they were stopped by the police to try to dispose of them.

A We don't know exactly why he would want to dispose of them.

It is conceivable that he might have just because he expected that they would be arrested for carrying knives around and that this would usurp the grand scheme, that is for survival of this small group of people. This is also a possibility.

Q Assuming that he didn't think it was wrong, in other words, assuming he didn't think that this particular venture this night was wrong, then he wouldn't have any reason

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to believe that the police would do anything to him for having knives and a revolver in his car, would you?

A -- It may have been that he had been instructed by Manson -- if indeed what you described actually took place, which as I recall Mr. Watson denied.

Q When you interviewed Mr. Watson, he didn't tell you that Mr. Manson told him to tell Linda this, did he?

A I can't recall.

Q It is not in your report, is it?

A Not that I can recall.

Q Let's take it a little further now: Assuming that after the killings, when Mr. Watson, Sadie, that is Susan Atkins, and Patricia Krenwinkel ran back down to the car, assuming that Mr. Watson found out that Susan Atkins lost her knife; and assume further that he got angry at Susan Atkins for losing her knife, how do you interpret that conduct?

Doesn't this show that he knew that he had done something wrong and he didn't want to get caught, that this knife constituted a possible piece of evidence that, if the police found it, maybe he would be connected with these murders?

Doesn't it show that?

A Possibly, but again there could be other explanations.

Q Would one explanation, Doctor, be that Mr. Watson doesn't like people to lose things of value, even if they are worth a couple of pennies? Do you think that would be a reasonable explanation?

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A Possibly.

Q That wouldn't be too reasonable though, would it?

A No, but as I said there are many possible explanations.

Q In your mind, Doctor, since you are the one that has rendered an opinion on Mr. Watson's insanity, in your mind what would the most reasonable interpretation of that conduct by Mr. Watson be?

A Well, if in fact that it actually happened --

Q Yes, let's assume that it did and go on from there.

A Perhaps I could make one distinction. What I am doing is going under an assumption --

Q Yes.

A -- that you presented.

Q Yes.

A It is different if Mr. Watson tells me, tells it to me where I can see his reaction as he is telling it to me -- his gestures and his facial expressions.

Q Hypothetical questions, Doctor, are permissible under the law. If they were not, Judge Alexander would not permit me to ask you the question.

A Right.

Q So let's assume that these things happened.

Now, in your mind what is the most reasonable interpretation of that?

MR. BUBRICK: I would object. I don't think what went on in his mind is significant. It is what he thinks went on

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in Watson's mind that we are concerned with.

MR. BUGLIOSI: I am asking him the most reasonable interpretation of what went on in Watson's mind at the time that he did this.

THE WITNESS: I would say that he was such a rigid person at that time, that for anything to go wrong would have disturbed him and made him angry.

If he didn't carry out the plan as it was given to him, I think any disruption of that plan would have created stress and anxiety and anger in him.

Q Well, if Mr. Watson is a true robot, the clanky armor type, why would it disturb him if a knife were lost inside the Tate residence?

A As I said because he is a very rigid person who is operating in a very rigid way and if you have a rigid person, they get very upset, very anxious if things don't go according to sequence.

Q Are you suggesting that maybe Mr. Manson told Mr. Watson, when Mr. Watson left that night, "Don't lose any knives inside at the Tate residence"? Are you suggesting that?

A Well, if in fact this incident actually happened --

Q Well, let's assume it did.

A -- and also assume perhaps that Manson might have told him that --

Q Not to lose any knives inside the Tate residence.

A Well, might not have actually put it that way. He might have said make sure that everything that was used was

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brought back or properly disposed of.

Q Let's make some other assumptions, Doctor: Let's assume that in front of Mr. Weber's home Mr. Watson was washing the blood off his body, the victims' blood, then Mr. Weber comes up to Mr. Watson and says, "What are you doing?"

And Mr. Watson tells him, "We are just getting a drink of water."

In other words, he is actually wiping blood off his body, but he doesn't tell Weber that. He tells Mr. Weber, "We are getting a drink of water."

