

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

8017

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

CHARLES WATSON,

Defendant-Appellant.

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE ADOLPH ALEXANDER, JUDGE PRESIDING

REPORTERS' TRANSCRIPTS ON APPEAL

APPEARANCES:

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1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 21, 1971; 9:45 A.M.

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4 THE COURT: Good morning.

5 People against Watson.

6 Let the record show all jurors, counsel and
7 defendant are present.

8 Mr. Bubrick, I believe you had one further witness?

9 MR. BUBRICK: Yes; Mr. Escalante, please.

10 THE CLERK: Would you raise your right hand, please.

11 You do solemnly swear that the testimony you may
12 give in the cause now pending before this court shall be the
13 truth, the whole truth, and nothing but the truth, so help you
14 God?

15 THE WITNESS: I do.

16
17 FRANK R. ESCALANTE,
18 called as a witness on behalf of the defendant, testified as
19 follows:

20 THE CLERK: Thank you.

21 Take the stand and be seated; and would you state
22 and spell your name, please.

23 THE WITNESS: Frank R. Escalante, E-a-c-a-l-a-n-t-e,

24
25 DIRECT EXAMINATION

26 BY MR. BUBRICK:

27 Q Mr. Escalante, what is your business or occupation,
28 please?

1 A I am a police officer for the City of Los Angeles.

2 Q And were you so employed on April 23, 1969?

3 A I was, sir.

4 Q And what were your duties on that day, Mr.

5 Escalante?

6 A I was the jailer in the processing end of the
7 jail at Valley Services Division.

8 Q That is in Van Nuys, is it?

9 A Yes, it is.

10 Q What do your duties entail on that particular
11 assignment?

12 A Well, at that particular time I was the fingerprint
13 officer taking all fingerprints of all prisoners booked into
14 our jail.

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1 Q Did it make any difference what the nature of the
2 offense was for which they were being booked?

3 A No, it did not.

4 Q As long as they were in the booking process, you
5 took their prints on that day?

6 A That is correct.

7 Q Inviting your attention to what has been marked
8 people's exhibit 245 --

9 THE COURT: E like in Edward.

10 MR. BUBRICK: Yes.

11 THE COURT: Do you see that one?

12 THE WITNESS: Yes.

13 THE COURT: It is in the upper right-hand corner of the
14 exhibit.

15 Q BY MR. BUBRICK: Did you take the fingerprints of
16 one Charles Watson on or about April 23, 1969?

17 A Yes, I did.

18 Q And do you remember about what time of the day
19 or night it was when you saw Mr. Watson for the first time?

20 A Well, not particularly. It was nighttime. I
21 wouldn't know what time it was.

22 Q What were your assignment hours on that particular
23 day, if you remember?

24 A I was working what we call the p.m. watch, that
25 is 3:30 to 11:30.

26 Q 3:30 in the afternoon to 11:30 at night?

27 A Yes, sir.

28 Q And do you remember Mr. Watson being brought into

1 the booking office?

2 A Yes, I do.

3 Q Do you remember how he got there?

4 A No, not offhand.

5 Q Was he accompanied by other officers when he
6 was in the booking office?

7 A Yes, he was.

8 Q Do you remember who they were?

9 A No, I don't.

10 Q Can you describe Mr. Watson when you first saw
11 him on that occasion?

12 A When I first had contact with Mr. Watson after
13 the booking process, it was my duty at that time to fingerprint
14 him and this is when I first noticed Mr. Watson.

15 Q Do you remember what you first noticed about him?

16 A Well, to describe it, we get many hippie type
17 bookings in that particular end of the valley and of all the
18 hippie type persons that I fingerprinted, Mr. Watson just seemed
19 to be a little bit more or stood above the normal type hippie
20 that we book in that jail.

21 Q In what respect?

22 A Well, in his manner of dress and, well, he was
23 very, very dirty and his clothes were just completely filthy
24 and his hair was long and just straggly and it was just more
25 than you would normally see in a more or less regular hippie.
26 He just seemed to be more.

27 Q Do you remember about how big he was at the time?

28 Do you remember what his weight was?

1 A No, I don't.

2 Q Were you able to talk with him?

3 A Well, I was able to print him but so far as any-
4 thing so far as conversation is concerned I couldn't remember.

5 Q Do you remember whether he was able to talk at
6 all?

7 A Well, he talked -- I remember that we talked but
8 as to what we talked about I don't remember, sir.

9 Q Do you recall whether or not you were able to
10 understand anything he had to say?

11 A No, not particularly. He was cooperative so far
12 as the processing was concerned but so far as the actual con-
13 versation itself I couldn't remember.

14 Q Do you remember whether it was in English?

15 A Oh, yes, it was.

16 Q And do you have a recollection of being able to
17 understand what he was saying?

18 A Well, he was, so far as I remember, he would
19 go from one thing to another. It was just very difficult to
20 keep the conversation with him.

21 Q Did you hear any beep beep sounds coming out of
22 him?

23 A I couldn't recall that.

24 Q You don't remember that?

25 A No.

26 Q Did you have to assist him at the fingerprinting
27 process?

28 A Well, more or less. He wasn't actually falling

1 down. He was just cooperative enough and yet at the same time
2 not really coherent.

3 It was just, he was just right in the middle.
4 Something about the whole process that I was able to print
5 him, his hands were very, very loose. This is what you have
6 to have when you fingerprint a person.

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Q Well, was he very loose in the legs, also?

A Well, he wasn't falling down, no, sir; but he was just standing, like I said, I was able to fingerprint him very easily.

Q Were there other officers present at the time he was being fingerprinted?

A Yes, sir, there were.

Q Were they supporting him in any way?

A No, sir, not that I recall.

Q But, then, he was fingerprinted; is that correct?

A Yes, sir.

Q How long did that process take?

A It doesn't take but maybe five minutes.

Q Did you ask him to sign the card?

A Yes, I did.

Q Could he do that?

A No, sir, he couldn't.

Q And what -- how did he evidence his inability to sign?

A Well, he wasn't able to when I sat him at the table to sign the fingerprint cards, he wasn't able to.

Q Did he just fall forward on the table?

A No, he just sat there and he just shook his head and he couldn't sign; he wouldn't sign.

Q He wouldn't or couldn't?

A Well, he just couldn't sign it.

Q Was he able to make any markings at all on the card?

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1 A Well, not that I can recall, sir.

2 Q Was he able to hold a pen?

3 A Well, as far as I can recall -- I can't recall
4 that particular end of it.

5 Q Do you remember whether he moved about this room
6 without the assistance of any other officers?

7 A No, I don't.

8 Q You don't remember that, either?

9 A No, sir.

10 Q Did you ever call any doctors to find out what his
11 trouble was?

12 A No, sir; that wasn't part of my duties.

13 Q Have you seen, in your experience, people under the
14 influence of drugs before?

15 A Yes, sir, I have.

16 Q Do you have an opinion as to whether or not Watson
17 was under the influence of drugs at the time?

18 A Yes, he was.

19 Q Can you describe the degree of that intoxication,
20 that drug intoxication?

21 A Well, I'm not an expert, but in my opinion, he
22 apparently -- well, he was under the influence.

23 Q Well, you have seen lots of people under the
24 influence, have you not?

25 A Yes, sir.

26 Q And they are graduated or they are matters of
27 degree, so far as being under the influence is concerned?

28 A Yes, sir.

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1 Q Would you say he was moderately under the influence
2 or severely narcotized?

3 A Well, in my opinion, I think he was severely.

4 Q But he wasn't belligerent, as far as you were con-
5 cerned?

6 A No, sir, he wasn't.

7 Q Was there a follow-up with any reports that brought
8 him to your attention?

9 A No, sir.

10 Q You don't know why he happened to be brought into
11 the station at the time?

12 A Well, I know why he was booked.

13 Q What is that?

14 A Section 647 F, which is drugs, under the influence
15 of drugs.

16 Q You don't know whether he had been in an accident
17 prior to being brought into the station or not?

18 A No, sir.

19 Q You don't know whether he was afoot or on a motor-
20 cycle, before being brought into the station, do you?

21 A No, sir, I don't.

22 Q Mr. Escalante, I assume that you have obviously
23 booked many, many people while you were there as a jailer; is
24 that correct?

25 A Yes, sir, I have.

26 Q Is there any particular reason for remembering Mr.
27 Watson after this period of time?

28 A Well, it is just like I stated, he was just

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1 outstanding as far as a hippie type was concerned; he was just
2 more so than the normal mill of the people that come in our
3 jail.

4 Q And how about his degree of intoxication or drug
5 intoxication?

6 A Well, we have many people that come in our jail
7 that, well, say, were as high or have been as high as Mr.
8 Watson.

9 MR. BUBRICK: I have nothing further, your Honor.

10
11 CROSS-EXAMINATION

12 BY MR. BUGLIOSI:

13 Q Did you learn that Mr. Watson had fallen off a
14 motorcycle that day?

15 A No, sir, I didn't.

16 Q You don't know about that?

17 A No, I don't.

18 Q You don't know what drug, if any, Mr. Watson was
19 under the influence of, do you?

20 A No, sir, I don't.

21 Q Have you ever heard of the drug, belladonna?

22 A I have heard of it.

23 Q You don't know he was under the influence of that
24 drug?

25 A No, sir, I don't.

26 MR. BUGLIOSI: No further questions.

27 MR. BUBRICK: I have nothing further, your Honor.

28 THE COURT: Thank you, Officer; you may be excused.

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1 MR. BUBRICK: We have prepared a stipulation, your Honor,
2 which we are working on right now.

3 Your Honor, we are prepared to enter a stipulation,
4 which reads as follows:

5 May it be stipulated that the first time that
6 Mr. Kay heard about the incident that occurred between Myers
7 and Barker Ranch in early September 1969, in which Mr. Watson
8 allegedly demonstrated to Barbara Hoyt, Kitty Lutensinger,
9 Ruth Moorehouse and several other girls how to stab a person is
10 when this incident was related to him by Barbara Hoyt in July
11 1971.

12 That this incident was related to Mr. Kay by
13 Barbara Hoyt in response to a question by him, which is essen-
14 tially as follows:

15 "I understand that you did not testify to the
16 actions and conduct of Tex at the first trial because
17 he was not a defendant and therefore such testimony
18 would not be relevant."

19 Mr. Kay then said that Tex's mental state would be
20 an issue at the upcoming trial and, therefore, he asked, "Did
21 Tex ever do anything bizarre that you observed?"

22 Miss Hoyt then thought for a minute and related
23 the above incident. To Mr. Kay's knowledge, this was the first
24 time he had ever heard of the incident and also, to his knowl-
25 edge, it is the first time she had ever been asked about it.

26 MR. KAY: So stipulated.

27 MR. BUBRICK: I would join in that stipulation, your
28 Honor.

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1 THE COURT: I take it, ladies and gentlemen, you recall
2 what I told you about stipulations, that is where both sides
3 stipulate to a certain fact we need have no further testimony
4 pertaining to that fact, but you are to accept that stipulation
5 as such.

6 MR. BUGLIOSI: The people are willing to stipulate that
7 at the previous trial I asked the Los Angeles County Sheriff's
8 office -- actually prior to the trial -- to get a printing
9 exemplar from defendant Susan Atkins, Patricia Krenwinkel and
10 Leslie Van Houton and Leslie Van Houton and Susan Atkins
11 did furnish printing exemplars, but Patricia Krenwinkel did
12 not furnish a printing exemplar prior to the trial.

13 During the trial, during the progress of the
14 trial I asked Judge Older to order Miss Krenwinkel to furnish
15 a printing exemplar and on the advice of her attorney, Paul
16 Fitzgerald, she refused to give a printing exemplar.

17 MR. KEITH: So stipulated.

18 MR. BUBRICK: So stipulated.

19 MR. BUGLIOSI: The people call Dr. Grovner Bailey.

20 THE COURT: Just a moment.

21 MR. BUBRICK: The defense rests.

22 MR. BUGLIOSI: Oh, I am sorry.

23 THE COURT: You have some exhibits. You have A, B, C and
24 D.

25 MR. BUBRICK: May they be admitted in evidence, your
26 Honor, under the same designation.

27 THE COURT: Let's see what they are.

28 MR. BUGLIOSI: May we take a look at them at the bench?

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1 THE COURT: The high school graduation class, photo,
2 and junior high school and football uniform as A, B and C.
3 And D, the bolt cutter that was found in the car received in
4 evidence.

5 MR. BUGLIOSI: May we approach the bench for one moment?

6 (The following proceedings were had at the bench.)

7 MR. BUGLIOSI: During the defense's case while Mr.
8 Watson was on the stand, he was shown people's 87, photograph
9 of Sharon Tate, and he identified it. We would again ask that
10 it be received into evidence.

11 There has been testimony now from several people
12 identifying people's 87 and the jury has it on their notes as
13 people's 87.

14 THE COURT: The one showing the enlarged stomach full of
15 blood?

16 MR. BUGLIOSI: I repeat to the court again that basically
17 the only thing that shows is a murder victim covered with
18 blood, which is not nearly as grotesque as some other murder
19 victims where there is a decapitation or large holes in the
20 body or something like that.

21 It is basically a dead person covered with blood
22 and there has been testimony as to people's 87 and I think the
23 jury --

24 THE COURT: It was shown to Watson and also shown to
25 one of the doctors.

26 MR. BUGLIOSI: I think the jury will really wonder why
27 they are not permitted to see the photograph. There has been
28 testimony on it.

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THE COURT: I still think the prejudicial effect of the photograph far outweighs the probative value particularly where you have so much other evidence which covers it.

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1 You have evidence, all the Coroner's photographs,
2 black and white ones. You have blowups. You have the diagram
3 showing how the ropes were looped around his neck. I think
4 it is covered by so much testimony, it is highly inflammatory
5 and prejudicial.

6 MR. BUGLIOSI: Thank you.

7 (The following proceedings were had in open court.)

8 THE CLERK: Raise your right hand, please.

9 You do solemnly swear that the testimony you are
10 about to give in the cause now pending before this court shall
11 be the truth, the whole truth, and nothing but the truth, so
12 help you God?

13 THE WITNESS: I do,

14
15 K. GROVNER BAILEY,
16 called as a witness on behalf of the people in rebuttal,
17 testified as follows:

18 THE CLERK: Will you take the stand and be seated.

19 Will you state and spell your name.

20 THE WITNESS: K. Grovner Bailey, G-r-o-v-n-e-r B-a-i-l-e-y.

21
22 DIRECT EXAMINATION

23 BY MR. BUGLIOSI:

24 Q Doctor, are you a medical doctor duly licensed
25 to practice in the state of California?

26 A Yes, I am.

27 Q And do you have a medical specialty?

28 A Yes.

1 Q What is that?

2 A Neurosurgery and neuropsychiatry.

3 Q You might pull your chair up a little closer,
4 Doctor.

5 THE COURT: Thank you. Try to keep your voice up.

6 THE WITNESS: Yes.

7 Q BY MR. BUGLIOSI: Your specialties then are
8 neurosurgery --

9 A Neurosurgery and neuropsychiatry.

10 Q And how long have you been practicing as a
11 neurologist and psychiatrist?

12 A Since 1928.

13 Q Will you please relate your training and experience
14 and education in the field of medicine, including your training,
15 experience and education in your medical specialty of
16 neurosurgery and psychiatry?

17 A I graduated from the Colgate University in 1920.
18 I graduated from the College of osteopathic
19 physicians and surgeons in 1926. That institution was
20 transformed into the California College of Medicine and at
21 that time I sustained the M.D. degree, although I had always been
22 a physician and surgeon prior to that.

23 And then I have an honorary degree of Doctor of
24 Science 1959. My training background, I had my internship
25 at the Merrill Psychiatric Institution and did not have
26 residencies, per se, but had precepteeships: One in psychiatry
27 with Edward S. Merrill, who was a member of the panel of what
28 is now Department 96 at Los Angeles General Hospital for many,

1 many years and who has studied with Ebau and Stecker in
2 Colorado State.

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1 I had a precepteeship with him for five years.

2 Subsequent to that, because of the fact that I was
3 concerned -- frequently consulted as regards the difference
4 between a hysteria which caused symptoms of brain tumor and a
5 paralysis which was caused by hysteria, to give a short example,
6 I determined to know a whole lot more about neurosurgical
7 procedures and I studied in neurosurgery in various areas in
8 the United States giving techniques in New York, St. Louis,
9 Chicago, and here in Los Angeles.

10 Then I had the opportunity to be a junior attending
11 neurologist at the Los Angeles County Hospital, starting in
12 approximately 1930; and inasmuch as this precepteeship was
13 related to that practical experience --

14 THE COURT: Doctor, would you be good enough to tell us
15 what is a precepteeship?

16 A Precepteeship is that particular program in which
17 a young man, in those days -- and the idea still finds favor --
18 is devoted to an older psychiatrist or older surgeon or older
19 general practitioner, depending on the specialty, who gives his
20 entire time to that particular individual and who is tutored
21 by that individual in the discipline; and that, in general is
22 the picture.

23 It has to do with attending seminars, it has to
24 do with assigned studies, of course. It has to do with
25 practical experience in the clinic and in this case, the
26 General Hospital.

27 And following that particular period, I then was
28 a junior attending surgeon in consonance, also, with this

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1 other experience, because I had been more or less concomitantly
2 -- and I was the only one, as it happened, in our particular
3 unit -- who had this dual interest.

4 I was then on the staff as the neurologist, and as,
5 also, a neurologist in the college, teaching; and those were
6 the dual capacities at the County and at the college.

7 This continued for a period of some five or six
8 years and subsequently I obtained the position of executive of
9 the department of neurology of the College of Osteopathic
10 Physicians and Surgeons; and subsequently the California College
11 of Medicine; and in that capacity had the management of the
12 department with other individuals, junior neurologists and
13 junior instructors, and so on.

14 This was also accompanied by the position, later,
15 of senior -- a co-senior in psychiatry at that same institution,
16 at Unit 2, Los Angeles General Hospital; and I was co-senior
17 in psychiatry for a period of five years.

18 Subsequent to that, then, because the department
19 had to be split because the department was getting very much
20 too large and we had junior members coming along, I chose to,
21 at the County, go into the neurosurgical field and I was given
22 the position, after a ten-year period, a position of executive
23 of the department of neurosurgery, and I am -- or I was, at
24 the time of the changeover to the USC Medical Center, and at
25 which time the California College of Medicine was joined and
26 became the Medical School at Irvine campus of the University of
27 California -- since that time I have been emeritus professor
28 of that, of the original two institutions, and I am still an

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1 emeritus consultant in neurosurgery at what was then the unit
2 of the General Hospital.

3 I mention that only because of the dual interest
4 which I have had in the surgical procedures necessary to repair
5 or to treat neurological and surgical conditions of the brain
6 and spinal cord.

7 Now, along with that there has been the opportunity
8 afforded by Judge Fricke, I may say, who had occasion to
9 appoint me to the panel of the Superior Court, the psychiatric
10 panel; this occurred in 1936 and since that time, I have been
11 on that panel --

12 Q BY MR. BUGLIOSI: This is a court appointed list
13 of psychiatrists?

14 A A court appointed list of psychiatrists.

15 Q So you have been on that list, then, for what,
16 30 years?

17 A Since 1936, yes.

18 Q It would be 35 years?

19 A 35 years; and I am not on the faculty any more of
20 the colleges, I am emeritus in that respect.

21 And in the process of that time, in response to
22 the question about my further training, I have made it a point
23 to do, as others do and are expected to do, have traveled the
24 world, somewhat, and have had an opportunity of studying in
25 the Middle East and in, for instance, Einsheim's University
26 in Cairo, and at Victoria Augusta in Jerusalem, in the
27 Evangelismos Hospital in Athens, several hospitals in London.
28 These were not extended periods of time, but I have had

1 occasion to have two very happy trips with the medical tours
2 of USC, one in the Middle East and one in the Scandinavian
3 countries and in Russia.

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1 There I had the opportunity in Russia^a of observing
2 three mental hospitals, two in Moscow and one in Leningrad;
3 and have made it a point through these observations not only
4 to study the discipline, which I was there to do, but also
5 to be interested in psychological, musical, religious art
6 having to do with the feelings of people.

7 I naturally am a member of several --

8 Q Various professional associations?

9 A -- professional associations.

10 Q Now, how long were you associated with General
11 Hospital?

12 A From 1930 to 1962 -- yes, 1962.

13 Q 32 years?

14 A Right.

15 Q Were you ever a co-director of the neuropsychiatric
16 section over there?

17 A In our section -- in our section, in Unit 3, yes;
18 I was not in the psychiatric division of 96, for instance.

19 Q Have you written and had published any articles,
20 papers or books in the fields of neurology or psychology?

21 A Yes, and it isn't by happenstance that I have them
22 with me.

23 Q What did you bring with you to court today?

24 A Well --

25 Q Without going over the contents, just basically,
26 the names of the articles and where they were published.

27 A Well, if I might refer to my material, I would be --

28 Q All right.

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1 A -- because otherwise I don't have an independent
2 memory; it isn't that long.