Now, what would this false statement indicate to you?

A As I said it is a very simple concrete statement. It might have been at that moment he had already washed the blood off his body and was actually getting a drink of water.

Q I think you are making another assumption, Doctor.

Let's assume that he wasn't getting a drink of water, that he was washing blood off his body and he was interrupted by Mr. Weber.

A It is my recollection.

Q No, it is not your recollection. We are dealing with a hypothetical.

THE COURT: Assuming what Mr. Bugliosi said is true.

Q BY MR. BUGLIOSI: In other words, Doctor --

A Excuse me. Could you repeat it? I sort of lost my train of thought.

Q We are in front of Mr. Weber's residence at 1:00 o'clock in the morning, August the 9th, 1969, Saturday morning.

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1 Let's assume that Mr. Watson is washing the
2 victims' blood off his body and that Mr. Weber confronts him
3 and says, "What are you doing?"
4 And he said, "I'm getting a drink of water."
5 Now, that would be a false statement in view of
6 the assumption that he was actually washing blood off his body.
7 Now, if he didn't think that what he had done
8 was wrong, why wouldn't he have told Mr. Weber, "Sir, we are
9 washing blood off our bodies, blood from the victims when we
10 just murdered a couple of minutes ago"?
11 Why wouldn't he tell Mr. Weber that?
12 A Well, it may be perhaps that this again would have
13 alerted Mr. Weber, who would have called the police and they
14 would have been arrested and not carried out what they were
15 supposed to do.
16 Q Then you are saying that Mr. Watson did know that
17 what he did was wrong in the eyes of society, and that if he
18 got caught he would be punished; aren't you saying that?
19 A No. I am saying that it might have disrupted
20 the orders that he was given to do and the delusional scheme
21 might have been threatened, if this was indeed the case.
22 Q But if he didn't think that he had done anything
23 wrong, why in his mind would he think the police would went
24 to arrest him?
25 A I don't know but -- I don't recall that there was
26 any testimony by Mr. Weber that he had seen him wash the blood
27 off his body or was covered with blood.
28 Q I have to repeat again you are a very intelligent

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man and we are dealing with a hypothetical. You have to assume these facts existed. Neither you nor I were there, so we have to assume that these facts existed for the purpose of the hypothetical.

A No, your explanation is one possibility and as I said there are other possible explanations.

Q Like what?

A For this assumption.

Q Like what?

A That perhaps he might have felt that he would be disobeying Manson in some way, or that Manson would be angry at him if he didn't carry out things exactly as he was supposed to and that by being seen with blood might have alerted Mr. Weber.

Q Alerted Mr. Weber to what?

A To the fact that something was wrong. People don't usually have blood on themselves.

Q That is what we are talking about. We are talking about the right and wrong test of M'Naghten.

A Right.

Q In other words, he knew in his own mind, according to that hypothetical, that he had done something wrong and he didn't want to get caught; right?

A Unless he was actually taking a drink of water at the time, which is to me the most logical explanation -- I mean at that particular moment in time.

Q You think it is the most logical explanation that he was in fact getting a drink of water in front of this house

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at 1:30 in the morning?

A That is correct.

Q Assuming further, Doctor, that the car in which Mr. Watson and the others drove to the Tate residence, assuming that they parked that car slightly down the hill from the Weber residence and Mr. Weber saw the car down there and he asked Mr. Watson, "Is that your car?"

And, of course, the car had license plates on it. And Mr. Watson said to Mr. Weber, "No, that is not our car. We are walking."

Do you have any explanation for why he would say that? We are talking about Mr. Watson's state of mind now.

A No, I don't think I would have any explanation for it.

Q Is one explanation, Doctor, and is it a reasonable explanation that Mr. Watson knew he had done something wrong and he did not want Mr. Weber to get the license plate number on the car? Is that a possibility?

A Conceivably.

Q Assume further, Doctor, that after the Weber incident, Mr. Watson drove up to Benedict Canyon and somewhere around 2901 Benedict Canyon Drive, out in the country, he told Linda to wipe the fingerprints off the knives and throw the knives out of the car.

Let's talk about wiping the fingerprints first.

Assuming he told Linda to wipe the fingerprints off the knives, what would that indicate to you?

A It could indicate several things.

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First, what I guess would be your hypothetical that he realized he was doing something wrong -- wipe them off. It could also mean that he didn't want to dirty himself any more or --

Q Wait.

A -- didn't want to carry around a bloody knife with him and there are many possible explanations, if indeed this was actually the case.

Q The knives are in Linda Kasabian's hands and he told her to wipe the fingerprints off the knives. He is not trying to keep himself clean. They are already in Linda's hands. Why would he tell Linda to wipe the fingerprints off the knives?

A Well, if indeed this was the case --

Q Yes.

A -- it may have been again that he didn't want, again, to be arrested, because this, once again, might upset the grand design, if this was the case.

Q In other words, he didn't want his fingerprints to be found on the murder knife because he realized that if his fingerprints were found on the murder knife, he might be connected with these murders and be punished; is that correct?

A That is conceivable, yes.

Q Can you think of any other conceivable explanation?

A Well, as I indicated to you before, that if all of these were correct, might conceivably fit in with his notion that the most important thing was preservation of the small group of people. To be arrested, to be punished may

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have upset his delusional scheme, if indeed what you say in the hypothetical is true. Mr. Watson told me on the other hand that --

Q We already know that. We are talking about hypothetical. This is cross-examination.

A Okay.

Q According to what you have said thus far, assuming that these hypothetical things that I am telling you are true, in your opinion then you would agree that Mr. Watson was not insane at the time of these murders; is that correct?

A No, I wouldn't say that. People who are very severely psychotic get paranoic, who may be insane, sometimes are very secretive about what they do.

Q Doctor, didn't you testify 10 or 15 minutes ago if a person knows that what he is doing might subject him to punishment if he gets caught, and that society thinks it is wrong, didn't you say that that person is not insane? Didn't you say that?

A Yes, I did.

Q So under the hypothetical facts I gave you then it is your opinion that Mr. Watson was not insane at the time of these murders, is that correct, assuming them to be true?

A Well, I guess you would have to say, assuming them to be true, that would be correct.

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Q That he would not be insane?

A If he truly did believe that society felt that what he was doing was wrong, he truly understood and appreciated that.

Q And that if he got caught he would be punished; right?

A That's right.

Q So, basically your conclusion that Mr. Watson was not insane at the time of these murders is predicated almost exclusively on a belief on your part that what Mr. Watson told you was the truth?

A Yes, plus the other sources that I have read.

Q What other sources are these?

A Well, I mentioned them last time.

Q But you didn't read Linda Kasabian's testimony, Doctor?

A No, I didn't read Linda Kasabian's testimony, that's true -- the testimony that she later recanted, is that the testimony you are referring to?

Q No, that was Susan Atkins, Doctor.

A Excuse me.

Q Just going a little further, assuming he told Linda to throw the knives and the clothing away, what interpretation do you put on that?

A Well, again, it may be a very simple, concrete wanting to get rid of something that was dirty and messy.

Q Assuming, Doctor, that up in Olancha -- there are several other incidents, the Barbara Hoyt incident -- I'm not

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1 going to go into that, but I am just hitting some of the
2 highlights -- but, assuming that up in Olancha a week or so
3 after these murders, assuming that Mr. Watson confessed to
4 Diane Lake that he had stabbed Sharon Tate to death and
5 assume further that Mr. Watson made Diane Lake promise not
6 to tell anyone about it, wouldn't this show that he knew that
7 he had done something wrong?
8 A Yes, it might show that he knew that he had done
9 something wrong.
10 Q Would it show anything else?
11 A Well, conceivably he may have wanted to win her
12 friendship through telling her a secret.
13 Q Why wouldn't he want other people to know about
14 it?
15 A A secret that the two of them could share.
16 Q Why wouldn't he want other people to know about
17 it, Doctor?
18 A Well, if you share something that only two of you
19 share, it tends to bring one closer to another person,
20 especially if you are very lonely and desperately in need of
21 friends.
22 Q Do you feel Mr. Watson is insane at the present
23 time?
24 A It is my understanding that insanity refers to a
25 specific act.
26 Q That is true --
27 MR. KEITH: Object to the question because it isn't
28 clear whether he means legal insanity or psychiatric insanity.