3 THE COURT: Doctor, if you need that to refresh your
4 memory, you may refer to it.

5 THE WITNESS: Thank you.

6 THE COURT: But I suggest you remove that so the jurors
7 can see you, put it over here, if it will help you.

8 THE WITNESS: Thank you.

9 The first one I have here -- I have others, but I
10 don't have them with me -- but the first time I published was
11 when I was a student in 1925, and I will never forget that one
12 because my discussion centered on a little bit of my Latin
13 background, "Vis medicatrix naturae," The Healing Power of
14 Nature. That was very presumptuous; but I have one here in
15 1942 containing my first hundred cases for the Superior Court,
16 and I entitled it, "Crime Marches On"; that was years ago, when
17 the idea of time marches on first came into vogue. That was
18 published in June 25, 1941.

19 Then in 1948 I published one on the "Thoraco-lumbar
20 Sympathectomy in Essential Hypertension," which means due to
21 the fact of stress and so forth on the nervous system, the
22 sympathetic nervous system alongside the spinal column has
23 been operated and has frequently been sympathetic in cases of
24 high blood pressure.

25 Then I have one here, "Surgery in Psychosomatic
26 Medicine," where I was beginning to combine the two fields; that
27 was in March 1969.

28 September 1950, "Twenty Years of Neurology and

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1 Pediatrics"; it was my responsibility -- from a medical stand-
2 point good fortune; but from the compassion of a physician,
3 the awful experience -- of taking care of 134 cases of polio;
4 and during that particular epidemic, and that was in our
5 contageous department at the county in relation to neurology,
6 and that was a bit of my experience in that regard.

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1 We had and I reported then also as regards various
2 diagnoses in the pediatric field.

3 I had a total of 300 cases and they ranged all
4 the way from depressed skull fracture to Mongolian idiots.

5 Then I have one here under date of November 1959
6 "Neuropsychiatric Considerations Peculiar to the Aged."

7 And here is one I wrote with my associate at that
8 time, "Hematoma Hunters."

9 Hematomas, they can be large blood clots anywhere,
10 but they are particularly vicious when they are on the brain
11 inside of the skull and hunters for the simple reason that
12 they aren't always apparent, from the outside never, and
13 neurologically sometimes silent and therefore I entitled it
14 "Hematoma Hunters." I gave a little credit to my granddaughter
15 on that one. This was in 1956.

16 Then I had a paper that I gave in the honorary
17 society in 1957 on amyotrophic lateral sclerosis, Lou Gerhig's
18 disease, and differentiated that with X-rays, and so on, from
19 a condition which frequently is not diagnosed because it isn't
20 looked for because people don't know when they are drunk
21 whether they have had an accident or not, but all of a sudden
22 they develop over an extended period of time, possibly,
23 symptoms of amyotrophic lateral sclerosis and when you take an
24 X-ray of the neck they find a fractured neck.

25 They fell down drunk and that happened but nobody
26 bothered to take a picture and that was under date of October
27 '57 about some 13 years ago.

28 Then here is one on epilepsy and hypotheses, and

1 that was under date of 1958.

2 Then one on neurosurgery, 1959. And this one,
3 forgive me if I say this, but this I prize because it starts
4 out "Oh, Lord, How Manifold Are Thy Works and In Wisdom Have
5 You Made Them All," because we start there and that not only
6 is biblical but in the floor of the Westminster Abbey when
7 Fulton discovered the heart function.

8 And then we go from that. Here is one, a report
9 of the proceedings at UCLA on global research for global health.
10 This was October 1961 and I reported this verbatim and I
11 wrote -- I don't do shorthand but I wrote pretty rapidly and
12 so I wrote just as fast as they talked and I have this down
13 and I published it because I knew I had it correctly and I
14 turned that in to interested parties. That was November 1961.

15 Then at the California Medical Association mental
16 health conference in 1963 I happened to be chairman of the
17 committee on mental health for our particular portion of the
18 medical society and I wrote my report of that and that is all
19 I have with me.

20 Q These articles were actually published?

21 A These are published articles and these are
22 reprints.

23 Q In terms of numbers, how many articles would you
24 say you have published in the fields of neurology and psychiatry?

25 A Oh, I think somewhere in the neighborhood of 40 or
26 50, 45, something of that sort.

27 Q You just brought in some of the important ones?

28 A I brought some of them, yes.

1 Q Have you ever taught any course in the field of
2 psychiatry?

3 A Well, I have taught courses in the field of
4 neuropsychiatry, which is a combination of the two, yes, I
5 have.

6 Q Where and when?

7 A I have taught those in college, as I pointed out,
8 because in the course of my teaching I taught not only the
9 neurological features but also the impingements as it has to
10 do, as I mentioned at first, with the differentiation between
11 hysteria, giving signs of paralysis, and a brain tumor, giving
12 signs of mental disease.

13 Q Have you ever participated in any seminars on
14 psychiatry?

15 A Yes, I have.

16 Q Where and when?

17 A I have frequently in my period as senior executive
18 officer at the college and in my period of time when I was,
19 for instance, from 1955 to '62 I was chairman of the American
20 Osteopathic Board of Neurology and Psychiatry, which controls
21 the teaching and the credentials and the criteria of reference
22 in each of those disciplines for the United States in our
23 profession.

24 Q Apart from teaching in schools and universities and
25 colleges, have you ever given any lectures in the field of
26 psychiatry to other interested groups?

27 A Yes, I have given many lectures in psychiatry and
28 in neurology to hospitals, hospital staffs.

1 I remember resigning from one of the hospital
2 staffs -- not from a staff, but from the credentials committee
3 of two hospitals, when as a member of the abortion and
4 sterilization committee, for a matter of three or four years
5 I found myself at variance with the policies which came into
6 vogue, so I resigned from that because I didn't agree.

7 I mention that because as related to that function,
8 both as determining the credentials of applicants to the staff
9 and also in this committee having to do with what cases were
10 admitted to the hospital, for what abortions and whatnot, it
11 was necessary for me to take a stand and, of course that isn't
12 easy.

6A

6AR-1

1 Q Are you presently in private practice?

2 A I always have been and I might say at the time I
3 was with the County Hospital, we were not paid one nickel.
4 This was all free.

5 We gained our benefits, of course, and such stature
6 as we might be accorded by reason of our activity with the
7 interns, with the externs, with the residents, and with our
8 other staff members on the staff of the various hospitals, but
9 at the County for 30 years, that was not one dime paid.

10 Q For 30 years you worked at General Hospital then
11 as a neurologist and a psychiatrist without any compensation?

12 A Without any stipend. There were lots of compensa-
13 tions but they weren't monetary.

14 Q No monetary compensation?

15 A None whatsoever.

16 Q How many criminal defendants, Doctor, have you
17 examined during your career as a psychiatrist, approximately?

18 A Oh, I would say approximately -- including those
19 not appointed by the court?

20 Q Yes.

21 A Oh, 2,500, I suppose.

22 Q You have examined approximately 2,500 individuals
23 charged with crimes?

24 A That is right.

25 Q And how many were charged with the crime of murder
26 of the 2,500, approximately?

27 A I figured that out and that comes to about 25
28 percent, 25 percent of those.

1 Q That would be about 500, then?

2 A Well, 25 percent of 2,500.

3 Q No, let's see --

4 THE COURT: 625.

5 THE WITNESS: That is right, somewhere, five or six
6 hundred.

7 Q BY MR. BUGLIOSI: So you have examined five or six
8 hundred criminal defendants being charged with murder?

9 A That is right.

10 Q With murder?

11 A Not always related to the court here.

12 Q Right. And you psychiatrically examined them?

13 A That is correct.

14 Q And how many times have you testified before any
15 court of law as to the mental state of a criminal defendant at
16 the time of the commission of a crime, approximately?

17 A Oh, I suppose in the neighborhood of about 200
18 times, something of that sort, possibly.

19 Q Not just talking about murder defendants now, any
20 type of criminal defendants?

21 A Oh, I beg your pardon.

22 Q Let's talk about murder defendants. About 200
23 times you have testified in a court of law to the state of mind
24 of an individual charged with murder?

25 A Yes.

26 Q Overall, how many times have you testified in a
27 court of law as to the state of mind of a criminal defendant
28 at the time of the commission of a crime?

A I would like to give you a firm answer, the only

1 firm answer is that I can't tell you that.
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1 Q Can you give us a vague, rough approximation?

2 A Well, I can't even make it percentagewise, for the
3 simple reason that some cases you appear and the court's dark.

4 MR. KAY: Like yesterday?

5 Q BY MR. BUGLIOSI: Well, you have examined about
6 2,500, apparently, criminal defendants charged with a crime;
7 of these 2,500 would you just estimate that you have testified
8 actually in court 500 times, a thousand times --

9 A No, I suppose about 400 times, something of that
10 sort, not any more than that.

11 Q The courtroom is not a place that is new to you,
12 or anything like that?

13 A No, but there are many who have had much greater
14 experience.

15 Q During these 400 or so times, Doctor, have you
16 testified for the defense as well as the prosecution?

17 A Yes, I have.

18 Q What would the breakdown on that be -- again,
19 approximately -- how many times, approximately, have you testi-
20 fied for the defense as opposed to the prosecution?

21 A Oh, I suppose 75 and 25.

22 Q 75 percent of the times for the defense?

23 A For the defense; I think so.

24 Q Now, directing your attention to defendant Charles
25 Watson, I take it you examined him?

26 A Yes, I did.

27 Q Did Judge Alexander, the judge in this case,
28 appoint you to examine Mr. Watson?

1 A Yes.

2 Q And when and where did you examine Mr. Watson?

3 A If I may refer to my material, your Honor --

4 THE COURT: Certainly.

5 THE WITNESS: I examined Mr. Watson on order of the Court
6 at the new County Jail July 7, 1971 --

7 Q BY MR. BUGLIOSI: How long did you talk to Mr.
8 Watson?

9 A That examination was two hours.

10 Q Did you speak to him after that? Did you examine
11 him after that?

12 A Yes, I did.

13 Q All right; when was that?

14 A The next examination was on July 8th.

15 Q The following day?

16 A The following day.

17 THE COURT: The first was July 9th, did you say?

18 THE WITNESS: July 7th, I believe.

19 THE COURT: Thank you, Doctor, I'm sorry.

20 THE WITNESS: July 7th.

21 Q BY MR. BUGLIOSI: The next time, July 8th; again,
22 at the County Jail?

23 A Again at the Jail.

24 Q For how long on this occasion?

25 A For one hour.

26 Q Did you examine him after that?

27 A I did.

28 Q When was that?

1 A I examined him on July 9th.
2 Q Again at the County Jail?
3 A Again at the County Jail.
4 Q For how long?
5 A For one hour.
6 Q Did you examine him after that?
7 A Yes, I did, Counsel.
8 Q When was that?
9 A That was on the 10th; July 10th.
10 Q Again at the County Jail?
11 A Yes.
12 Q For how long?
13 A Two hours.
14 Q Is that the extent of your examination of Mr.
15 Watson?
16 A No.
17 Q Okay. Would you relate to the jury the additional
18 times and number of hours?
19 A I again examined him on July 15.
20 Q County Jail?
21 A County Jail.
22 Q For how long?
23 A For one hour.
24 Q You may continue.
25 A I again examined him July 16.
26 Q County Jail?
27 A County Jail.
28 Q How long?

1 A 45 minutes.

2 Q Any other times?

3 A No other times that I examined him personally; but
4 I had been privy too, I would say, most of the voluminous trans-
5 cripts, grand jury transcripts --

6 Q Yes, I will get into that in a while, Doctor.

7 A Prior.

8 Q Now, was one of the objectives or your examination
9 of Mr. Watson to determine whether Mr. Watson had the mental
10 capacity to harbor malice aforethought at the time of these
11 killings?

12 A Yes.

13 Q Was another objective to determine whether Mr.
14 Watson had the mental capacity to maturely and meaningfully
15 reflect upon the gravity of the contemplated act of killing?

16 A Yes.

17 Q Was another objective to determine whether he had
18 the mental capacity to deliberate and premeditate these killings
19 for which he is presently being charged?

20 A Yes.

21 Q Did you give Mr. Watson any tests of any kind?

22 A Yes, I did.

23 Q What test did you give him?

24 A I gave him neurological examination, I gave him
25 psychiatric examination, I gave him certain projection tests,
26 as they are called, to indicate his ability to understand the
27 spoken word -- that is dialogue -- to determine as to his
28 memory, to determine as to his present and then prior capacity

1 to remember.

2 I did several emotional profile charts -- or, he
3 did, at my request.

4 Q Would you relate to the jury how he performed these
5 various tests that you were talking about, like the neurological
6 test and the projective test?

7 A Yes, if I may, in the neurological test -- if I
8 may start with the first and go sequentially?

9 Q Yes, yes.

10 A -- we established good rapport, in the first place.
11 Substantially, he was concerned as to any examiner, a new one,
12 because I had understood that he had had others, and so I made
13 it a point to explain the purpose of the procedure and something
14 as to the format of the procedure and as to what my place in
15 the picture was.

16 I therefore started out asking him to look at some
17 pictures, and these pictures are standard pictures which have
18 to do with simply asking the individual what the picture tells,
19 what the story is as described in the picture. He did this
20 very well.

21 I then showed him another standard page having
22 rather ridiculous combinations of pictures, such as a rooster
23 with three legs and a man in armor, or at least a figure in
24 armor with a gun, other tests, indicating other pictures which
25 were equally unrelated; and he very quickly and very accurately
26 recognized the inequities and described them.

27 I tested him on memory items, and, as is evidenced
28 in the dialogue later, he did very well, with certain

1 exceptions which he, himself, indicated, which will later
2 appear.

3 Q Before you go any further, give us an example of
4 what you considered to be good memory on his part.

5 A Well, I think he could remember what he did in
6 high school and what he used to do when he was fishing and how
7 he used to be with the airline and what he could do at the
8 time; and what his folks had always taught him to do and what
9 he remembered about his life at the ranch and before that; when
10 he picked up a hitchhiker and was subsequently on the road.

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#8

1 He remembered many of the details of the incident
2 in question and had a very good recall of circumstances in
3 the area of detention.

4 Q You mean when he was incarcerated?

5 A Incarcerated in Texas. There was no problem.

6 Q He remembered everything that occurred in Texas?

7 A Yes.

8 Q While he was in jail there?

9 A That is right. I don't know, when I say everything,
10 I wouldn't say that anyone remembers everything, but in
11 general.

12 Then his description of his experience in the jail
13 here, his experience that he had at Atascadero and subsequently,
14 and his recall of the various portions of my examination,
15 because we tried to make it cohesive from day to day and I
16 examined him, naturally, from day to day to have more points
17 of reference than one or two.

18 Q So you found no impairment of memory?

19 A And I was satisfied that -- well, the first memory
20 tests that I gave him, when I showed him some ten items on a
21 picture, I told him I was going to ask him some questions about
22 that and he answered, gave me eight of the ten right away and
23 with a stimulus of my rubbing my ring -- "oh, yes, a ring," or
24 my moving my hand across the face -- "Oh, yes, a shaving brush."
25 Those two items he recalled, but that was with an
26 added visual stimulus.

27 Q He remembered eight without any stimulus on your
28 part?

8-2

1 A Yes.

2 Q He remembered the additional two by what you did?

3 A That is right.

4 Q You may go on with respect to the various tests

5 you gave Mr. Watson and how he performed them.

6 A I am looking now at the material that was on

7 the hospital charts, which is part of my examination, but

8 which does not relate to the question at the moment.

9 Then I, in order to determine how steady his

10 hand was, whether he could see, whether he could understand

11 my request, whether his brain could function in response to

12 my request and to his understanding of it and, therefore, he

13 could make his hand do what he wanted his hand to do, I drew

14 a diagram, which is routine with me.

15 And this diagram, I drew the top one, with a

16 circle, a square, a diagram, and the male and female symbols,

17 and with all due respect to me, he did a better one than I

18 did.

19 In other words, I mean his line was firm and his

20 duplication was excellent. Then I asked him to draw me a

21 picture of a person and this is partly for the same reason:

22 To determine this, the ability to make the hand do what the

23 brain asks, and to understand what is asked of the individual,

24 but it also is a thing that I studied in Switzerland, as it

25 happens.

26 This is years ago when I was a delegate to the

27 Third International Psychological Congress at Zurich, and I

28 became very much interested in this sort of thing, and every

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1 case I have had since 1954, whether surgical, neurological,
2 or psychiatric, I always asked them to do two things.

3 I have had some 5,000 cases, that I have never
4 had an opportunity of researching, but it is ready -- one is
5 to draw a person -- in this case the person is drawn very
6 nicely. There is good balance.

7 Q I don't see too well, but is there a person drawn
8 there?

9 A Oh, yes, there is.

10 Q I was looking at the center of the sheet. Way up
11 in the upper left-hand corner?

12 A Yes.

13 Q Sorry, Doctor, to have interrupted you like that.
14 You may continue.

15 A Come into my office.

16 Q I am so busy I don't have time, Doctor. I even
17 work on weekends. You may continue, Doctor.

18 A Well, no, but this, the fact is that this person
19 is well proportioned but is drawn as it happens in the upper
20 left-hand corner of the page.

21 Then I asked the individual, in this case Mr.
22 Watson, to draw me a picture of a fruit tree and he did that
23 and that is a well proportioned tree, but it too is in the
24 upper left-hand corner of the page.

25 THE COURT: Does that have any significance?

26 THE WITNESS: Yes, it does, your Honor.

27 This has significance. It may have other
28 significances but it has one significance -- which through

1 the years I have determined and others have determined --
2 when an individual puts their figure in the upper-left-hand
3 corner of the page, this is due to a feeling of being
4 cornered, simply stated, a feeling of being cornered.

5 Now, if the individual has an organic problem
6 primarily, this figure will be in the lower half of the page.

7 Q BY MR. BUGLIOSI: Organic brain problem?

8 A Brain problem or any other problem that has to
9 do with their concern regarding a withered limb or some area
10 of difficulty which they may not be aware of, but which from
11 a psychological standpoint will give them the weighted index,
12 if I may say, of an organic problem rather than one having
13 to do with emotional stress.

14 Q You formed this opinion as a result of examining
15 or giving approximately 5,000 people that test?

16 A Yes.

17 Q You may continue.

18 A Then after that, and this is on the same day, I
19 asked Mr. Watson to do a Cornell emotion profile.

20 Q A standard psychological test?

21 A Yes, having to do with answers of yes and no and
22 he being perfectly free to answer in any way that he saw fit
23 and he did answer those and those are part of my consideration.

24 I then asked him to do another somewhat similar but
25 rather more, I will say, emotional sensitive -- this other
26 test has to do with physical situations, responses to certain
27 circumstances, questions of some emotional feeling, conditions,
28 as regards the sympathetic nervous system relating to the

1 heart, lungs, and so forth, questions also relating to the
2 degree of tension -- whether the individual used to wet the
3 bed very much and questions of physical response, but
4 sometimes occasioned by emotional conditioning.

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1 Then questions about whether the individual has
2 had trouble with the law, whether they have used dope
3 regularly, what their experiences were in reform school,
4 something about the opposite sex and so on.

5 Now, this one (indicating) is a modified Mooney
6 chart of some -- this one (indicating) has 100 questions,
7 101, and this last one, the modified profile, has 88 lines
8 but 100 questions.

9 of
10 Several, the questions are twofold, but totaling
11 100 questions.

12 And these are answered without any other stimulus
13 than to say, "Charles, will you please look this over and you
14 can answer it yes or no sometimes or none of your business,
15 just write it down," and that is exactly what I told him, so
16 he did that.

17 That was my first examination. Then I examined
18 him again on the 8th and I noticed that his nails were neatly
19 manicured but that his nail beds were a little cyanosed, a
20 little on the bluish side and I didn't like that.

21 Q What was the significance of that?

22 A I didn't know but I wanted to find out. It had
23 something to do with circulation and so I wanted to find out
24 and so then I, as I say, reviewed the hospital chart and the
25 file, then proceeded with other questions which I have
26 included in my full report.

27 Then I repeated the memory items and he again got
28 eight out of ten.

Q Ten new items or the same ten?

1 A These were the same ten, but this time he omitted
2 the hat and the cup and so I did something with my head and
3 with my mouth and this gave him the stimulus and Charles
4 responded well.

5 Q You say Charles responded well?

6 A Yes.

7 Q Do you mean Mr. Watson?

8 A Charles responded well.

9 Then I gave him a color square test, which I had
10 previously done and repeated it.

11 I missed that when I discussed this before,
12 somewhere along the line. In any event the color square test
13 took 45 seconds.

14 Now, that is not a fast response. I like to see
15 a color square test accomplished in, oh, 40 seconds. 45 is
16 not out of line by too far, but it is on the sluggish side.

17 I have seen one person do it in 22 seconds, which
18 is quite something.

19 Then I at that time showed him Rorschach cards.
20 I did not do a Rorschach examination per se, but I showed
21 him Rorschach cards.

22 Q Ink blot cards?

23 A The ink blot cards. Looking for one thing,
24 because I am interested in his organic situation. Every case
25 that I have in my office -- it doesn't make any difference
26 if it is psychiatric or otherwise, neurosurgical potential
27 or not, I show them the Rorschach cards to find out one thing:
28 As to whether there is what we call perseveration, repetition --

an individual gets stuck on the record, so to speak, and he
did not. I found no perseveration.

#9

1 In other words, sometimes people will look at a
2 standard card and say, "Here's a parrot -- oh, yes, here's a
3 parrot"; and they go on and on, and maybe two or three more
4 cards, "You know this parrot has some red on it," indicating
5 that they come up with the same image; and this can have other
6 implications, but it is so often present in organic brain
7 damage cases that I always look for it.

8 From that standpoint and from that standpoint,
9 only, because otherwise I send my Rorschachs out to clinical
10 psychologists for a report.

11 Q But the lack of perseveration by Mr. Watson caused
12 you to come to what conclusion?

13 A This was only a straw in the wind; I didn't come
14 to any conclusion at that particular time, but that, added to
15 other things, gave me the feeling that, at least that did not
16 support the view of gross brain damage -- because people who
17 have strokes, for instance, will have that frequently,
18 perseveration, providing it is in the right area --

19 Q Of the brain?

20 A -- of the brain.

21 Then I went on with my examination, asked him many
22 questions, all of which are verified. Then, this was all
23 for that examination.

24 Then, on the 9th --

25 THE COURT: Before we come to the 9th, suppose we have
26 our morning recess.

27 MR. BUGLIOSI: Thank you, your Honor.

28 THE COURT: Ladies and gentlemen of the jury, we will

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have our morning recess at this time.

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Once again, heed the admonition heretofore given.

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(Recess.)

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1 THE COURT: People against Watson. Let the record show
2 all jurors, counsel, and the defendant are present. Mr.
3 Bugliosi, you may proceed.

4 Q BY MR. BUGLIOSI: Thank you, your Honor.

5 You may continue, Doctor. You were relating some
6 of these examinations you gave Mr. Watson and how he performed
7 them.

8 THE COURT: You were starting on the examination of the
9 9th, I believe.

10 THE WITNESS: Yes, your Honor.

11 On July 9th, I examined Mr. Watson that morning,
12 had occasion to ask him about how he had been feeling and he
13 told me.

14 He discussed his diet. He said that he had been
15 moved out of the hospital facilities after the middle meal.
16 He said, "I ate a lot of fruit and I can eat tuna fish, soup,
17 if it is vegetable. I can't handle sugar or greasy things yet.
18 It comes out by my spitting it up."

19 I noticed that he had new hospital garb. He was
20 neatly attired in denim and he appeared to be very much better
21 and he said, "I can eat dried foods, in fact, mother used to
22 bring me that in jail in Texas."

23 He said, "I am in 2500 now." That is the cell
24 area -- "and I can keep down all of the vegetable and fruit
25 juices."

26 I checked his blood pressure and his pulse and
27 respiration at that time, they were normal, and he said, "I had
28 a stomach X ray this morning, so I had no breakfast."

1 And at that time I launched into the problems of
2 his background as regards difficulty with the law and have
3 reported it in my full report.

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11R-1

1 This report, if I may say, is a verbatim copy of
2 this material which is all handwritten at the time the question
3 is asked and the answer is given; and this related to various
4 items as to what went on at times at the ranch and it was in
5 that general discussion.

6 Then I saw him -- that was on the 9th -- on the
7 10th. I saw him for two hours and I just -- to give an idea
8 of the kind of finding at the time, I said, "How did you get
9 along last night?"

10 His answer was, "All right."

11 "Did you have a good supper?"

12 "No."

13 "Why not, Charles?"

14 "I spit it up."

15 "Why?"

16 "Fried chicken, thick, yellow dessert; I gave it
17 to somebody else."

18 "Any breakfast?"

19 "No."

20 "Any juices?"

21 "No, and just a roll with sugar on it; eggs and
22 cereal stuff, I don't know what it was. Then they have the
23 same stuff that everybody else has, and when I go back to the
24 cell I go into this feeling of spitting and coughing and
25 chest pains, so I don't eat it; and heart starts hurting, too."

26 And then, further description of the dietary
27 difficulties which he was having -- and, the physician,
28 irrespective of psychiatry or anything else -- as a physician,

1 I was concerned as regards his nutrition; and so I then asked
2 him about other questions.

3 We continued our interrogation and I said here --
4 well, he said, in response to my question, "You are concerned
5 about your food and your diet supplements; and do you know what
6 I mean by that?"

7 And he said, "Yes, I do, vitamins fruit and vege-
8 table juices."

9 Then he told me what he could eat if he could get
10 it, and he said, "The more natural it is, the better."

11 And then we talked about eating raw fish, providing
12 it had been treated with lime juice, and so on and so forth;
13 and he responded with excellent rapport -- in other words, he
14 laughed when there was a little opportunity to smile at a
15 little quip of some kind, and was very responsive.

16 Then I asked him several questions as regards
17 matters of fact; so I asked him, "What's the difference between
18 a lie and a mistake?"

19 And he said, "Well, a lie is if you tell somebody
20 not the truth."

21 I said, "Well, what about a mistake?"

22 Well, he said, "A mistake just happens."

23 "What's the difference between a midget and a
24 baby?"

25 "A midget is a little man."

26 Then I asked him what was the intent or the meaning
27 of several aphorisms, you know, commonly stated items, such
28 as, "Benjamin Franklin said, 'If you make honey of yourself,

1 the flys will eat you.'

2 "If you make honey of yourself, the flies will
3 eat you. What do we mean by that, Charles?"

4 He said, "I don't know."

5 Then I asked him another questions, which any
6 schoolboy would know, and I'm sure he knew; but he said, "I
7 don't know."

8 THE COURT: What was the question, Doctor?

9 THE WITNESS: "If we say the early bird catches the worm,
10 what do we mean?"

11 Then he went on to tell me -- and this stimulated
12 a very interesting response -- he said, "I used to dig worms
13 to go fishing around Copeville, my hometown. There was a lake
14 there and my uncle had some pool-like ponds and I used to fish
15 or crawfish and sell the crawfish."

16 Then I asked him, as a matter of memory, a testing
17 of memory, to read to himself and then read to me the following
18 -- and this happened to be a brochure that I had gotten from
19 the new railroad combine which took over the Southern Pacific,
20 and so forth; and this tells the story, or it is a brochure
21 having to do with a little trip that some of the railroad
22 buffs who like to ride trains for the fun of it were going to
23 have a trip up to surf.

#12

1 And it read this way:

2 "Fiesta de la Purissima and Tour of
3 the Lompoc Valley Flower Gardens, Sunday, May 16,
4 1971.

5 "Mission bells ring heralding a day
6 of celebration. The largest and most complete
7 historic restoration in the west and this is
8 brought to life with demonstration of the crafts
9 by its early residents. Many of the original
10 tools. Pressing olives to make olive oil.
11 Weaving, candle dipping, wine making and many
12 more. Of course no fiesta is complete without
13 music and dancing of which there will be a
14 great amount."

15 And I said, "What is the story there, Charles?"

16 And he said, "Well, it is a story of taking a trip
17 to the mission, to the fiesta. There is going to be dancing
18 and music and it was up at Lompoc at a mission. It was going
19 to be in May and they used to make wine there, pressing for
20 olives and crafts and talked about their ancestors."

21 "Where was the train going?"

22 And he said, "Up the coast."

23 Then I asked him as to what his mother's maiden
24 name was. This is standard procedure, of course, because most
25 everybody knows their mother's maiden name.

26 And he said, "Mary Elizabeth Montgomery."

27 And I said, "How many doctors have you seen?"

28 And he said, "Four at UCLA and four here,"

12-2

1 Then I said, "Did you see any in Texas?"

2 And he said, "No."

3 "Were you in the hospital in Texas?"

4 "Only when I was a little boy and got my foot cut
5 and I still can't bend my left big toe down because it is
6 numb."

7 And he showed me the scar on the base of his foot,
8 a two-inch scar which is diagonally under the arch of the foot.

9 Then I said, "Are your mother and father living?"

10 He said, "Yes."

11 And I said, "Do they write?"

12 And he said, "Well, he puts a note in mother's
13 letters and mother has written 75 letters."

14 And I said, "Do you write them?"

15 And he said, "Everyday."

16 It was at that time that I then reviewed the
17 hospital charts -- I had reviewed them on the 9th and on the
18 10th I again looked at them.

19 Now, on the 9th I made this statement on the
20 chart -- those of us who are in this particular capacity have
21 no jurisdiction as regards the medical services at the
22 detention facilities unless we are, as some of the doctors
23 are, are on the staff of that facility, but nevertheless those
24 of us who are consultants, as we were in this case, are
25 given the opportunity of writing on the chart if we so desire.

26 In fact, we have to write on the chart whenever
27 we are there just to indicate that we have been there,
28 including the time in which we started our examination and

12-3

1 when we complete it.

2 On the 9th I reviewed the chart. After the
3 defendant had left the interview room I made this notation,
4 "Please make special diet and quiet surroundings available
5 stat --" that means at once -- "to this patient. His need is
6 real. Thank you."

7 And signed my name.

8 Q You say "His need is real." What do you mean by
9 that?

10 A "His need is real." Well, in the first place he
11 couldn't eat the food that he had access to.

12 I had determined that he was losing weight. He
13 would have times in which he was very listless. The hospital
14 chart indicated that.

15 I haven't indicated that all -- I haven't that
16 all down here but there were factors which indicated that
17 when he wasn't getting the kind of food that either he
18 thought he could eat or that he would eat -- if he won't eat
19 it, whether you think you can or not, if you won't, you don't,
20 and so when you don't, why, then something can happen.

21 It was related to his condition and so I said
22 I recommend that the patient be returned to the hospital here
23 in central jail for care -- back to the hospital because in
24 the hospital they are able to give a dietary which they are
25 not able to give -- it is impossible for them to give in the
26 routine ward care.

27 That is, I will say, cell care. They would like
28 to but it just can't be done.

12-4

1 Q What did you determine Mr. Watson's weight to be
2 at the time of your examination?

3 A I have that all down here. Just a minute.

4 On the 12th I saw him -- I again saw him on the
5 15th. I have completed now up to the 10th.

6 I saw him again on the 15th and I saw him in
7 order to determine the location and status of the defendant;
8 in other words, I wanted to know where he was and I wanted
9 to know what his condition was and I found out that he had
10 been transferred to 7000, which is the hospital area and
11 there are comments there as regards that.

12 And at that particular examination on the 15th
13 I have these notations -- not on the hospital chart but in
14 my own notes -- "He came down to the psychiatric interview
15 room ambulatory --"

16 Q Meaning that he could walk?

17 A That he could walk -- "weeping and saying he
18 wouldn't see me."

19 And he stood outside of the door and the deputies
20 were with him as they have to be bringing a defendant in, but
21 he didn't want to come in.

22 So I invited him in and I invited him to sit down
23 and I explained that I was there to help regarding his
24 nutritional and health problem as per my recommendation of
25 the 10th, which was five days before, and then he calmed down
26 and then he said that he had been to court yesterday.

27 I asked him, "When do you go again?"

28 And he said, "I don't know. I just want to go

1 to court to testify the truth I know."

2 Then I said, "Charles, you know that I mentioned
3 a special diet and quiet surroundings especially?"

4 And he said, "Yes, I know. And the first day
5 they put me in a room with three people and it was too much
6 confusion. Then I was put in a room by myself, in room 15,
7 and I felt great,

8 "I was sitting there writing my parents, had a
9 good night's sleep, and then they got me up, told me I was
10 going to court.

11 "They took me early and all I had to eat was
12 applesauce. I couldn't eat the pancakes. I was brought down
13 on the line, then brought back up because it was too early
14 and they moved me back to the three people room and I flipped
15 out in there and started hollering for the nurse and a guy
16 jumped on me and started choking me,"

17 I said, "Do you mean you were choking him or
18 he was choking you?"

19 And he said, "Don't be silly," and he laughed at
20 me. "I was crying. He was choking me. Then I went to court.

21 "I just told my attorney I wasn't getting along too
22 well over here, and about the people in my room. It was all
23 confusion and my head aches now. So they put me back in the
24 single room until bedtime and then they put me back with all
25 those people again and I didn't sleep last night and I just
26 came down here from there now," which certainly explained
27 why he didn't want to see me.
28

13R-1

1 But I have a notations here, "Defendant responds to
2 my interest and concern."

3 Then I said, "When did you see your attorney,
4 Charles?"

5 And he said, "Last night."

6 I said, "What do you weigh now?"

7 "Last time was 112 and the chart as of 7-12-71
8 showed 114."

9 The chart on the 15th, 1971, this was the day that
10 I saw him, 0730 -- that's 7:30 in the morning, I believe --
11 "Laying in fetal position" -- all curled up -- "bed has not
12 been made up, requesting to move to a single room."

13 0755, almost 8:00 o'clock, seen by doctor -- one
14 of the doctors -- "No new orders."

15 8:15, "Was visited by the chaplain."

16 10:10, "To the first floor for a psychiatric
17 examination"-- and that's where I came in at that particular
18 time that morning.

19 NB, after my examination I weighed the defendant;
20 I took him into the dispensary and weighed him, myself, and
21 he weighed 112 pounds at that time.

22 I escorted him to 7000, I took him up with a
23 deputy -- I suppose you should say the deputy took us up; but
24 nonetheless, he and I walked up together and I talked with the
25 charge nurse there and he and I then went to the Director's
26 office and discussed the case dynamics, and the need for
27 nutritional superalimentation -- in other words, he needed to
28 have forced feeding, if you will -- but what I meant by that,

1 he needed to have more food than he was getting.

2 He was getting all the food that anybody else got,
3 but he wasn't eating it; so, technically, he was getting the
4 food but he would either give it away or let it sit, and the
5 necessity of individual -- the necessity of an individual cell
6 was discussed.

7 These items were written on the hospital chart
8 this date. In other words, I wrote those facts on the hospital
9 chart.

10 Then, going back, if I might, to the 10th, because
11 this was on a separate series of sheets of paper, I asked a
12 lot of questions to which he gave answers to all of the ques-
13 tions, and those were included in my report.

14 The questions were not asked exactly as these
15 particular -- these are statements here, but I devised a ques-
16 tion based on the statement and have given those questions and
17 answers in verbatim account.

18 Q Is this pertaining to the two nights of murder?

19 A This pertains to the nights of the murders.

20 Q These questions and answers?

21 A Questions and answers; there are some 30 -- well,
22 there is some 40-some questions and his answers, and I wrote
23 his answers on the material at the time.

24 I believe that constitutes the main body of my
25 observational examination.

26 And, of course, then, I had previously and sub-
27 sequently have had access to the other transcripts, voluminously;
28 and, of course, have very recently to some of the other

1 psychiatric reports other than those which I had had access
2 to at first; and only the first three or four were included
3 or incorporated in my report, because I didn't have access to
4 the others until just a little bit ago, because I have been
5 away.

6 Q During your examination of him did you find him to
7 be well oriented as to time, person and place?

8 A I did.

9 Q Did you feel that his answers were responsive and
10 directly related to your questions?

11 A I did.

12 Q Did he answer your question quickly or was there
13 some type of abnormal delay between your question and his
14 answer?

15 A I think a little of that depended on the question.

16 Q But if there was a delay did you feel it was an
17 appropriate delay?

18 A I felt that it was an appropriate delay.

19 Q So you found no undue hesitation between your
20 questions and his answers?

21 A No; in fact, I thought we had accomplished quite
22 a little, considering the fact that -- I say "we"; I mean in
23 our dialogue -- quite a little in a relatively short space of
24 time, because I can assure you to ask these questions to get
25 the answers and to write them as we go takes some doing.

26 Q Did you find him to be coherent?

27 A Yes.

28 Q Did you find him or did you form any opinion as

1 to whether or not he was mentally retarded?

2 A Yes.

3 Q What is your opinion?

4 A He is not mentally retarded.

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13A

1 Q Did you form any opinion as to his intelligence
2 other than that he was not mentally retarded?

3 A I considered that his answers were intelligent
4 and pertinent and his responses were certainly relevant to
5 either his needs or mine, either one of the two -- sometimes
6 both.

7 Q Did you feel, based on your examination of him,
8 that he was an intelligent individual?

9 A Yes.

10 Q You are familiar with the Wechler I.Q. test,
11 Doctor?

12 A Yes.

13 Q Do you feel that the results of the Wechler I.Q.
14 test can be adversely affected by a person's physical health?

15 A I would say that they can be adversely affected
16 by -- any of the intelligence tests can be adversely affected
17 by the individual's emotional attitude toward a physical
18 condition or toward an environmental situation, where there
19 is stress and where there is pressure. Any psychologist knows
20 that.

21 Q Do you feel that that is an ideal place -- or do
22 you feel that being incarcerated and being charged with seven
23 counts of murder is an ideal situation for being administered
24 the psychological tests?

25 A No, I do not.

26 Q Do you feel that the situation is such that it
27 could cause the results of the tests to come out lower than
28 they normally would come out under more relaxed circumstances?

12A-2

1 A I am sure that in general, and I would have to say
2 that specifically in this case, considering the problems which
3 he has experienced and considering the stress, some of it
4 self-induced, some of it the manner of contagion from his
5 environment; but, in^{any}event, he has had so much on his mind
6 and so much actually on his conscience that it is a fact, as
7 far as I am concerned, that a specific member is not as -- it
8 is valid for -- it is valid for the condition at the time,
9 but it is not valid for his usual capacity nor for his
10 potential.

11 Q When you say "a specific number" you mean a
12 specific number on a psychological test?

13 A That's right.

14 Q So you feel that that number could be lower in
15 view of the fact that when he took these tests he was
16 incarcerated, he was in poor health and he was beset with
17 all types of emotional problems?

18 A Well, he had the same milieu, if you will, when
19 he was answering the rest of my tests; he didn't do badly on
20 those, and I'm the first one to emphasize that fact. But,
21 also, when it comes to the various tests of intelligence --
22 now, there are various kinds of intelligence; I don't have
23 to go into that, except to say that one can have a high
24 musical quotient and have a low mathematical quotient, but
25 the general overall picture can be one which can be all the
26 way from idiocy to genius; and there are many eccentrics who
27 are geni, as well as genie.

28 Q Based on your evaluation of Mr. Watson, if he had

13A-3

1 taken all of these psychological tests, not only the ones
2 that you gave him but the ones administered to him out of
3 UCLA, do you feel that he could have done better or would have
4 done better if at the time of the tests he wasn't being
5 charged with murder and he wasn't incarcerated?

6 MR. BUBRICK: Objection; conclusion.

7 MR. BUGLIOSI: This is a conclusion they were going
8 into with their psychologists, your Honor, way back in Texas,
9 even before Mr. Watson came out here.

10 MR. BUBRICK: He is asked to assume facts which are
11 actually not in evidence, your Honor.

12 THE COURT: Objection sustained.

13 Q BY MR. BUGLIOSI: Doctor, do you feel that Mr.
14 Watson is an intelligent individual?

15 A I felt that he answered me intelligently; and,
16 therefore, he has capacity, yes.

17 Q What does the term "dissociation" mean?

18 A Dissociation?

19 Q Is that a psychiatric term?

20 A That is a psychiatric term.

21 Q What does it mean?

22 A That is a condition which one's answers and one's
23 feelings don't jibe.

24 Q One's answers and one's feeling don't jibe, they
25 don't -- aren't consistent with each other?

26 A That's right.

1 Q Could you give an example?

2 A Well, I suppose we know lots of examples -- an
3 individual might think he wasn't drunk, when he was, for
4 instance; that's one. That is dissociation.

5 An individual who is -- has a condition in which
6 he says, "Well, isn't this a terrible tragedy we are having?"
7 when the earthquake hits and then laughs about all the
8 people that are having troubles --

9 Q As a result of the earthquake?

10 A Sure; that's dissociation.

11 Q Did you find any evidence of dissociation in
12 Mr. Watson?

13 A No.

14 Q Now, as a neurologist you are concerned very
15 much, of course, with the central nervous system; is that
16 correct?