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MR. BUGLIOSI: I was referring to legal.

THE WITNESS: I don't think I can answer that question. I think he is presently psychotic.

Q BY MR. BUGLIOSI: Would you agree, Doctor, that if at the time Tex Watson and the three girls drove up to the front gate of the Tate residence -- would you agree that if there had been a police car there Mr. Watson would not have gone ahead and committed these killings?

MR. BUBRICK: Conjectural; calls for speculation.

THE COURT: Can you answer that, Doctor?

THE WITNESS: Well, I think he may or he may not have, depending upon what he was told by Manson.

Q BY MR. BUGLIOSI: Well, assuming that he told Linda Kasabian to throw the knives and the revolver out of the car if the police approached, assuming that to be a fact, don't you agree that if the police were parked outside the front gate of the Tate residence that Mr. Watson would have hightailed it out of there?

A Possibly.

Q And the reason being that he knew it would be wrong to kill these people and that if the police were there they would probably arrest him; right?

A Well, he might have been arrested but, again, this might have interfered with the grand scheme; but, again, it is dependent upon the hypothesis being true.

All I can say is he may or he may not have.

Q I believe you testified something to the effect that Watson could not effectively think for himself and this

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is why he obeyed Mr. Manson; is that correct?

Did you testify essentially to that?

A Yes, I did.

Q Did you think this situation existed for a period of time after these murders, the situation being that Mr. Watson was incapable of thinking for himself and that he had to obey Mr. Manson; do you think that continued?

A Yes, I did, for a while afterwards.

Q Up until what period?

A Probably up until the period that he had left the ranch when he was no longer using drugs and away from most of the members of the Manson family.

Q Assuming that in September of 1969 at the Barker Ranch that Mr. Watson was still ingesting drugs; assume further that Mr. Manson asked him to kill a man named Paul Crockett; assume that Mr. Watson did not do so, wouldn't this show that he could think for himself?

MR. KEITH: I am going to object to this question. It is an improper hypothetical; Mr. Bugliosi used the phrase "ingesting drugs"; the evidence shows he was just ingesting marijuana, or smoking marijuana at the time, and not LSD. He's assuming facts not in evidence.

MR. BUGLIOSI: I think we had testimony that he did take some drugs up there, and I think even Paul Crockett testified to seeing Watson under the influence of a drug.

THE COURT: I don't recall that; I don't pretend to remember all the evidence.

MR. BUBRICK: The testimony of Watson was that he smoked

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only marijuana from the time he left Spahn Ranch until he left the desert.

MR. BUGLIOSI: I will withdraw that question, your Honor.

Q Do you think that Mr. Watson's killing these people was a significant event in his life?

A There is no question about it; certainly.

Q Probably the most significant thing that has ever happened to him; right?

A Yes, I would agree to that.

Q And in view of the fact that it was so significant, assuming that after these murders when Mr. Watson went to Hawaii and went to Texas he never told anyone about these murders, wouldn't this indicate that he knew he had done something wrong and he was trying to conceal the fact that he was involved in these murders?

A That's one explanation for it.

Q Certainly, people normally talk to other human beings about significant events in their lives; right?

A Yes, but not always.

Q Unless they want to keep it a secret for some reason?

A Unless at the particular time they didn't really understand how significant it was.

MR. BUGLIOSI: Thank you, Doctor.

No further questions.

MR. KEITH: May we have a recess?

THE COURT: Ladies and gentlemen of the jury, we will have our morning recess at this time; and, once again, heed

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