17 A Yes.

18 Q And you did give some physical examinations to
19 Mr. Watson, also?

20 A Yes, I did.

14R-1

1 Q Did you find any damage to his central nervous
2 system?

3 A If I may refer --

4 Q You might also like the type of examination you
5 gave him?

6 A Well, the neurological examination has to do with
7 the determination of the ability of the body to function and
8 the ability of the brain and the spinal cord and the nerves
9 coming from the spinal cord to the various extremities and to
10 the areas of special sense having to do with smell, vision,
11 hearing, taste, and so on.

12 Even the ability to shrug the shoulders is con-
13 trolled by one nerve, the eleventh cranial nerve.

14 There are other muscles functioning but that is
15 one of them. The ability to stick the tongue out is controlled
16 by one nerve, the twelfth cranial nerve that comes from the
17 base of the brain, and the nerves of special sense have to be
18 investigated.

19 He could hear me. He could see me. He could talk.
20 He could walk. He could think. He could feel.

21 I tested him as regards his reflexes. His reflexes
22 were satisfactory. They were equal bilaterally, on both sides.

23 He had no pathological reflexes with the exception
24 of the fact that he had about three-quarter dilated pupils on
25 both sides when I first saw him, but subsequently when I
26 examined him, why, his pupils were equal and smaller.

27 I refer to that particular thing as a possible
28 hangover from his previous belladonna, or whatever other

1 experience he had, because I had no independent knowledge of
2 what he had, but he described it as such and he described the
3 dry mouth and so forth that he has had since that particular
4 time and aside from that, I found no other neurological deficits.

5 He had the cerebellum function. He could walk. He
6 could pick up things. He dressed himself and so on.

7 Q You found no problems with his balance?

8 A No.

9 Q No problem with any of his senses?

10 A Now I will recount the fact that at certain times
11 as on the hospital chart -- I am talking about when I saw him
12 on the hospital chart ^{at} the time that he was curled up in this
13 fetal position and prior to that before he had ever gone to
14 Atascadero when he was set up there in relative emergency --
15 he may have had differences then. I am not prepared to say.

16 Q I am talking now about the time of your examination.
17 You found no evidence of convulsions?

18 A No, no evidence of convulsion.

19 Q Of epilepsy?

20 A No epilepsy.

21 Q Any evidence of paralysis to any part of his body
22 whatsoever?

23 A None.

24 Q With the exception of what? The left toe you
25 said?

26 A Well, yes, and that was numbness in that toe,
27 anyway the numbness was related to the scar on the bottom of
28 his foot.

1 Q His reflexes appeared to be good?

2 A They were.

3 Q Did you find any evidence of brain damage?

4 A I didn't find any evidence of brain damage.

5 Q You, of course, did not administer an encephalogram?

6 A No, I did not. I did not do a pneumoencephalogram,
7 no.

8 Q But from the examinations you gave him, the physical
9 examination and the psychological examinations and your personal
10 interviews, you did not form the opinion that he had brain
11 damage?

12 A I did not.

13 Q This considerable loss of weight on Mr. Watson's
14 part, to what do you attribute this? Merely a lack of eating
15 on his part?

16 A I attribute that to several conditions. I attribute
17 that to not eating the foods that he felt he could, if he could
18 have, that he could eat, and I believe that he could have eaten
19 them had he had them. That loss of weight was partially due
20 to that.

21 There was another reason for the loss of weight,
22 so far as I am concerned and that is that he refused to eat,
23 not just because he didn't get what he wanted to eat, but he
24 several times refused to eat and I believe that, that along
25 with certain other situations, which indicated his displeasure
26 with the circumstances that he found himself in -- that he
27 utilized those techniques to obtain, as I have reported in my
28 formal report, a little bit like one man, one vote -- one man,

1 one room.

2 When he got the room he was then happier. He had
3 his way. He was honestly -- and I say this right from the
4 heart -- he was honestly not as disturbed in the single room as
5 he was in the other rooms, because the people in the other
6 rooms were not concerned with how he felt about anything or how
7 he got along and this was a legitimate need, but he utilized
8 techniques in order to achieve it.

9 Q Now, Doctor, did Mr. Watson describe his personality
10 to you during your interviews with him?

11 A Well, the whole picture I believe is --

12 Q Referring to Page 6 of your report, does there
13 appear to be a description given by Mr. Watson of himself on
14 that page, the fifth paragraph down?

15 THE COURT: You can use it, Doctor.

16 THE WITNESS: Would you like a copy?

17 THE COURT: All right, if you would like me to, all right.

18 Q BY MR. BUGLIOSI: Line 20, does he describe himself
19 from Line 20 to 27?

20 A Page 6?

21 Q Yes.

22 A Line what?

23 Q Line 20 to 27?

24 A Yes.

25 Q Well, how does he describe himself?

26 A Well, now, you understand that these descriptions,
27 these answers are in response to my questions.

28 Q Yes.

A On the regulation chart.

14A

1 Q But these are his words?

2 A These are his words.

3 Q What does he say about it?

4 A He said:

5 "I am oversensitive and sometimes I
6 stay too much by myself. I have a hard time making
7 up my mind but I resent suggestions from other
8 people.

9 "Sometimes I am suspicious of other
10 people and sometimes I seem to be depressed and
11 other times optimistic without reason.

12 "Yes, I'm upset by arguments but I
13 am hungry for affection. I love children. I
14 have sort of lost interest in current events and
15 I have lost my ambition. Sometimes I think my
16 life has been a failure.

17 "Yes, I lack self-confidence and I
18 wish I were a child again.

19 "Yes, sometimes people and new places
20 seem unfamiliar. I am exceptionally orderly. I
21 am a Methodist.

22 "Yes, now the influence of my relatives
23 is unusually strong. As I say about my memory, with
24 those drugs, it wasn't good, but usually it is all
25 right and my memory now, like I am telling you,
26 is better than it was.

27 "Sometimes it is hard for me to relax
28 and sometimes I oversleep. At times I am emotionally

14A-2

1 unstable and I have had these physical symptoms;
2 When I eat, I spit up most food that lies in my
3 stomach and some things I can eat but most things
4 I can't eat. I have stomach pains and chest pains
5 and hemorrhoids but I can handle light foods and
6 juices.

7 "I somehow spit up oils and sugar
8 and sweets just after eating them. I have a
9 tender stomach. I can eat raw or dried foods."

10 Q Doctor, did you ask Mr. Watson about his
11 participation in these murders?

12 A Yes, I did.

13 Q And did you incorporate your answers and/or your
14 questions and his answers into your report?

15 A I did.

16 Q Incidentally, how long is your report? How many
17 pages?

18 A 54 pages.

19 Q This is a 54-page psychiatric report that you
20 submitted to Judge Alexander; is that correct?

21 A That is correct.

22 Q How many pages of notes have you taken on this
23 case, your personal notes, approximately?

24 A I am ashamed to say that I haven't counted them.

25 Q Is it in the hundreds?

26 A I wouldn't say it was in the hundreds, but each
27 of these constitute a page, and that is two pages so far as
28 I am concerned because I write on the back -- let's see for

14A-3

1 moment, if I may.

2 Q Without counting every page, I am just trying to
3 get a general idea.

4 A Just this once so I can get an idea and measure
5 it out. 28. Well, you might be right -- a couple hundred I
6 would say.

7 Q You personally have taken a couple hundred pages
8 of notes on this case?

9 A That is right.

10 Q How many hours of work would you estimate you
11 devoted to this case, that is reading reports, examining
12 Mr. Watson, et cetera?

13 A Well, I'll tell you I have had it on my mind since
14 I first saw him and that doesn't answer your question but it
15 overshadows a lot of things.

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15R-1

1 Q All the reports you have read, all the notes you
2 have written, how many hours?

3 A I know that I have spent -- well, I suppose in the
4 neighborhood of 300 hours; I think so. That's a lot of hours,
5 but I have spent that much.

6 Q You have spent 300 hours solely on this case?

7 A That's right.

8 Q Now, you indicated that you asked Mr. Watson some
9 questions about these murders and he gave you answers and you
10 incorporated these questions and answers into your 54 page
11 report to Judge Alexander; is that correct?

12 A Yes.

13 Q Will you relate to the judge and the jury the
14 questions you asked Mr. Watson about these murders and the
15 answers he gave you?

16 A If I may, then, refer to my report -- do you have
17 the page that you were thinking of there?

18 Q I have it written down here -- I believe it starts
19 on Page 12, but I'm not sure about that.

20 A I'd like --

21 Q Certainly.

22 A No, I know where it is.

23 Q Certainly on 15 and et seq, has questions and
24 answers about the case; but you also start asking on Page 12
25 and 13, I believe.

26 A I start on Page 8, Line 6.

27 Q All right, what did you ask him?

28 A "How many times have you been in trouble with the

1 law?"

2 MR. KEITH: I am going to object --

3 MR. BUBRICK: Yes, your Honor.

4 MR. KEITH: May we approach the bench, your Honor?

5 MR. BUGLIOSI: May we approach the bench, your Honor?

6 THE COURT: Yes.

7 Mr. Reporter, please.

8 (The following proceedings were had at the
9 bench, outside the hearing of the jury:)

10 MR. BUGLIOSI: There are certain things in here, I think,
11 that might refer to the theft of the typewriters back in Texas --

12 MR. KEITH: Yes, that's what I was going to object to,
13 immaterial.

14 MR. BUGLIOSI: The thing is, your Honor, under case law
15 -- in re Spencer, 63 Cal. 2d, People vs. Henderson, also in
16 63 Cal. 2d, I think this type of thing has a right to come in
17 if the Court gives the jury a limiting instruction.

18 I do have to lay a foundation that he took these
19 things into consideration in forming his opinion; but if he
20 did take these things into consideration, with a limiting
21 instruction, I think the California Supreme Court has said they
22 come in.

23 I might add this --

24 THE COURT: I am trying to recall what was the Spencer
25 case that let it come in with a limiting instruction.

26 What was it they permitted to come in?

27 MR. BUGLIOSI: You mean in the Spencer case?

28 THE COURT: Yes.

1 MR. BUGLIOSI: I forget, your Honor, but I might add
2 this, your Honor: The defense, during their case in chief,
3 they brought in things that -- past history, substantively --
4 substantively they brought in all types of things that rarely
5 come in during the guilt phase. They came in substantively --

6 THE COURT: Like what?

7 MR. BUGLIOSI: Pardon?

8 THE COURT: Like what?

9 MR. BUGLIOSI: He got in school, that he was a nice kid,
10 went fishing; these things are almost invariably reserved for
11 the penalty trial, all good things about his character --

12 THE COURT: No, I took this only on this basis, to show
13 a marked difference between what he was then and what he became
14 later, to show a lack of mental capacity.

15 MR. BUGLIOSI: I agree. I think the Court properly
16 ruled in permitting it to come in.

17 What I am saying is this: Evidence of his good
18 character came in substantively. We are trying to get this in
19 right here, not even substantively -- not even substantively --
20 but as a basis for the doctor's opinion.

21 I, personally, feel that the typewriter thing
22 should have come in substantively, because it shows that he
23 didn't have the good character --

24 THE COURT: But your question to the doctor, though,
25 Mr. Bugliosi, was, "Did you question him about these murders?"

26 MR. BUGLIOSI: I agree; and then he went back --

27 THE COURT: And he is going back.

28 MR. BUGLIOSI: I agree on that. I can certainly take

1 him back; I had intended to go into this later, but he jumped
2 back, himself, on this; but I think under in re Spencer, your
3 Honor -- I have several other cases --

4 THE COURT: I know there are certain things can come in,
5 but I'm trying to recall exactly what came in on the Spencer
6 case that led to the limiting instruction.

7 MR. BUGLIOSI: John, could we have 63 Cal. Ap. 2d?

8 THE COURT: It is after 12:00 now. I will let the jury
9 go.

10 (To the jury:) It is now past our recess time.
11 We will recess at this time until 1:30, and, again, heed the
12 usual admonition.

13 (The following proceedings were had after the
14 jury left.)

15 MR. KEITH: I will make my objection for the record.

16 THE COURT: Go ahead.

17 MR. KEITH: No. 1, there is no evidence to show that
18 Dr. Bailey used this incident that occurred back in Texas
19 involving typewriters as a basis for any opinion he may have
20 subsequently formed about Mr. Watson.

21 MR. BUGLIOSI: I haven't laid a foundation, I agree.

22 MR. KEITH: There is no foundation.

23 MR. BUGLIOSI: I agree with that.

24 MR. KEITH: Secondly, it would appear to me at this
25 juncture, at least, that the prejudicial effect of this conversa-
26 tion concerning stealing of typewriters that Watson had with
27 Dr. Bailey, far outweighs any probative value it may have with
28 respect to Dr. Bailey's opinion about Mr. Watson's mental

1 condition.

2 I seriously doubt that Dr. Bailey concerned a high
3 school or college prank that occurred many years ago in reach-
4 ing his conclusion.

5 MR. BUGLIOSI: It just speaks in the abstract, your
6 Honor, that it should come in for a limited purpose. It doesn't
7 indicate what came in, but there are several other cases in
8 this area --

9 THE COURT: You see, Mr. Bugliosi, I am inclined to keep
10 that out.

11 MR. BUGLIOSI: On what, if I may be so presumptuous to
12 ask the Court, on what legal rationale?

13 THE COURT: The legal rationale would be, No. 1, under
14 352 it would be perfectly proper for me to keep this out.

15 If the doctor finds -- or, if the doctor feels
16 that this is necessary to a proper psychiatric evaluation of
17 the defendant, then I would permit it in with a limiting instruc-
18 tion; but the doctor must find that this was necessary for a
19 proper psychiatric evaluation of the defendant.

20 MR. BUGLIOSI: Okay.

21 (Recess.)
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#16
1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 21, 1971; 1:30 P.M.
2
3

4 THE COURT: People against Watson.

5 Let the record show all jurors, counsel, and the
6 defendant are present.

7 Mr. Bugliosi, you may proceed.
8

9 K. GROVNER BAILEY,
10 resumed the stand and testified further as follows:
11

12 DIRECT EXAMINATION (CONTINUED)

13 BY MR. BUGLIOSI:

14 Q Thank you, your Honor.

15 Doctor, before getting into the questions and
16 answers with respect to these two nights of killings, did
17 Mr. Watson tell you anything concerning an incident back in
18 Texas when he was 19, which you took into consideration in
19 forming your overall evaluation of Tex Watson?
20

21 A Yes.

22 Q And what incident was that?

23 MR. KEITH: Object to the question on the ground
24 previously stated.

25 THE COURT: Yes.

26 Ladies and gentlemen of the jury, very often a
27 doctor when questioning a patient will elicit facts from a
28 patient and the doctor will base his opinion upon facts
elicited from the patient.

16-2

1 Those facts are not to be considered as evidence
2 by you. Remember those facts are facts upon which the doctor
3 has based his opinion and is not evidence in this case and
4 you are not to use that against this defendant in any way
5 whatsoever.

6 Is that clear, ladies and gentlemen?

7 The objection will be overruled. You may proceed.
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1 MR. BUGLIOSI: Thank you, your Honor.

2 Q What was that incident back in Texas, Doctor?

3 A Well, I asked, "What kind of trouble?"

4 And he said, "It was when I was in college at
5 North Texas State at Denton, Texas, I was about 19" -- and I
6 asked him how much he weighed at the time and he said, "150
7 pounds; another guy and I stole some typewriters from the
8 high school that I went to before when I was in Farmersville."

9 And I asked him how far that was from Denton and
10 he said about 35 miles; and I said, "Well, why did you go that
11 far to get the typewriters?"

12 And he said, "Just for something to do, I guess."

13 "How long did you keep them?

14 "Well, a couple of weeks and then the other guy
15 took them back.

16 "Unharmred and unsold?

17 "Yeah, no charges were filed,"

18 And I asked him then, "Were you ever in jail there
19 or were you in jail there?"

20 And he said, "No, I have never been in jail before
21 except for overnight in jail in Van Nuys with this belladonna
22 thing."

23 Q Getting into the questions and answers with respect
24 to these two nights of the killings, what did you ask him and
25 what did he respond?

26 A May I ask a question in answer to that question?

27 Q Yes.

28 A Are you speaking of the intimate details of that

17-2

1 night or are you speaking of the background which led up to
2 whatever, because I very necessarily considered background
3 relating to his time in California.

4 Q All right, you can include that, then: First, the
5 background; and then the questions and answers on these two
6 nights --

7 THE COURT: And if you skip pages or paragraphs, Doctor,
8 would you let us know, please?

9 THE WITNESS: I will, of course, your Honor.

10 I started out with a dialogue regarding -- now,
11 this is on page 9, line 15, I believe -- dialogue regarding
12 motivation and parental attitudes, Texas to California:

13 "Were you just adventurous or were
14 you dismissed from college or were you mad at your
15 folks or were you miffed with your girlfriend or
16 were you tired of Texas?"

17 And he laughed when I asked that question, "Or
18 why did you leave?"

19 His answer, "I knew one guy out there, David Neal,
20 and I flew out a few times on airplane passes. I was working
21 for Braniff and I got passes and a discount on my fare, so
22 I liked it there and I moved out here in August 1967.

23 "What did your folks say?

24 "I was 21. They didn't want me to go. Mother
25 let me come because I told her I was going to college. I
26 went to California State for a couple of months until I found
27 that going to college was too much, plus my working, so I had
28 to work at the wig company to pay for my apartment; so they

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1 didn't pay me too much and I couldn't go back to school.

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1 "Did you keep in touch with your folks?

2 "Yes, up to the time I started taking drugs and
3 as I said at the same time I met Charles Manson.

4 "Where did you meet him?

5 "I picked up Dennis Wilson of the Beach Boys
6 hitchhiking. I was on Sunset Boulevard and Pacific Palisades
7 and he took me to his home and Charlie and some of the girls
8 were there and Dean Moorehouse.

9 "About when was that?

10 "In March 1968.

11 "When were you arrested?

12 "December 1, 1969.

13 "Had you been in trouble out here before that
14 time?

15 "No.

16 "How long a time was it between the time that
17 you had belladonna root that you told me about and December
18 1st?

19 "Well, the belladonna roots were in March 1969.
20 It was not until December 1st, 1969 that I was arrested."

21 Q Doctor, your report is 54 pages. Actually rather
22 than reading your entire report, let me direct your attention
23 to specific things.

24 Did you ask Mr. Watson whether he did certain things
25 on the nights of these murders?

26 Do you have a list of questions which you asked
27 him?

28 A Yes, I did but if I may go to page 10?

1 Q Do you have a sheet of questions independent of
2 your report here with some answers?

3 A Oh, this was a little bit later. I'm sorry.

4 Q May I see that sheet?

5 A This is on the 10th I saw him.

6 Q Now, I notice here there are 36 questions with
7 respect to the Tate murders and 12 questions with respect
8 to the La Bianca murders.

9 Did you ask him all these questions?

10 A I asked the -- these are statements taken from
11 the transcript or from testimony -- on the basis of the
12 statements I asked a question and his answer is appended and
13 I have the questions that I asked here.

14 Q All right. So you could read the questions
15 and answers either from your report here or this document
16 right here?

17 A I can read the questions from the report. I can
18 read the answers from either one.

19 Q All right. Would you do that, sir?

20 A On page 14, line 30:

21 "Q You said that you would like to tell
22 me about it. For the record you might care to
23 respond to some of the questions which rather
24 naturally are related to your activities at the
25 ranch and at the Tate location and later at the
26 La Bianca home.

27 "Okay."

28 That was his answer. This is on page 15, line 5.

1 "Did you and the girls get any specific
2 orders from Charles Manson as to what you were to do?

3 "I don't know what he told them. He
4 told me to go with the girls. He told me some things
5 to do. He said, 'Don't worry. The girls know
6 everything else to do.'"

7 THE COURT: What page are you on?

8 THE WITNESS: Page 15, your Honor, at the top of the page.

9 THE COURT: Excuse me, Doctor.

10 THE WITNESS: This is line 9.

11 "Q As I understand it from the record
12 Linda Kasabian said that you said that they were
13 going to a house that they had been to before,
14 that you knew the layout of the house and for
15 those of us in the car to do what he told us to
16 do."

17 In other words what Mr. Watson told us to do.

18 "How did you feel about that? Had
19 you actually been in the house before?

20 "A I had been to the house before. I
21 had been in the front room."

22 Then my comment:

23 "We have done some memory tests here.
24 Do you remember what clothes you were wearing? The
25 record has it that you had a change of clothing with
26 you, that there were three knives and a gun in the
27 car,

28 "I was wearing Levis, so I didn't have

1 a change of clothing with me. I guess the girls
2 brought those. They handed them to me and told
3 me to change my clothes.

4 "Why?

5 "Because mine were all bloody, I
6 guess. There was a gun and a knife and I had a
7 pistol. I had never shot a gun at the ranch.

8 "Do you remember how you felt when
9 you told Miss Kasabian to wrap the knives and the
10 gun in her shirt and if you got stopped to throw
11 them out of the window of the car?

12 "No, I didn't tell her that.

13 "The record says when you got to the
14 Tate house you parked the car by a telephone pole
15 and then climbed the pole and cut the telephone
16 wires and after that I guess you drove to the
17 bottom of the hill in front of the Tate house and
18 parked there.

19 "I was in the back seat and I got out
20 of the back seat.

21 "Was it then that you and Linda and
22 Sadie and Katie started walking up the hill?

23 "Yes, I did. Two girls were in
24 front and one was behind me.

25 "Again as a matter of memory testing,
26 what kind of rope did you have around your shoulder?

27 "I didn't have any rope around my
28 shoulders.

1 "The record shows that you all climbed the
2 fence and then went up the driveway and about that
3 time the headlights of a car showed up, that you
4 told the three girls to get back in the bushes and
5 you went toward the car and pointed the gun at the
6 driver's head. Somebody said the driver begged you
7 not to use the gun and he promised not to tell the
8 police but that you shot him four times and then
9 reached in and turned off the ignition and pushed
10 the car back several feet. Why did you shoot this
11 fellow?

12 "The girls hollered at me. It wasn't
13 Linda.

14 "Did these people annoy you when they
15 were hollering at you and a little later how did
16 you feel when after you told Linda to go to the
17 back of the house and see if there were any open
18 windows or doors, she came back and told you that
19 there were no open doors or windows?

20 "I walked into the front door of the
21 house and all of a sudden Sadie popped up from
22 somewhere bringing people into the room. I was
23 blacking out and then I was in the light, more
24 black than light.
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19R-1

1 "Do you remember, before you walked in the front
2 door that you were cutting a screen horizontally and that later
3 you removed the screen and entered through that window and that
4 you then told Linda to go back to the car?

5 "I didn't cut no screen. I didn't tell anybody to
6 do anything during the whole night.

7 "How did you feel when you were hitting one of
8 these fellows on the head with the revolver and stabbing him,
9 as the record says?

10 "I was just hitting the body and stabbed him after
11 he was already down on the ground and bleeding. Sadie kept
12 stabbing him.

13 "The record says, 'Tex was angry at Susan for
14 losing her knife.'

15 "I don't know.

16 "Do you remember being annoyed or upset, as
17 Linda felt that you were, because she had run to the bottom of
18 the hill and hadn't stayed up by the Tate house while the
19 murders were taking place? The record says that Linda started
20 the car but you told her to turn it off and to 'push off' and
21 that although you were behind the driver's wheel, Linda steered
22 while you changed your clothes?

23 "No, I didn't tell anybody to do anything.

24 "Do you remember your driving to the house where
25 you and Sadie and Katie washed the blood off?

26 "Yes.

27 "Do you remember what you were doing there?

28 "We were just playing in the water, over our

1 faces, just playing with the water.

2 "Do you remember whether anything else
3 happened there?

4 "A man and a woman came out of this house. We
5 told them we were getting a drink. I jumped under
6 the wheel of the car and we took off. I wasn't
7 driving too good, someone said, 'pull over,' and
8 they started throwing clothes out of the car. I
9 drove into a gas station to go to the bathroom.
10 I came back out and got in the front seat, the
11 girls drove.

12 "Was it at this point that you told Linda
13 to wipe the prints off the two knives that you
14 had?

15 "No, I never did tell anybody anything.

16 "Do you remember throwing a revolver over a
17 cliff?

18 "When I got in the car, the gun was still
19 with Sue, but I never saw it after that. Charlie
20 said, 'the girls know what to do.'

21 "The record says that you told Katie and
22 Sadie to use the restrooms and wash themselves
23 off better than they had done at the house where
24 you were using the hose.

25 "No, I didn't tell them anything.

26 "How did you feel when you told Linda that
27 you had taken \$70 from someone in the Tate House?

28 "I didn't get any \$70.

1 "Why would someone say that you did, do you
2 think?

3 "I don't know why.

4 "Do you remember where you got the line, 'I
5 am the devil here to do the devil's work,' which
6 Linda said you said in the presence of Charles
7 Manson and the two girls that you had said to the
8 people in the Tate house?

9 "I didn't say anything like that. I couldn't
10 speak too good sometimes, other times okay.

11 "Do you remember whether you saw Manson that
12 night?

13 "Yes, but I didn't talk to him.

14 "Again, as a matter of memory, was the situation
15 pretty tense when, according to the record, you told
16 Mr. Manson that in the Tate house there was a lot
17 of panic and that it was real messy and bodies
18 were lying all over the place, but they were all
19 dead?

20 "I didn't tell him that.

21 "Did the four of you all say, 'No,' when
22 Mr. Manson reportedly asked if any of you had any
23 remorse?

24 "I don't know if he asked that question or
25 not; I was in kind of a blank state."

26 Then, beginning with Line 12 on Page 18,
27 continuing, "Examiner's Note: Dialogue regarding the La Bianca
28 murders:

1 "Do you think that when Miss Kasabian said that
2 you were all in the bunkhouse the night of the Tate
3 murders, Mr. Manson said that you were going to go
4 out again tonight, that last night was too messy,
5 and that he was going to show you how to do it, that
6 she was in general correct?

7 "Something like that.

8 "As I understand it, she said that you said,
9 'We need better weapons; the weapons we took last
10 night were not effective, they were not good enough.'

11 "I didn't say that. We were just kind of
12 following him.

13 "Do you remember it as Miss Kasabian remembered
14 it that, 'Manson entered the La Bianca house and
15 returned to the car, he called Leslie, Katie and
16 Tex out of the car'?

17 "Right.

18 "Do you remember what he told you?

19 "That he had tied up the people on the inside
20 of the house, a man and a woman, and to go in and
21 do what we did last night?

22 "How were you supposed to get home?

23 "The girls said we were going to hitchhike
24 back. Charlie had left.

25 "Do you remember whether you and Leslie were
26 told to hitchhike back to the ranch and that
27 Katie was to go to the waterfall?

28 "He would always tell the girls things out of

1 my presence. The waterfall, that's where I got
2 the belladonna; I was over there before sunrise.

3 "Why?

4 "Just messing around. I was always high and
5 I couldn't sleep. There was no 'why,' really.

6 "Do you remember Mr. Manson telling you and
7 Katie and Leslie (as the record shows) 'Don't let
8 them know that you are going to kill them'? And,
9 'Don't cause fear and panic in these people'?

10 "When we got in the house, the people were
11 all tied up and their heads were covered. No
12 faces or anything showing.

13 "What kind of criticism or praise did Mr.
14 Manson give you?

15 "I didn't hardly see Charlie, just a glimpse,
16 until he told me to go to the desert place."

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1 Q BY MR. BUGLIOSI: All right, Doctor, that covers
2 the two nights; is that correct?

3 A That's correct.

4 Q Now, in talking to Mr. Watson over a several day
5 period, hearing him, listening to his voice, taking into consid-
6 eration the answers he gave to your questions, did you form the
7 opinion that he was being completely truthful with you?

8 A I formed the opinion that he was being completely
9 truthfully with me in many of his responses; but that some of
10 his responses were not truthful.

11 Q Did you form the opinion, then, that in several
12 areas he was lying to you; is that correct?

13 A I felt that he was responding in a way which would
14 give a protective answer to suit his needs.

15 Q What, if any, effect do you think Charles Manson
16 had on Mr. Watson?

17 A I think he had considerable effect on him.

18 Q Do you think that at the time of these murders
19 that Watson was exercising his own free will when he stabbed
20 and shot these people?

21 A He was doing what he was told to do, but he certain-
22 ly, independently of what he was told to do, he exercised, I
23 believe, exceedingly good judgment in accomplishing what he
24 set out to do; and this was an independent thing, because there
25 were several situations which occurred and crisis into which
26 he was precipitated, where he had to use immediate judgment
27 and where he had to make decisions, and those decisions were
28 apparently very, very well suited to the purpose.

1 Q You feel, then, that he was exercising his own free
2 will on these two nights?

3 A Well, he was doing what he was told to do, and
4 there are lots of reasons for that; but he also, having been
5 told what he was to do, he had to exercise independent judgment at
6 that particular time and he was able to do that and he did it
7 with dispatch.

20f.

1 Q Well, I don't want to quarrel over the word
2 "free will," Doctor, but I will have to ask you again: Do
3 you think he was exercising his own free will when he shot
4 and stabbed these people?

5 MR. BUBRICK: Objection to it as being asked and
6 answered.

7 THE COURT: Can you answer that? Overruled.

8 THE WITNESS: Well, he had been asked to do a job.

9 This is rather nebulous because it wasn't clear
10 as to whom the job was to be done on and there was no
11 specification as to how many people -- one or how many --
12 but he was to go to a specific place and kill everybody there
13 and by reason of the fact that many other factors, including
14 contract, enter into that particular picture, I believe that
15 he exercised free will but with a sense of responsibility
16 to the contractor.

17 Q By contract you are referring to the agreement
18 he had with Mr. Manson?

19 A Agreement he had with Mr. Manson and going much
20 farther back than that -- the agreement that he had when he
21 originally joined the group and learned the rules and followed
22 the rules and enjoyed the privileges of no responsibilities
23 and of physical and sexual satiety, et cetera.

24 Q Let's go into this in a little more depth.

25 Why do you feel that he killed these people on
26 Mr. Manson's order or suggestion or what have you? Why do
27 you think he followed Mr. Manson's suggestion? You can
28 develop this in depth if you like.

20-2

1 A Well, I believe he followed Mr. Manson's
2 suggestion because, in the first place, as I say he was
3 living up to a contract.

4 In the second place he was an individual who
5 did not have the iron power of will that Mr. Manson obviously
6 has. Also he had had various experiences which made him in
7 debt to Mr. Manson.

8 Q Could you develop all of these things?

9 A Which were developed during the period of time he
10 was at the ranch.

11 Now, I recall that at one time he left the ranch
12 for a while and then went back to the ranch.

13 I can only presume as to the reasons and I do not
14 think I asked him the particular question as to why he went
15 back, but the evidence, so far as I am concerned, is perfectly
16 clear that here he in return for a life of no responsibility,
17 a life in the open, a life in a subculture which was easy in
18 its physical experience, which gave him and others a degree of
19 physical satisfaction seldom achieved except in various
20 situations, but with an increasing number of our society --
21 I believe that also that he recognized that when he was away
22 he had no money.

23 He had by reason of his own choice, he had come
24 out here and he had started school but instead of giving up
25 his apartment and going back home where there was protection,
26 and where there was comfort and where there was education,
27 starting over again, he chose to give up school in order to
28 maintain his apartment and when he maintained his apartment,

20-3

1 then these other problems began to occur.

2 Further to the point, I spent a lot of time this
3 last two weeks -- somebody will wonder where all of my hours
4 come in, but I took all this material when I went on my
5 vacation because I was told that I might be called back
6 sometime in the interim, and I wouldn't have had a chance to go
7 to my office to pick it up when I got in on the plane, so I
8 took it with me and I also took with me Michener's new book
9 "The Drifters."

10 That is a sordid tale or series of tales, if you
11 have read it, but it tells about the drifters in no uncertain
12 terms and gives the evidences and the reasons and the feelings
13 that go with individuals who do not want to accept responsibility
14 and who pay the price.

15 There are drugs in it. There is sex in it, but
16 that is no different than it was 20 years ago in Papeete,
17 Tahiti when it is a known fact that people -- some people who
18 went over there, may have been drunk, may not, but nevertheless
19 they were having intercourse in the streets. I know this for
20 a fact.

21 And five years ago, I can show you from personal
22 experience -- I didn't go there but I know that a lot of
23 people did -- you go to Papeete, Tahiti and you go out from
24 Quinns and you go out to Lafayettes --

25 MR. BUBRICK: If your Honor please, I object to this. I
26 can't see the materiality of this.

27 MR. BUGLIOSI: If he is basing his opinion on something
28 that he has read.

20-4

1 MR. BUBRICK: This is months -- this opinion was
2 written months before what he is talking about.

3 THE COURT: This opinion that you gave in your report
4 was not based on anything you read in the drifters.

5 THE WITNESS: This was confirmatory of what I had
6 reported, your Honor.

7 THE COURT: Do you consider Michener a psychiatrist?

8 THE WITNESS: No, I don't.

9 THE COURT: Or neurologist?

10 THE WITNESS: I don't consider him a psychiatrist or a
11 neurologist but I consider him a very, very faithful reflector
12 of human experience.

13 THE COURT: Any more faithful than Hemmingway?

14 THE WITNESS: No.

15 MR. BUBRICK: If your Honor please, if he feels in
16 need, I will withdraw the objection.

17 THE COURT: What am I supposed to do now?

18 MR. BUGLIOSI: I guess there is nothing for you to rule
19 on, Judge. You may proceed.

20 THE COURT: Proceed, Doctor.

21 THE WITNESS: It is germane to the feeling that here
22 we had a contract and if I may I would like to simply summarize
23 this very rapidly, I hope.

24 THE COURT: Doctor, would you be good enough to explain
25 to us what you mean by a contract -- he had a contract?

26 THE WITNESS: He had a contract. These people had a
27 contract. They, some of them gave up all of their motor
28 vehicle licenses. They gave up money. They gave their time

1 and they said, "Now we will stay here and in exchange for this
2 protection and in exchange for this opportunity of living in
3 this particular way, we will do so and so," and they did.

4 Q BY MR. BUGLIOSI: You were not using "contract"
5 of course in the legal sense but just to --

6 A Not in the sense -- not in the legal sense.

7 Q -- that there was an exchange?

8 A That there was an exchange, there was an agreement.

9 Q Between members of the family and Charles Manson?

10 A Yes, that is right, but it is also stated
11 definitely that, by several individuals, from the testimony,
12 that Mr. Manson said, "If you don't want to do anything, don't
13 do it."

1 And so there were several that didn't want to do
2 anything and they didn't do it, as I understand it.

3 MR. KEITH: I am going to object to the question -- or
4 I am going to move to strike the doctor's answer. I don't
5 recall any testimony in this case to that effect.

6 THE COURT: When you say testimony, you mean in this
7 case there is that testimony?

8 THE WITNESS: As I understood it,

9 Q BY MR. BUGLIOSI: Are you referring, Doctor, to
10 the fact that you read the transcript of the previous trial?

11 A Yes.

12 Q So when you make that statement about that Manson
13 told people if they didn't want to do it, don't do it, are you
14 referring to what you read during the previous trial?

15 A That is correct.

16 Q And you took that into consideration, of course,
17 in forming your opinion?

18 A I did.

19 Q Your opinion of Mr. Watson.

20 MR. KEITH: I will renew my motion to strike on the
21 ground that it is irrelevant.

22 THE COURT: Well, the jury will be instructed on how to
23 evaluate the opinions of experts.

24 Go ahead, Doctor.

25 THE WITNESS: Yes, your Honor.

26 Another factor is that this all -- this was all
27 exchanged for the opportunity to do as they wanted with each
28 other, up to the point where the others did not object and

1 this represented obviously a basis of agreement.

2 There was a team spirit developed and so far as
3 I can recall one matter of acceptance led to another.

4 The way of life was certainly accepted and the
5 team functioned and the team functioned, as we read the record,
6 with a higher fidelity each time, but at lowering levels of
7 decency until finally in the lowest debauchery and grisliness
8 imaginable, the experience of adventure, the use of cunning,
9 the use of skill, the wanton use of knife and pistol and
10 power and the thrill of sacrifice were all there, so far as I
11 am concerned, and this might be reminiscent of several other
12 circumstances in life's experience, but certain it is that
13 these were all factors here.

14 Q BY MR. BUGLIOSI: Do you feel then that he
15 followed Manson's suggestion or order to kill these people
16 because of the relationship he had with Manson, that he was
17 getting certain things in return for his loyalty to Manson?

18 A That is part of the picture.

19 Q How would you describe the relationship between
20 Mr. Manson and Mr. Watson from a psychiatric viewpoint?

21 A I believe that Mr. Manson was an authoritarian
22 figure. He was and is apparently an extremely positive person.

23 He has demonstrated, I believe, matters of
24 charisma, if you will, and obviously of leadership and it was
25 extremely interesting, I think -- although most unfortunate I
26 feel -- that the techniques which were used to achieve what
27 I think of as the debasement of the individual's self respect
28 was related to the fact that they were not supposed to have

1 inhibitions whatsoever.

2 They could do anything that they pleased at any
3 time with anybody so long, as I say, the other was a consenting
4 partner.

5 Q Do you have a psychiatric name tag on this
6 relationship between Manson and Watson?

7 A The fact is that I did in my report and I spent no
8 little time determining as to what that name tag should be in
9 my opinion.

10 Q What is that?

11 A And that name tag is a form of psychosis, which
12 is folie a deux.

13 Q Now, with respect to this folie a deux, you
14 incorporated this conclusion of folie a deux into your report;
15 is that correct?

16 A I did.

17 Q At the time you prepared your report had you read
18 any other psychiatric or psychological reports with respect
19 to Mr. Watson?

20 A Yes, I had.

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1 Q What reports were those?

2 A Well, I believe one report was Dr. Abe, one report
3 was Dr. Crahan, one report was Dr. Seymour Pollock. There
4 were several reports. I have read them since, of course.

5 Q What about those from UCLA?

6 A I have since read those.

7 Q Had you seen in any of these reports any reference
8 to folie a deux --

9 A No.

10 Q -- prior to your coming to that conclusion?

11 A No, I had not.

12 Q Have you seen in any of the psychiatric reports
13 even since you came to this conclusion a reference to folie a
14 deux?

15 A Well, if I may say so, I've seen oblique references
16 to folie a deux, including all of the things that obviously --
17 I say "all of the things" -- many of the things that are con-
18 sidered to be of an aberrant or bizarre response, which have
19 variously been described as a form of catatonia or whatever.

20 Q But you do ^{not} see the words "folie a deux" in any
21 psychiatric report in this case?

22 A No, sir.

23 Q Other than your own?

24 A No, sir.

25 Q But those words are in your report?

26 A They are.

27 Q Would you briefly describe what you mean by folie
28 a deux?

1 A Folie a deux is, was for hundreds of years a
2 relatively rare condition, in which an individual who has a
3 particular conviction, a particular message, wants to propagate
4 that and develop adherents to that particular belief, if you
5 will, or way of thinking; it is almost always related to an
6 inducer, an individual who has a strong personality.

7 It is almost always related, then, to one or more
8 individuals who are wanting to be persuaded.

9 Q Do you feel that Mr. Watson wanted to be persuaded?

10 A I think he wanted to be persuaded. I think that
11 was part of the picture.

12 He had had certain unsuccessful ventures and he
13 heard about this particular nirvana and it was described and
14 he decided to join; and there was, of course, also the factor
15 of the drug use, which is obviously one of the factors in the
16 picture, but that was secondary to the fact that he made the
17 decision to go the route that he did.

18 Now, in folie a deux, we not only have the inducer
19 but we have individuals who are -- who want to be persuaded,
20 who want to be in a position where they can accept something.
21 In this case we had that situation.

22 Furthermore, if I may refer to the report -- I
23 can't remember the page; I would like to have some help with
24 the matter of the page, if you can remember it.

25 Q What is the point, Doctor, what issue?

26 A The issue is as to the very short but very
27 pertinent description of folie a deux.

28 THE COURT: Try Page 49, about Line 20; 20, 21, Page 49.

1 THE WITNESS: 49, 20?

2 This, your Honor, was just a statement of the con-
3 clusion; bit it does not quite describe --

4 MR. BUBRICK: 48, your Honor, top two paragraphs, there
5 is reference to that again.

6 THE WITNESS: Yes, on Page 48; but I am sure, Counsel,
7 that I have a specific reference before that, and I beg your
8 indulgence just a moment.

9 I believe it is on Page 28.

10 Q BY MR. BUGLIOSI: Line 21 through 24?

11 A 21 through 24; and Lines on Page 29, Lines 10 to
12 14; then 17 to 20, if I may read those.

13 Q Yes.

14 A Line 21, Page 28: Folie a deux has been defined
15 as a "psychosis simultaneously involving two or more intimately
16 related persons, relationships, both biologically and environ-
17 mental, a psychiatric entity characterized by transference of
18 delusional ideas and/or abnormal behavior from one person to
19 one or more others who have been in close association with the
20 primarily affected patient."

21 Then we may go to Line 17 of Page 29 -- or, better,
22 Line 14: Under the heading, "Discussion Ivan Norman Mensch
23 writes," "... Coleman and Last report a number of 'contingencies'
24 which must be available at the same time in order to diagnose
25 the disorder:

26 "1) An inducer, a paraphrenic holding a
27 delusional scheme he is anxious to induce;

28 "2) Close proximity, usually for a number

1 of years, on the part of the highly suggestible
2 individual; and

3 "3) An inducer who represents authority.
4 Extreme poverty and economic distress, bringing
5 satisfaction with reality, provide the background."

6 Then, as his Honor pointed out --

7 Q Page 48 and 49?

8 A On Page 48, as counsel pointed out -- at least
9 starting on Page 47, just one line, Line 31, Page 47:

10 "The near-death of a buyer" -- that is, the
11 idea of buying the program -- "the near-death of
12 a buyer from the time he left Copaville (where
13 he was coping) until the present time, the
14 defendant has lived on the basis of the pleasure
15 principle by 'buying' the dalliances of the
16 inducer, enjoying the indulgences and satiety of
17 the 'Family' life at the ranch and, paying a
18 price as a wastrel far exceeding the 'riotous
19 living' of the prodigal son, is now, as that
20 prototype did, and as the defendant himself told
21 me 'asking for forgiveness' and desperately
22 desiring to return to his father's home."

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1 Q Then you go on on line 7 --

2 A Line 7: From a psychiatric standpoint, albeit
3 with compassion and understanding of the travail the defendant
4 has gone through, he "sold his birthright for a mess of pottage."
5 He played the game, he learned the rules, he abided by the
6 rules, he obeyed the coach.

7 The folie a deux was at one and the same time the
8 method and the result of the abdication of responsibility and
9 the establishment of rapport. The drug scene potentiated
10 the picture but certainly did not cause it.

11 Page 49 --

12 Q What line?

13 A I believe his Honor referred me to possibly line
14 17.

15 Was that correct, your Honor?

16 THE COURT: No, skip 17.

17 THE WITNESS: I think, then --

18 Q BY MR. BUGLIOSI: That would probably cover the folie
19 a deux situation?

20 A I think that would, in general.

21 Q Let me ask you this, Doctor: In determining a
22 person's state of mind at the time of a commission of a crime,
23 what factors do you look to?

24 Do you understand the question?

25 A I do.

26 Q Okay, what factors do you look to?

27 A Well, in the first place I want to know as to
28 whether the individual is conscious, whether the individual

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1 has awareness, whether the individual is responsive to his
2 environment, what the motive was for doing what he did,
3 what the mechanism was which was carried out which enabled
4 him to do what he did, what his actions were --

5 Q His conduct?

6 A I beg your pardon?

7 Q When you say "his actions," you mean his conduct?

8 A His conduct and his activities, actions, conduct;
9 also I'd want to know the mood he was in.

10 I always want to know, of course, the background
11 and the foreground; that is, the events and situations leading
12 up to those occurring at the time; what was said at the time;
13 what he said at the time; and also what occurred afterwards,
14 what various feelings there were afterwards, what deportment
15 there was; and to know as to whether the things which were
16 said and done by the individual in question were common sense
17 under the circumstances or were cunning under the circumstances
18 or were self-serving under the circumstances; any of those
19 categories representing the ability to think and to react and
20 to meet the situation.

21 Q Let me ask you this: In forming an opinion with
22 respect to any defendant's state of mind at the time that he
23 committed a crime, do you feel, as far as you are concerned,
24 that it is absolutely essential and imperative that you
25 familiarize yourself with all of the defendant's conduct and
26 statements at the time of the crime?

27 A The answer may seem pat, but, assuredly yes;
28 because, in fact, in this particular type of work it is a

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1 matter of tacit understanding and requirement that individuals
2 read at least the transcripts before even examining the
3 defendant.

4 This goes for any case, and certainly in every
5 case it is necessary to know as much as one can of a lot of
6 things I do not know, but as much as one can with the
7 facilities available as to the background and as to the
8 individual's statements and as to statements of others that
9 are appropriate and have relevance.

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

14 A I couldn't, no.

15 Q So it is absolutely imperative that you familiarize
16 yourself with what he did and said; is that correct?

17 A That is correct.

18 Q Now, in view of this prerequisite, did you read
19 Linda Kasabian's testimony at the last trial?

20 A I did.

21 Q And about how many pages did you read of her
22 testimony?

23 THE COURT: I think one doctor said he read 46 transcripts
24 of her testimony; is that correct?

25 MR. BURLIOSI: He said he was furnished with 46 volumes,
26 your Honor; I don't believe Dr. Tweed said he read 46 volumes.

27 In fact, Linda Kasabian's testimony doesn't come
28 anywhere close to 46 volumes.

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1 MR. BUBRICK: I am going to object to that.

2 THE COURT: Yes. The jury will disregard that.

3 Q BY MR. BUGLIOSI: I didn't mean the exact number
4 of pages, Doctor, but approximately how many pages?

5 A I have no independent knowledge of that or recall
6 of that.

7 Q Was it in the thousands?

8 A No.

9 Q Was it in the hundreds?

10 A Well, I read many hundreds of pages. Yes, it was
11 in the hundreds because I have here "Page 104."

12 What page are you on?

13 A I am on page 47, I believe.

14 Q 47?

15 A I think so unless I am confusing that with
16 another -- this may be another witness' testimony. Forgive me.

17 No, this is Mrs. Kasabian's testimony beginning
18 on 38, page 38, and that takes in page 38, 39, 40, up to 41,
19 line 7, and then begins the Grand Jury Susan Atkins.

20 Q It looks like here then, Doctor, correct me if I
21 am wrong, starting on page 38 of your report, that would be
22 page 4,956 of the transcript to page 5,517 --

23 A Yes. I have that right before me.

24 Q Somewhere around five or six hundred pages?

25 A That is right. That is correct, I was looking
26 at Susan Atkins.

27 Q You read Linda Kasabian's testimony at the last
28 trial before you formed any opinion about Mr. Watson's state

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1 of mind at the time of these murders?

2 A That is correct.

3 Q Did you read Susan Atkins' testimony at the
4 Grand Jury before you formed any opinion as to Mr. Watson's
5 state of mind?

6 A Yes, I did.

7 Q What, if anything, did you take into consideration
8 in Susan Atkins' Grand Jury testimony?

9 MR. KEITH: I will object to the question on the
10 grounds previously stated heretofore.

11 THE COURT: Yes. It will be the same ruling. Sustained.

12 MR. BUGLIOSI: May we approach the bench, your Honor?

13 (The following proceedings were had at the bench.)

14 MR. BUGLIOSI: The doctor says that one of the reasons
15 why he feels this man is lying is that Susan Atkins's testimony
16 was consistent with Linda Kasabian's testimony.

17 He based his opinion very, very heavily. He has
18 told me that.

19 THE COURT: Well, I have ruled before, after it got in
20 once, Susan Atkins' testimony, I ruled on the second doctor I
21 would not permit ^{it} to go in according to the Evidence Code that
22 it is highly prejudicial and on that ground I am not going
23 to permit the doctor to tell what he read of Susan Atkins'
24 testimony before the Grand Jury.

25 Linda Kasabian was here. She testified. She has
26 been cross-examined but I mean it is too dangerous to permit
27 him to testify, reading what was testified to before at the
28 Grand Jury, by a person who is not present here for cross-

1 examination.

2 MR. BUGLIOSI: Even if it is the basis for the doctor's
3 opinion?

4 THE COURT: Yes. I would still hold under section 352
5 it should be excluded.

6 MR. BUGLIOSI: The heart of this whole trial is the
7 psychiatric testimony and this man's state of mind and here
8 is a psychiatrist for the prosecution saying that he took this
9 heavily into consideration.

10 THE COURT: I appreciate that but what you are doing, you
11 are getting in by way of the back door what you can't get in
12 by way of the front door.

13 MR. BUGLIOSI: All I can say, your Honor, is that the
14 California Supreme Court, the highest court in this land, and
15 highest court in this state has said this is proper. It is
16 permissible. The authority is all on our side.

17 THE COURT: You show me a similar case where they
18 permitted the doctor to testify as to such highly prejudicial
19 testimony of a witness that was taken before the Grand Jury.
20 You show me a similar case.

21 MR. BUGLIOSI: I think we can find cases. What is that
22 case? Not Imbler -- 71 Cal. 2d.

23 MR. KAY: 64.

24 MR. BUGLIOSI: That is 64 Cal. 2d. I think there are
25 cases, your Honor, where much, much worse things come in where
26 a defendant's confession, when it is the strongest piece of
27 evidence, the defendant's confession comes in that way.

28 THE COURT: That could be but here this girl was never

1 cross-examined here in this court and I would think that her
2 testimony is highly prejudicial and under 352 I am not going
3 to permit it.

4 MR. KAY: Can the doctor testify to his conclusions,
5 in other words, that he concluded that Linda Kasabian and
6 Susan Atkins testimony were consistent and that is something
7 he took into consideration?

8 THE COURT: No, because that would be a conclusion
9 based upon something this jury did not hear.

10 MR. KAY: But they did hear it once.

11 THE COURT: They heard it once and I am not going to
12 let him say that Linda Kasabian and Susan Atkins were telling
13 the truth.

14 MR. KAY: No, he is going to say -- well, he is not
15 going to say that exactly but he is going to say that he
16 formed the conclusion --

17 THE COURT: Enough for the jury to conclude that?

18 MR. BUBRICK: Will you permit, your Honor, on cross-
19 examination, the doctor to be asked if he knows Sadie Atkins
20 filed an affidavit stating that she had lied, without going
21 into anything that she said before the Grand Jury?

22 MR. BUGLIOSI: I brought this out.

23 MR. BUBRICK: I want to know whether this doctor knows
24 that.

25 THE COURT: No. What you brought out was when she
26 testified before the Grand Jury she had immunity and she
27 testified one way and later on when she did not have immunity
28 she testified another way.

1 MR. BUGLIOSI: No, no. I stated in the record, and asked
2 Dr. Frank if he was aware that she signed an affidavit later
3 saying that everything she said at the Grand Jury was a lie.
4 That is in the record of the transcript.

5 In any event, your Honor, if the court won't let
6 us, there is no way we can get it in, but I certainly feel
7 that --

8 THE COURT: It should have never got in in the first
9 place, as I said before. I criticized counsel for letting it
10 go in in the first place.

11 MR. BUGLIOSI: It is the basis for an opinion. I query
12 the court's interpretation of the word "prejudice" in 352.
13 In 352 what I think the word "prejudice" means -- I don't
14 think it has ever been defined --

15 THE COURT: To me it means one thing: To the detriment
16 of the defendant.

17 MR. BUGLIOSI: But the genesis of the prejudice I think
18 is all important.

19 When they are talking about prejudice I think they
20 are talking about this type of situation, I really do: A
21 person, let's say, is charged with murder and evidence comes
22 in in front of the jury, let's say, that he is a homosexual.

23 All right. That type of thing has no bearing
24 whatsoever on whether or not he committed this murder. It
25 might cause the jury to dislike the defendant and as a result
26 of disliking him, they are prejudiced against him. They
27 are prejudiced against him.

28 I don't think they are talking about a situation

1 like we are dealing with here where the evidence that comes
2 in is relevant to the issue in the case.

3 This is what I really feel the court means by
4 the word "prejudice."

5 They didn't want the jury to be prejudiced against
6 the particular person for things that don't involve issues in
7 the case.

8 THE COURT: That is right, and in this case you are
9 bringing out testimony of this Susan Atkins girl where I would
10 have to tell the jury that the testimony he considered is not
11 evidence in this case.

12 MR. BUGLIOSI: But it is relevant.

13 THE COURT: But you are asking the jury to unscramble
14 an egg.

15 MR. BUGLIOSI: But the point I am trying to make, it is
16 relevant, ergo I don't think 352 applies. It is relevant.

17 THE COURT: I do. That is it, I do. That is my
18 ruling.

19 MR. BUGLIOSI: It is irrelevant -- I am sorry -- this
20 testimony is relevant and because it is relevant, I am saying
21 that I don't think 352 applies.

22 I think 352 applies to a situation where you are
23 bringing in irrelevant evidence which tends to prejudice the
24 jury against the defendant.

25 I think that is what the word "prejudice" means.
26 I don't think that it means that it is harmful to the
27 defendant on the issues in the case.

28 MR. KEITH: If it were irrelevant, it wouldn't be

1 on any grounds.

2 THE COURT: I have so ruled, Mr. Bugliosi.

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

Q BY MR. BUGLIOSI: Before you formed your opinion on Mr. Watson's state of mind at the time of these murders, did you also read Susan Atkin's testimony at the Grand Jury?

A Yes, I did.

Q Did you read any other testimony before you formed your opinion?

A I read the material in transcripts from Texas.

Q Are you referring to a statement by one Robert King?

A Yes.

Q A jailer back in Texas?

MR. BUBRICK: I think the fact that he referred to it is enough. I don't think we ought to be getting into the facts of that statement.

THE COURT: He is not going to get into the facts of that statement.

Q BY MR. BUGLIOSI: Is that what you are referring to, a statement by Robert King, a jailer in Texas?

A In response to your question --

Q This is when Mr. Watson was incarcerated after his arrest for these murders?

A That is correct.

Q You read Mr. King's statement before you formed your opinion?

A I did.

Q Did you read any other statements?

A I did read other statements.

1 Q Okay. Would you enumerate them, any other state-
2 ments or any other testimony?

3 A I read the material from ^{the} 32 page transcript,
4 ex parte deposition of Jean Denise Mallett.

5 Q Is this a supposed girl friend of Mr. Watson back
6 in Texas?

7 A Yes. I believe on the date of November 24, 1970.

8 Q And this concerned her relationship with Mr. Watson
9 before and after these murders?

10 A Correct.

11 Q Did you read any other statements or any other testi-
12 mony?

13 A Yes. I read the statement of material at least
14 relevant to it and the testimony of witnesses Sgt. Mike McGann,
15 Frank Guerrero, Miss Winifred Chapman, Tim Ireland, Mark
16 Lindsay, Roy Kilgrew, and Derrick Gardner, Officer Joe Granada,
17 Sgt. Ed Henderson, Dr. Thomas Noguchi, Officer Frank Escalante,
18 Sgt. Harold Dolan, Sgt. John W. McKeller, of Mobile, Alabama,
19 Steven Weiss, John Stack, Sgt. William Lee, Rudolph Weber,
20 Danny DeCarlo, Greg Jakobson, Juan Flynn, Frank Struthers,
21 Jr., Sgt. Edward Cline and Dr. D. Katsuyama.

22 Q You read the transcript of these people's testimony
23 at the last trial?

24 A No.

25 Q Is that correct?

26 A No. I did not read the transcript of these people's
27 testimony. I read the fact that these people had testified to
28 certain things.

1 I cannot say as to where that material generated --
2 I may, at least I don't remember, I will try to find out --
3 I have a notation here on Page A, which is after the -- or
4 which is included in the report between Page 37, A, B, C, and
5 D -- between Page 37 and 38, and on Line 3 it says: "Material
6 relevant to the activities of the defendant is contained in
7 the testimony of witnesses."

8 I am unable to say where I derived that.

9 Q But you did receive some information --

10 A I did.

11 Q -- with respect to their testimony at the last
12 trial?

13 A Yes, I did, and I copied it verbatim.

14 Q And you also read the Atascadero records?

15 A I have the Atascadero records report.

16 Q And the doctor reports, Dr. Crahan, Dr. Pollock
17 and Dr. Abe?

18 A Right.

19 Q You read all of this material prior to forming your
20 opinion as to Mr. Watson's state of mind?

21 A Yes, I did.

22 Q And, of course, you also interviewed Mr. Watson
23 with respect to these murders?

24 A I did.

25 Q And this was before you formed your opinion?

26 A That is correct.

27 Q As a result of your personal interview with Mr.
28 Watson, and your reading the testimony of Susan Atkins and

1 Linda Kasabian, and reading these other various reports,
2 including psychiatric reports, did you form any opinion as to
3 whether Mr. Watson had the mental capacity to harbor malice
4 aforethought? That is an intent to kill?

5 A Yes, I did.

6 Q And what is that opinion?

7 A I believe he had that capacity.

8 Q Is it your professional opinion that he did, in
9 fact, intend to kill the victims in this case?

10 A Yes.

11 Q Did you also form the opinion as to whether or not
12 Mr. Watson at the time of these murders had the mental capacity
13 to deliberate and premeditate these murders?

14 A Yes.

15 Q What is that opinion?

16 A My opinion is that he did.

17 Q Do you feel that he did in fact deliberate and
18 premeditate these murders based on your reading the testimony
19 of other people and talking to Mr. Watson?

20 A That is correct.

21 Q You feel that he did?

22 A I do.

23 Q Did you also form an opinion as to whether or not
24 Mr. Watson had the mental capacity to maturely and meaning-
25 fully reflect upon the gravity of the contemplated act of
26 killing?

27 A Yes.

28 Q What is that opinion?

1 A My opinion was that he did.

2 Q You feel that he did ^{maturely} materially and meaningfully
3 reflect upon the gravity of the contemplated act of killing
4 these seven people?

5 A That is right.

6 Q Let me ask you this, Doctor: With respect to
7 deliberation and prededication and materially and meaningfully
8 reflect -- upon what facts did you base your opinion that Mr.
9 Watson deliberated and premeditated these murders and materially
10 and meaningfully reflected upon the gravity of the contemplated
11 act? Upon what facts?

12 A Well, upon the facts that, in the first place, he
13 accomplished what he set out to do.

14 He met many unexpected crises, considering the
15 problems, with, as I said before, with dispatch and with
16 very acute reaction to a rapidly developing situation and he
17 met each one of them appropriately to his purposes, starting
18 with the individual who drove up in the automobile and sur-
19 prised them as they were going over the fence.

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1 And that was met with rapidly and without any
2 prior coaching, because nobody knew that fellow was going to
3 be even near the place; and then he had been directed to cut
4 the telephone lines and he went up the pole, cut the lines and
5 got down, and then went to --

6 Q According to what he told you, he had been directed
7 to cut the telephone wires?

8 A He told me that he had been directed to cut the
9 telephone wires.

10 Q By whom?

11 A He had indicated that that was part of his
12 chore --

13 Q That the girls told him to cut the telephone wires?

14 A I took it that Mr. Manson had told him to cut the
15 telephone wires.

16 Q Is that in your report, that Mr. Manson told him
17 to cut the telephone wires?

18 A I can't answer that; I'd be glad to look.

19 Q There is a reference on page 15, line --

20 A There is a reference, if I may suggest, on page
21 13 at line 4:

22 "What about your cutting the telephone
23 wires?"

24 "We got over there. I was laying in
25 her lap. She shook me and told me I was supposed to
26 cut the telephone wires. I remember Linda handed
27 the cutters and I was cutting the first wires on
28 the pole" --

1 Q So this is what he told you?

2 A This is what he told me.

3 Q Is there any reference in here to his telling
4 you that Mr. Manson told him to cut the telephone wires?

5 A This, I do not know independently; and if it
6 isn't here, he didn't tell me.

7 Q You may continue; you were relating the facts
8 upon which he deliberated and premeditated the murders,
9 maturely and meaningfully deliberated --

10 A "I cut all I could see and then I climbed down the
11 pole, though I don't remember climbing down. The next thing
12 I knew, we were down at the bottom of the hill. We started,
13 two girls and me and another girl in back, no words; then
14 we walked up to the fence. I crossed the fence, two girls
15 got across, then the other girl came across.

16 "So?

17 "All of a sudden, lights started to shine
18 on us" --

19 Q Now, without reading your report, Doctor, I am
20 asking you now to enumerate the facts upon which you based
21 your conclusion.

22 You have mentioned handling a new situation, like
23 the driver of the car coming up; you mentioned cutting the
24 wires; any other facts that you based your opinion on?

25 A Other facts, based only on what he told me?

26 Q No, not only on what he told you; you formed an
27 opinion; now I am asking you the basis for your opinion.

28 Now, if the basis of your opinion was what Mr.

1 Watson told you if you didn't take anything else into
2 consideration, you certainly may answer that way. If you
3 took other things into consideration, that's what we want to
4 hear.

5 A I took Mr. Manson's --

6 Q Mr. Watson's?

7 A Mr. Watson's statements into consideration, of
8 course.

9 Q Yes.

10 A I took into consideration the statements of the
11 other individuals whose testimony I had read --

12 Q Referring to Linda Kasabian, Susan Atkins?

13 A Linda Kasabian and Susan Atkins; and from that
14 I deduced that he had a purpose, that he carried out that
15 purpose, that he, although he told me that he had not in
16 several instances -- that he had not told anybody anything
17 all night, I had to take that with some question because other
18 testimony which was independently given, as I understand it,
19 nevertheless coincided with each of the other's testimony as
20 against the statement that he did not know.

21 Now, he may not have remembered, but he knew at
22 the time; and consequently I took that into consideration.
23 His actions were those of an individual who was able to meet a
24 very difficult situation, extremely difficult, and yet he rose
25 to the occasion.

26 He also at one time, according to one of the
27 testimonies, and I have included it in here, was very irate
28 with one of the girls for not having stayed and another one

1 for moving the automobile or not moving it appropriately,
2 as he thought it should be done.

3 Now, this was right after the murders.

4 At the time of the murders he indicated that he
5 was confused; he indicated that things happened very rapidly,
6 that, he said, "The next thing I knew, I was walking into the
7 door of the house and there Sadie was."

8 And then he said, "I looked and I had a gun in my
9 hand."

10 Well, in the first place, I am sure that he knew
11 that he had a knife and I'm sure that he knew that he had a
12 gun, and I'm sure that he knew that he had them before he
13 happened to look down and just see that he had a gun in his
14 hands; and then when one or two of the girls called for help,
15 he immediately went and helped them; and then when they had
16 done a lot of stabbing and when there was a question as to
17 whether one or the other of these people were deceased, he
18 made sure that they were.

19 Over and above that, he did not tell me, and I am
20 not necessarily challenging the fact that he didn't tell me;
21 but I can only say that I had a feeling that he could have told
22 me; but some of the things that he did not tell me were things
23 which were in very sensitive areas.

24 On the other hand, some of the things that he did
25 tell me obviously were in sensitive areas and so there may
26 have been an amnesia, but the amnesia, again, relates not
27 only to the matter of drug taking, which he had been doing,
28 but also to the fact that we forget what we don't want to

1 remember. This is partly by design and sometimes by natural
2 response.

3 In addition to that, on the way home when he was
4 caught washing his hands he gave answers which were consistent
5 with a protective response in several instances.

6 He told them that they were just washing their
7 hands or their faces. Well, obviously, they were cleaning
8 themselves as much as they could all over; and also he told
9 them that they were walking, but then the Webers, I believe it
10 was, saw the automobile and they called him then as to what
11 about that automobile; and then they started walking rapidly
12 toward it and when they got in he drove off in a real rush.

13 All of this is consistent with an individual who
14 knows exactly what he is doing; then, as I understand the
15 testimony also, there was a conflict there as regards who
16 told whom to go to the rest room and get cleaned up more
17 than they were, and I recognized the fact that there may be
18 protective responses on everybody's part; but, nevertheless,
19 the rest of the testimony gave me the distinct feeling that
20 in spite of his prior experiences, in spite of the folie a deux,
21 in spite of his drugs, he carried on.

22 In other words, he had developed a great tolerance
23 and he carried on with the ability to meet situations both as
24 regards the fact that he knew what he was doing, he had a
25 mission, he completed the mission and met exigencies which
26 nobody could possibly have anticipated, and he met them with
27 a mechanism and with a facility which is really something to
28 read.

1 Q What about Linda Kasabian's testimony that Mr.
2 Watson told her to wipe the fingerprints off the knives and
3 then throw the knives and clothing away?

4 What significance did you place on that?

5 A Well, I naturally took that into significance or
6 into account.

7 He, himself, said that he had a gun and a knife
8 in his hands and then he said, "I couldn't believe that I had
9 done it."

10 This is about 10 days later that he made the
11 statement -- at least, he made the statement long afterwards,
12 but he said that 10 days later he couldn't believe that he
13 had done what he did.

14 Then he also made some other comments which seemed
15 to me to be thrown in as further evidence for me to understand
16 that he was either blacking out or he felt small or he had
17 some of these other very bizarre responses which didn't jibe
18 with the rest of the capacities that he had to function as he
19 did; and, therefore, I could put no credence in those.

20 Q Are you referring to any particular incident?

21 A He made the comment, I think he said, "I felt very
22 small."

23 In fact, he says here, "I could just feel my body all
24 sucked in like a monkey, no feeling at all."

25 Well, this has no pertinence as far as I am
26 concerned, because in spite of that, if he did feel that way,
27 in spite of that he functioned as an individual who is meeting
28 a very difficult situation.

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MR. BUGLIOSI: Does the court care to take the recess
now?

THE COURT: Yes.

We will have our afternoon recess now, ladies
and gentlemen.

Again, heed the admonition heretofore given.

(Recess.)

24R-1

1 THE COURT: People against Watson.

2 Let the record show all jurors, counsel, and the
3 defendant are present. You may proceed.

4 Q BY MR. BUGLIOSI: Doctor, do you feel that Mr.
5 Watson was mentally ill at the time of these murders?

6 A Mr. Watson had a psychosis at the time of these
7 murders.

8 Q Folie a deux psychosis?

9 A Folie a deux, yes.

10 Q And, of course, a psychosis does constitute mental
11 illness?

12 A That constitutes mental illness.

13 Q Can a person be, in your opinion, be mentally ill
14 and still be able to harbor malice aforethought and deliberate
15 and premeditate and materially and meaningfully reflect upon
16 the gravity of the contemplated act?

17 A Yes, he can.

18 Q Do you feel that a person can be psychotic or
19 schizophrenic and still harbor malice aforethought, deliberate
20 and premeditate and materially and meaningfully reflect upon
21 the gravity of the contemplated act?

22 A Yes, I do, and this has often occurred.

23 Q You say this has often occurred?

24 A Yes.

25 Q You are basing this opinion of yours on your
26 extensive prior experience?

27 A Well, on such experience as I have had and on what
28 the experience of the discipline, yes.

1 Q And that experience includes examining approximately
2 500 defendants who were charged with murder?

3 A That is correct.

4 Q So it is your opinion that the mere fact that a
5 person is psychotic or schizophrenic does not prevent him from
6 deliberating and premeditating or harbor malice aforethought?

7 A It may, but it does not.

8 Q It can but it doesn't necessarily?

9 A That is correct.

10 Q And in this case you say it definitely had not?

11 A Had not.

12 Q Do you feel that most criminal, Doctor, particularly
13 premeditated murders, from your experience, are mentally ill to
14 one degree or another?

15 MR. BUBRICK: Object to that.

16 MR. KEITH: Object to the question.

17 THE COURT: Sustained.

18 Q BY MR. EUGLIOSI: Did Mr. Watson at any time tell
19 you that he thought Mr. Manson was Jesus Christ?

20 A I don't recall that he did.

21 Q What does the term "malingering" mean in psychiatric
22 language?

23 A Malingering means saying or acting -- saying or
24 acting --

25 THE COURT: Feigning?

26 THE WITNESS: -- or feigning -- thank you, your Honor --
27 or feigning a situation, for the purpose of personal gain.

28 Q BY MR. EUGLIOSI: Have you encountered malingering

1 quite a bit in your experience?

2 A Yes, I have.

3 Q Do you feel that Mr. Watson was malingering when
4 you interviewed him?

5 A There were times in which Mr. Watson was careful
6 with his responses. Other times in which he was very open and
7 frank. There were other times in which not only did I feel that
8 he was malingering, but he was acting in a malingering fashion,
9 notably in relation to his hospital experiences.

10 Q Just for clarification: You do feel that Mr. Watson
11 was psychotic at the time of these murders?

12 A Right.

13 Q But you nevertheless feel that he could harbor
14 malice aforethought, deliberate, and premeditate and maturely
15 and meaningfully reflect upon the gravity of the contemplated
16 act; is that correct?

17 A Yes, that is correct.

18 MR. BUGLIOSI: No further questions.

19 THE COURT: Excuse me, Mr. Bugliosi; are you using the
20 term "materially" or "maturely"?

21 MR. BUGLIOSI: ^{Maturely} "Materially." I am sorry, your Honor, if
22 I mispronounced it.

23 THE COURT: Thank you. You understood that?

24 THE WITNESS: I did, your Honor.

25 THE COURT: Thank you.

26 MR. BUGLIOSI: No further questions.

27

28

CROSS-EXAMINATION

1
2 BY MR. KEITH:

3 Q Doctor, you performed certain tests to determine
4 Mr. Watson's intelligence; is that correct?

5 A No. I did not perform the test to determine his
6 intelligence.

7 Q You asked Mr. Watson some questions in the form
8 of aphorisms, did you not, and asked him to tell you what they
9 meant?

10 A Yes, that I did.

11 Q And one of them was attributed to Benjamin Franklin
12 who said, "If you make honey of yourself, the flies will eat
13 you." Isn't that right?

14 A That is correct.

15 Q And Mr. Watson told you he didn't know what that
16 meant?

17 A That is right.

18 Q So that isn't a difficult thing or aphorism, is
19 it?

20 A It is for many people.

21 Q For a person of normal intelligence to decipher?

22 A It is for many people because some people thing
23 concretely and those who think concretely have difficulty in
24 making an analogy between the emotional posture, which would
25 invite predatory action on somebody's part, and the fact that
26 one is to make honey of themselves, so that the actual flies
27 won't come in and eat one. That is concrete thinking and there
28 are some people who do that and it is amazing.

1 Q I don't understand your answer.

2 A I mean that literally.

3 Q What is concrete thinking?

4 A Concrete thinking is when you talk about a fly,
5 it is a fly. It isn't a person or it isn't an environmental
6 situation which can eat you or can consume you.

7 Q In other words, you are telling us that Mr. Watson
8 in this instant couldn't even think concretely?

9 A I didn't say that he was a concrete thinker.

10 Q I know you didn't say that. I am asking you: You
11 formed the opinion that he couldn't even think concretely?

12 A I will accept that, of course.

13 Q And concrete thinking is sort of primitive thinking,
14 isn't it?

15 A That is correct.

16 Q In other words, Mr. Watson was unable to translate
17 flies into people and honey into some other -- well, it really
18 means that nice guys finish last; isn't that what it means?

19 A That is a fair statement.

20 THE COURT: That is Leo Durocher.

21 Q BY MR. KEITH: I will recognize that, but it is a
22 good analogy to Ben Franklin's statement, isn't it?

23 A An excellent analogy.

24 Q And Watson couldn't figure that out, could he?

25 A He had never heard that particular phrase before
26 or given it thought, no.

27 Q And you told us that Mr. Watson didn't know what
28 the saying, "The early bird catches the worm," that you felt

1 that he really did know. How did you come to that conclusion
2 that he really did know what that saying meant?

3 A Well, I just came to that conclusion because I
4 don't think there is anyone who hasn't heard that phrase.

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Q He didn't tell you he had never heard the phrase, did he?

A No; and I should have asked him that.

Q And then Mr. Watson immediately went on to talk about digging worms around Copeville to go fishing, didn't he?

A Yes.

Q That's an inappropriate response to your question, wasn't it?

A I didn't think it was inappropriate at all; in other words, he --

Q You didn't ask him, did you, about his experiences fishing in Copeville?

A No, but, you see, the very fact that he had an association with the worm and this took him back to the time when he fished in his uncle's pond -- and this is very relevant -- and that was a very nice answer, I thought.

Q That's an example of concrete primitive thinking, isn't it; he couldn't translate worms and birds into people's activities, but it took him back to his early days when he went fishing with his father; isn't that right?

A I don't think that's concrete, I think that's a good association, proving that he didn't have in that instance any brain damage.

Q Well, you didn't ask him to talk about fishing, did you?

A No; this was a wonderful thing, it was a spontaneous response and I appreciated that as being good rapport.

Q What you mean, good rapport, between you and

1 Mr. Watson?

2 A That's right.

3 Q That made you think that he was kind of confiding
4 in you, didn't it?

5 A It made me feel that in that particular instance
6 he was able to remember what he did on his uncle's pond and
7 that his response was relative to the worm that the early bird
8 didn't get.

9 Q But it didn't answer your question?

10 A It didn't answer my question.

11 Q And would you have expected someone in Mr. Watson's
12 condition, physical and mental condition, not to be able to
13 remember fishing with his father?

14 A Well, no, I wouldn't have expected him not to.

15 Q His memory for past events or early events in his
16 life was generally unimpaired, was it not?

17 A I think I so testified that I believed so.

18 Q Now, you also asked him to draw a figure, did you
19 -- that's the draw a figure test; is that what you call it?

20 A Yes, that's right.

21 Q This is a recognized psychological test, isn't it?

22 A That is true.

23 Q What is the purpose of this, that psychological
24 test, the draw a picture test?

25 A As I explained, that has to do with the ability
26 of the individual to not only hear the request but to under-
27 stand the request, to respond to the request with eyes and
28 ears and hand and ability to control the pencil and to express,

1 also, the concept of a human figure or a tree figure.

2 Q Excuse me, I didn't mean to interrupt.

3 A And that when that is accomplished in good pro-
4 portion, as his were, I was satisfied that he had been able
5 to do the things which that particular test was designed to
6 show.

7 Q Now, what did he draw, a man or a woman -- or
8 couldn't you tell?

9 A He drew a man.

10 Q Could I see the picture, please?

11 A Yes, of course.

12 Q He drew just the bare outline of a man, did he
13 not?

14 A He drew the bare outline of a man and he put
15 clothing on the man and he has facial features.

16 Q There is no depth to the drawing, is there?

17 A No, there is not.

18 Q And the clothing is in no detail; isn't that true,
19 Doctor?

20 A They are in no detail except that the belt is
21 shown, the trousers are shown, the sleeves are shown, the cuffs
22 are shown.

23 Q Where do you see cuffs?

24 A Right here.

25 Q Well, what you call a belt is just the separation
26 between the pants and the upper garment; isn't that right?

27 A That's where a belt usually is, yes.

28 Q Nevertheless, there is just a thin line there,

1 isn't there; there is not a double line, is there?

2 A No.

3 Q There is no shoes on this person, is there?

4 A I considered that there were shoes for the simple
5 reason that there are no toes.

6 Q Well, rather than belabor the point --

7 THE COURT: I was going to ask you, how do you tell a
8 man or a woman today without a program?

9 THE WITNESS: That's why we have this.

10 Q BY MR. KEITH: There is no particular facial
11 expression on the face of the man, is there?

12 A I would say that this was an individual who had a
13 certain bland expectancy.

14 Q That is very nicely put; perhaps you could explain
15 what you mean by bland expectancy, or is that self-explanatory?

16 A Well, let's put it this way, he has his eyebrows
17 elevated a little bit, he has a quasi smile, it is not a frown;
18 his eyes are wide open; he is standing rather at attention and
19 yet doesn't indicate he has any particular mood other than
20 that.

21 Q All right. Now, inasmuch as the outline of this
22 man is in the upper left-hand corner of the page, could this
23 indicate to you some anxiety on the part of the patient?

24 A In fact, it did indicate anxiety.

25 Q Does it also indicate depression, perhaps?

26 A More particularly anxiety; it could indicate a
27 depression, but I didn't feel that there was as much depression
28 as one might expect to find, because of the other test which I

1 ran.

2 Q Does the lack of detail to the drawing have any --
3 or, lack of depth to the drawing, have any significance to
4 you, Doctor?

5 A Really, while this under some circumstances can
6 be a point -- and I am glad that you have made it -- neverthe-
7 less, one of the most important factors in such a, you might
8 say, stereoscopic or three dimensional drawing, where there
9 are shadows and so on, would indicate an artistic ability.

10 Now, I'm not aware that Mr. Watson has a particularly
11 artistic ability; but if he had and those who are artists,
12 irrespective of what else is wrong or whether there is anything
13 wrong, those who are artists almost invariably demonstrate
14 their ability; and that isn't demonstrated here.

15 Q Is that the only significance you derive from the
16 lack of detail and depth, that Mr. Watson is no artist?

17 A Well, that's one. I like to try to meet the obvious
18 first.

19 And then, also, the fact that he has good proportion,
20 I liked that very much.

21 The fact that there is some motion suggested here,
22 while he is standing, I will indicate that he is also obviously
23 prepared to move in a direction toward his left.

24 Q Is this one of the tests you used to determine
25 whether Mr. Watson was suffering from organic brain syndrome?

26 A One of the tests.

27 Q You came to the ultimate conclusion that Mr. Watson
28 at the time you examined him was not suffering from organic

1 brain syndrome; is that correct?

2 A From any organic brain syndrome that I was able to
3 demonstrate, that's correct.

4 Q Did you ever have occasion to read the report of
5 Dr. Richard Walter?

6 A Yes.

7 Q From UCLA?

8 A Yes, I have.

9 Q Have you ever heard of him before?

10 A Yes, I have.

11 Q He is a very well recognized neurologist, is he
12 not?

13 A Yes, he is; I hold him in high regard.

26f.

#26

1 Q And didn't he come to a conclusion at the time
2 he examined Mr. Watson, that from the neurological findings
3 he believed that Mr. Watson was suffering from an organic
4 brain syndrome?

5 A Yes, he did, counsel.

6 Q Do you disagree with Mr. Walter?

7 A I didn't examine him at the same time.

8 Q So you can't tell us whether or not you reached
9 the same findings that Mr. Walters -- or Dr. Walters reached
10 because you didn't examine Mr. Watson in March or April of
11 1971; is that correct?

12 A That is correct.

13 Q So you don't dispute, do you, Dr. Walters' finding
14 as of March or April of 1971, do you?

15 A I don't dispute it.

16 Q Doctor, when you were asking Mr. Watson questions
17 about the Tate-La Bianca homicides, had you already prepared
18 the questions you were going to ask him? By that I mean had
19 you written them out?

20 A Yes.

21 Q And you didn't deviate at all, did you, from the
22 questions that you had previously written out when you were
23 asking Mr. Watson about the nights of the homicides, did you?

24 Do you understand my question?

25 A I hope so.

26 Q In other words, you stuck to your prepared script,
27 didn't you, when you were asking Mr. Watson about what happened?

28 A I think I have explained that certain statements

26-2

1 were made in various parts of the transcripts and by various
2 persons and I have made the statement that I modified those
3 statements into the form of questions.

4 The questions I asked were verbatim reported in
5 my report and that is why I indicated to Mr. Bugliosi that I
6 could answer the answers from either one of the two documents,
7 but I could only answer the questions from my own report.

8 Q You asked Mr. Watson questions about the nights
9 of the two homicides, the seven homicides, from a prepared
10 list of questions that you yourself had written up; isn't that
11 right?

12 A Yes -- no, I am sorry. Those were not questions.
13 Those were statements which were in -- and I then
14 spontaneously asked him questions referable to each of those
15 statements and the questions were written before I got his
16 answer, yes.

17 Q That is what I was getting at,

18 A I am sorry.

19 Q So am I, if I was obtuse.

20 A No. That is my mistake.

21 Q Or abstract.

22 A No, I was.

23 Q You didn't ask Mr. Watson at any time, did you,
24 just to tell you in narrative form what he remembered about the
25 nights of the Tate-La Bianca homicides?

26 A Yes, I think I did.

27 Q The questions you asked him are contained between
28 pages 15 and 19 of your report; isn't that right?

26-3

1 A That is included. That is included. I think I
2 did not ask him just to start in and tell me,

3 Q What happened.

4 A Exactly what had happened in that sense, because
5 I just asked him as to whether we might ask about those --
6 about what went on and I felt that that particular series of
7 questions covered the salient points and then I asked him also
8 the question -- sometimes I got a little tired of writing too.

9 I asked him the question whether the material in
10 the transcript was essentially factual and he came back with
11 the statement "Something like that," quote unquote. I believe
12 that is the verbatim report. I will be glad to look for it.

13 Q No, you don't have to look for it. I will take your
14 word for it.

15 These questions that you prepared to ask Mr. Watson,
16 were derived or formulated as a result of testimony that you
17 read in the case that was given by Linda Kasabian; is that
18 right?

19 A That was part of it, yes.

20 Q Had you formed the opinion when you prepared these
21 questions from Linda Kasabian's testimony that she was 100
22 percent telling the truth and a paragon of truthfulness?

23 A No. I just asked the questions.

24 Q Based on what she testified?

25 A That is right.

26 Q You didn't decide before talking to Mr. Watson,
27 did you, that whatever Linda Kasabian may have said in her
28 testimony was the gospel?

26-4

1 A No.

2 Q You had reservations about her testimony too, didn't
3 you?

4 A I have reservations about my own, I'm sorry to
5 say.

6 Q When you say you have reservations about your
7 own, are you being amusing with us?

8 A I don't mean to be. On the other hand there are
9 a lot of things that one would have an opportunity of saying
10 if certain of the rules didn't exist, so I don't say that.

11 Q At any rate, getting back to my original question,
12 you considered Linda Kasabian's testimony with certain
13 reservations, didn't you?

14 A I think that would naturally be true but I just
15 asked the question on the basis of what I had been assured she
16 had said.

17 Q Yes. I understand that.

18 Doctor, in forming your opinion about Mr. Watson's
19 mental state, did you determine as a result of your examination
20 that he was probably a passive dependent personality?

21 A I think that this would come very close to a
22 description although, of course, he was not so passive as
23 that particular appellation might connote because he decided
24 to strike out on his own like a lot of the rest of us did
25 years and years ago.

26 Q You are talking now about when he left Texas to
27 come to California?

28 A That is right. That is exactly right.

26-5

1 Q But you were of the opinion, or are of the opinion
2 that Mr. Watson at the time that he was living at the Spahn
3 Ranch -- let's talk about that time -- was a kind of a
4 follower, wasn't he?

5 A I would say he was, yes.

6 Q And at that time you would describe him as a
7 passive dependent personality, wouldn't you? His underlying
8 personality structure is what I am talking about.

9 A I think that would be a fair assessment.

10 Q And passive dependent personalities are kind of
11 weak fish, aren't they, generally speaking?

12 A Well, I have seen so many passive personalities
13 -- passive aggressive personalities.

14 Q I am talking about a passive dependent personality,
15 not a passive aggressive personality.

16 A I mean --

17 Q There is a difference.

18 A Yes, there is a difference.

19 Q And a considerable difference, isn't there?

20 A And he has both.

21 Q Did you come to the opinion that Mr. Watson when
22 he became involved with Mr. Manson, was sort of an immature
23 personality? Wouldn't that be a fair description?

24 A He was certainly lacking in experience but he learned
25 fast, I would say. He matured rapidly.

26 Q What do you mean when you use the term "matured"?

27 A I mean to say that he was able to meet a lot of
28 experience, which he hadn't had before and he didn't run away
from that experience. He accepted it.

27

#27

1 Q You were talking about his experiences with
2 Manson and Manson's family, are you, now?

3 A That's part of it.

4 Q Well, did you ever read any testimony or hear
5 any accounts from sources other than testimony about Manson's
6 thought system?

7 Do you know anything about that?

8 A Well, I have -- I read the papers, of course.

9 Q I'm not talking about newspapers, I am talking
10 about did you ever read the testimony of Paul Watkins or
11 Brooks Posten?

12 A I have -- no, I have not.

13 Q Did you ever read the testimony of Juan Flynn.

14 A That name sounds familiar. I will say that I
15 have in my dossier here -- not here, but in my office -- I
16 have statements which give a very good account of all that
17 particular material; and I rely on the press in many instances,
18 particularly when it is in quotes, and the quotes were ample.

19 Q Did you follow the Manson case scrupulously in the
20 newspapers?

21 A I did.

22 Q And you read capsulated form, I suppose, the
23 testimony of some, if not, all the witnesses in that case?

24 A A lot of them, yes, counsel.

25 Q For some reason were you particularly interested
26 in the Manson case?

27 A I didn't know but what I might be.

28 Q You didn't ask to be appointed in this case, did

27-2

1 you?

2 A No, I certainly did not.

3 Q Well, as a result of your following all the
4 newspaper accounts didn't you learn something of Manson's
5 thought system, his philosophy, his way of life?

6 A Yes, I did.

7 Q And did Mr. Watson ever tell you about what Manson
8 preached and lectured to the family?

9 A Oh, yes.

10 Q Didn't Mr. Watson tell you that he accepted
11 Mr. Manson's thought system?

12 A Yes, he did. I think I have that in my report.

13 Q Well, is there any place in your report where
14 you sort of summarize Mr. Manson's --

15 A No.

16 Q -- thought system, whether you learned about it
17 from the newspaper or from Mr. Watson or from reading
18 testimony of other witnesses?

19 A No, there is not; I don't think so, at least.

20 Q Do you know anything about what he preached, what
21 Manson preached?

22 A Well, the whole situation is so eccentric and it
23 has so many ramifications which impinge on the structure of
24 our society --

25 Q Well, did it disgust you, Mr. Manson's thoughts --

26 A I beg your pardon?

27 Q Did Mr. Manson's thought system disgust you?

28 A Some of it did and much of it did not.

1 Q Well, tell us what you remember about Manson's
2 philosophy, vis a vis his relationship with his family and
3 with the so-called establishment, if you remember anything.

4 A Well, I will certainly say that -- and I think I
5 have said this before, in all candor -- the reason that I
6 write so much is that I don't remember so much and --

7 Q Excuse me, I didn't mean to interrupt.

8 A -- and I have -- I was prepared with background
9 material as regards Mr. Manson and relations to the capsules,
10 newspaperwise; but I have given that no particular concern
11 for a long time, for the simple reason that I was not concerned
12 and didn't have any occasion to be.

13 Q You don't think, then, that it is at all important
14 about how Manson was able to dominate the members of his
15 family through his preachings and lectures?

16 A Oh, I have already testified, counsel, that I
17 felt he had a terrific charisma; that he had also a system
18 of thinking which represented an eccentric but, nevertheless,
19 a very^{well} developed system of beliefs, those particular beliefs
20 being acceptable to many, many more people in our particular
21 culture; and yet, those beliefs being quite contrary to the
22 accepted norm.

23 Q Well, weren't those beliefs that Watson accepted --

24 A Well --

25 Q -- together with other members of his family,
26 Manson's family.

27 Tell us about it.

28 A Well, in general, they had to do with the fact

1 that people -- that, of course, there was no such thing as
2 right or wrong, for instance; after all, human life, you
3 should be willing to give up your own life and you could take
4 anybody else's life, and that it meant nothing.

5 Q That is a rather unusual belief, isn't it?

6 A I indicated that he is -- he was the inducer; and
7 the individual who formulated the particular concepts that
8 he wanted to proselyte, and he was after as many followers as
9 he could get.

10 Q You formed the opinion that Mr. Watson swallowed
11 that particular belief you have just expressed to us?

12 A I have indicated that he espoused portions of it;
13 how much of it, I am unable to state, but I know that, as I
14 pointed out, and I certainly, spontaneously, stated it, that
15 he liked the general idea of what he saw and felt and he was
16 willing to pay the price, and so he learned the rules and he
17 played the game and he listened to the coach.

282-1

1 Q Now, you just told us that Mr. Manson had a
2 belief that there is no wrong. There is no right. It is not
3 wrong to kill and there is no sin. There is no good. There is
4 no bad.

5 I am going a little further than what you said.
6 But that is part of that same Manson system, isn't it?

7 A That is right.

8 Q And that refreshes your memory a little bit, does
9 it?

10 A That is right.

11 Q To your knowledge, didn't the members of Manson's
12 family accept that particular area of his philosophy? By
13 "his" I am referring to Manson. They swallowed it, didn't
14 they?

15 A They, as I pointed out before, individuals who
16 wanted to believe it, believed it.

17 Those who didn't want to believe, still went along
18 with it. For instance, one of the girls is reported to have
19 said, "I am a witch."

20 Q Was that Linda Kasabian?

21 A That is right, but she also said, "I knew I
22 wasn't a witch but I was a good witch."

23 Q But Linda Kasabian also testified in substance
24 that she believed Manson, that she did at one time believe in
25 what Manson told her about, there is no wrong and there is no
26 sin and so on and so forth?

27 A This is a very compelling personality, sir.

28 Q Wouldn't you say that an individual who believed

1 that particular part of Manson's thought system showed immature
2 judgment?

3 A Well, considering the success that Mr. Manson has
4 had with people, who are accepted as mature personalities --

5 Q Who is accepted as a mature personality around
6 here?

7 A Individuals who have had to meet Mr. Manson's terms
8 in court and out are individuals who are recognized as individ-
9 uals of maturity.

10 Q Who do you know, Doctor, that accepted Manson's
11 philosophy lock, stock and barrel, that you consider to be a
12 mature, well-adjusted, strong, normal personality?

13 A I am not speaking of what they have accepted, but
14 I am saying that by reason of the strength of his expression --
15 and that is as neutral a word as I can use -- time and tide
16 have waited on him.

17 Q I don't understand your answer. Perhaps you can
18 elaborate?

19 A I would rather not elaborate.

20 THE COURT: You don't mean he could walk on water, do
21 you, Doctor?

22 THE WITNESS: No, but I'll bet he could swim.

23 THE COURT: This might be a good time for a recess.

24 Ladies and gentlemen of the jury, we will recess
25 at this time until 9:30 tomorrow morning.

26 Once again, do not form or express any opinion in
27 this case. Do not discuss it among yourselves or with anybody
28 else. Please keep an open mind and please heed what I told

1 you about the news media.

2 MR. RUBRICK: I hate to break the chain, but could I
3 get an extra 15 minutes in the morning. I've been asked by
4 one of the judges to appear personally.

5 THE COURT: We won't hold you in contempt. You can come
6 15 minutes late.

7 MR. KEITH: I was going to ask for the same indulgence.
8 I have an appearance tomorrow and I may be late, although --

9 THE COURT: What time can you be back?

10 MR. KEITH: A quarter of 10:00.

11 THE COURT: All right. Be back as soon as you can.
12 9:45 will be all right.

13 (An adjournment was taken until Wednesday,
14 September 22, 1971, at 9:45 A.M.)

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 22, 1971, 9:50 AM

2 --oOo--

3 THE COURT: Good morning.

4 Gentlemen.

5 MR. KAY: Good morning.

6 THE COURT: Doctor.

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

9 Mr. Keith, you may proceed.

10 MR. KEITH: Thank you, your Honor.

11
12 GROVNER K. BAILEY,

13 resumed the stand and testified further as follows:

14
15 CROSS-EXAMINATION (Resumed)

16 BY MR. KEITH:

17 Q Dr. Bailey, at the close of yesterday's session,
18 just to orient you, I asked you this question:

19 "Who do you know, Doctor, that accepted
20 Manson's philosophy lock, stock and barrel, that
21 you consider to be a mature, well-adjusted,
22 strong, normal personality?"

23 And your answer was:

24 "I am not speaking of what they have
25 accepted, but I am saying that by reason of
26 the strength of his expression -- and that is as
27 neutral a word as I can use -- time and tide
28 have waited on him.

1 "Q I don't understand your answer.

2 Perhaps you can elaborate.

3 "A I would rather not elaborate."

4 Then the Court said: "You don't mean he could
5 walk on water, do you, Doctor?"

6 And you said:

7 "No, but I'll bet he could swim," and that is
8 where we left off.

9 Now, I really didn't get an answer to my question
10 as to who you know that did accept Manson's thought system,
11 yet was still a strong, well-adjusted, normal, mature personal-
12 ity.

13 A No, Counsel; and when I am in error, I am forth-
14 right to say so, in this respect, that I misinterpreted your
15 question and, therefore, did not give you the answer.

16 The fact of the matter is that I was referring to
17 many individuals of recognized authority and maturity who had
18 been in contact with Mr. Manson, not in relation to the
19 individuals at the ranch but in contact with him during the
20 interim which has occurred since he, himself, I take it, was
21 incarcerated; and those individuals have responded in ways
22 which indicated that his aggressive attitudes and his brash --

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1 Q Is what, sir?

2 A Is brash --

3 Q Excuse me.

4 A -- approaches to circumstance required the
5 careful and deliberate and prudent, I take it, consideration
6 of those whom he challenged.

7 This was my thought in response to your question,
8 which was not in response to your question, I'm sorry to say.

9 THE COURT: Will you now respond to this question, please.
10 You know Manson's theory of helter skelter?

11 THE WITNESS: Yes.

12 THE COURT: And the bottomless pit?

13 THE WITNESS: Yes.

14 THE COURT: And the war of the races and all that?

15 THE WITNESS: Yes, I do.

16 THE COURT: I think Mr. Keith wants to know: Do you
17 know any normal healthy strong individual that also accepted
18 his philosophy?

19 THE WITNESS: No. I personally do not know them, no.

20 Q BY MR. KEITH: All right. Thank you.

21 Doctor, did you form the opinion as a result of
22 your examination of Mr. Watson that his judgment is obviously
23 naive, then poor, then worse than poor, that his insight is
24 impaired?

25 A Yes. I made that statement.

26 Q That is on page 4 approximately line 12 of your
27 report, is it not?

28 A Yes.

1 Q When you say "then worse than poor," I take it
2 you mean awful, terrible, or seriously impaired.

3 A There have been times when it certainly was,
4 according to the facts of the --

5 Q According to the facts of the case as you know
6 them?

7 A According to the facts of the case as I know it,
8 including, of course, the hospitalization periods.

9 Q And did you also form the opinion that the
10 defendant's affect was as follows: That he was presently
11 cooperative -- I am also reading to refresh your recollection
12 from line 17 on page 4 --

13 A Yes, counsel.

14 Q "He was presently cooperative, somewhat depressed,
15 that he is docile, somewhat apathetic and has obviously been
16 unstable"?

17 A That is correct.

18 Q When you say "has obviously been unstable," I
19 take it you are referring to his past life style?

20 A Yes.

21 Q Therefore you formed the opinion that he was an
22 unstable person at the time he was under Manson's influence;
23 is that right?

24 A I believe that to be so.

25 Q Doctor, turning to pages 5 and 6 of your report,
26 you administered to him a Cornell index test of 101 items;
27 right?

28 A Yes, counsel.

1 Q And he responded to that test in many average
2 negatives; is that a fair statement?

3 A That is a fair statement.

4 Q But the following affirmative answers were given:
5 Yes, I have had a headache and I frequently feel faint; and I
6 am hot and cold spells, et cetera, et cetera, and down farther
7 on line 29, "Yes, I wish I had somebody to tell me what to do.
8 "I have to do things very slowly in order to be
9 sure I am doing them just right.

10 "I would rather eat in my own home."

11 These are the answers he gave you to the Cornell
12 index test, the affirmative answers?

13 A That is correct.

14 Q Is that a yes or no test, in other words, are
15 they the essay style or the yes or no answer?

16 A They are yes or no answers.

17 Q So this isn't Mr. Watson's own language that I
18 am reciting?

19 A No.

20 Q This is language that is contained in the Cornell
21 test itself?

22 A Yes.

23 Q Is that correct?

24 A Yes.

25 Q For example, let's go to line 25 where you have,
26 "Yes, I wish I had somebody to tell me what to do," how is
27 that question couched in the test itself, if you can tell us
28 without thumbing through your voluminous records?

1 A I think I can give you that right at this moment.

2 Q Would you be kind enough to let me look at the
3 document, if you can locate it?

4 A More than happy to.

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1 Q Now, could you tell us what the purpose of this
2 particular Cornell test is, or Cornell index test?

3 You told us before, but doesn't it have to do with
4 his physical well being rather than emotional?

5 A As I pointed out at the time, counsel, this has
6 to do with many of the physical responses having to do with
7 his nervous system; also having to do with questions of his
8 response to his environment, notably, whether he had had any
9 trouble with the law, whether he had taken dope regularly --
10 I think that's a direct quote -- whether he had had stomach
11 trouble of a nature relative to his nervous system; and other
12 factors which I think are apparent there.

13 This is the reason that I came up, also, with the
14 next test, which I reported on, which is a matter of 100
15 questions and 88 items, in which he was asked to say "yes,"
16 "no," "sometimes," or, as I said yesterday, and as I asked
17 him -- told him -- "If you want to say 'none of your business'
18 that's all right with me."

19 Q I notice in numerous responses on this test he
20 circled not only "no," but also "yes," in answer to the same
21 question.

22 A A very excellent point; and this was due to the
23 point -- the fact that I said, "If it is sometimes yes and
24 sometimes no, you put it down as you feel," and he did.

25 Q For instance, in answer to the question, "Do you
26 often feel miserable and blue?"

27 He puts "yes" and "no."

28 I'm sorry I took the test away; you can't very

1 well corroborate --

2 A It's all right; I remember that.

3 Q And "Were you ever a patient in a mental hospital?"

4 He answers "Yes"; right?

5 A Yes.

6 Q Where is the part where he says he likes to have
7 somebody tell him what to do?

8 A Well, let's see what sequence that comes in here
9 in his responses.

10 Q Line 25, "Yes, I wish I had somebody to tell me
11 what to do."

12 A Here, "Do you wish that you always had somebody
13 at your side to advise you?"

14 Q All right; and he answered "Yes" to that.

15 Now, the next test, the modified Mooney emotional
16 profile, again, that is a yes or no answer test; that isn't
17 an essay type test?

18 A This is a yes or no or "sometimes" or "none of
19 your business" test; and he could put down any response that
20 he felt like. He could make any comments that he wanted to
21 and I take it he chose not to, other than the answers.

22 Q Did he reply on the Mooney test that "At times I'm
23 emotionally unstable"?

24 A His answer was "No," and "Yes."

25 Q So you interpreted that to mean, "At times I'm
26 emotionally unstable"; right?

27 A Yes, I did, counsel.

28 Q Did you discuss his answers with him after he

1 completed the two tests, the Cornell and the Mooney test?

2 A I believe not, except when he made, in response
3 to his physical symptoms, which would be the next question
4 after, "Are you generally emotionally unstable?"

5 To which he answered "No" and "Yes," I say, "Do
6 you have any physical symptoms?"

7 And his answer was "Yes," and then he wrote on
8 the back of the page: "Eating, spit up most foods, lay on
9 stomach, some things can't eat, most not, stomach pains,
10 chest pains, hemorrhoids, light foods and juices, spit up
11 oil and sweets; tender stomach; dry raw foods can eat."

12 Q Did he, in response to one of the questions on
13 the Mooney test, did he tell you that he lacked self-confidence
14 and wished he were a child again?

15 A Yes, he did.

16 Q Incidentally, did you tell us yesterday you
17 thought Mr. Watson was feigning in the county jail just before
18 he went to Atascadero?

19 A Yes, I did.

20 Q Was that opinion on your part derived from a
21 study of the charts of the infirmary in the county jail or
22 the county jail records?

23 A It was derived from that and also from the
24 general facts which, as I pointed out yesterday, amounted to
25 a method by which he could obtain the equivalent one vote for
26 one man; in other words, one man in one room, and he got his
27 room.

28 Q Now, I am talking about -- maybe we are talking

1 about different periods -- I'm talking about September and
2 October of 1970 when he was in the county jail here before
3 he was transferred to Atascadero.

4 Did you think --

5 A That's what I am talking about.

6 Q All right.

7 Could you turn to page 25 of your report?

8 A Page 25, counsel, yes.

9 Q Do you see these -- apparently you excerpted from
10 the infirmary file certain remarks made by deputy sheriffs or
11 hospital attendants or the doctors there; is that correct?

12 A That is correct.

R-1

1 Q This Page 25 doesn't contain all the reports of
2 the jail?

3 A No.

4 Q During this period of time, September and October
5 1970; is that correct?

6 A No, it does not, Counsel, but in my opinion it does
7 highlight the postures and attitudes and circumstances and is
8 truly reflective of the --

9 Q Of feigning?

10 A No -- truly reflective of the chart. I didn't
11 write everything on the chart, but I wrote those things which
12 were applicable.

13 Q Do you see this entry on 9-30-70 on Line 14?

14 A What page?

15 Q Line 14, Page 25, under date of 9-30-70? That
16 would be September 30th, 1970?

17 A Yes. I see that.

18 Q It says "Apparently was violent. Hit his head
19 and body against wall. Mentally disoriented. Head and neck
20 symptoms no evidence of injury."

21 Do you see that?

22 A Yes.

23 Q Does that indicate feigning to you?

24 A Not necessarily, no.

25 Q And do you see the entry starting at your Line 21,
26 dated 10-14-70, again on Page --

27 A Yes, I do.

28 Q 10-14-70, at 10:30 -- I guess that is 10:30 p.m. --

1 maybe it is 10:30 a.m. That must be a.m.

2 A A.M.

3 Q They use a different system. "10:30 a.m. Making
4 loud sounds.

5 "12:08, lying quietly. Blood pressure 122/80,
6 temperature 98.8.

7 "1300. Patient exposing himself.

8 "1400," or "1600. Dinner given. Would not
9 eat food. Drank coffee. Has removed pajamas.
10 Playing with sexual organs. Refused to speak
11 when spoken to. Smiles. No verbal remarks."

12 Does that indicate feigning to you?

13 A This can be a combination of both, as can the
14 other for the simple reason that this also represents his
15 reaction to the circumstances in which he found himself.

16 He either refused to accept the position in which
17 he had been placed -- and he, therefore, because acutely
18 psychotic at that particular time, but this was in relationship
19 to his rejection of his circumstance.

20 Q Then is it your opinion that during this period of
21 time in the County Jail he became acutely psychotic; right?

22 A Yes, he was -- he became acutely psychotic.

23 Q He was sent to the Atascadero Mental Hospital as
24 a result of this acute psychosis; isn't that right?

25 A This was an acute break but at the same time I
26 will have to say, inasmuch as you mentioed the Atascadero
27 State Hospital, I will have to say that within 48 hours after
28 he got there, and got away from the environment in which he

1 had been placed, he began responding. He began eating and he
2 was, in 48 hours, quite totally a different person.

3 Q You come to this conclusion from the Atascadero's
4 reports that you have read?

5 A I do.

6 Q Did you ever talk to Drs. Abe or Pollock about Mr.
7 Watson's condition in the County Jail before he went to
8 Atascadero?

9 A Ordinarily, the examining psychiatrists don't talk
10 among themselves.

11 Q Very well. Did you ever read any notes or memo-
12 randum made by Dr. Pollock or Dr. Abe?

13 A Oh, yes, I did.

14 Q And did you consider those notes or memoranda in
15 arriving at your conclusion as to Mr. Watson's mental state
16 while he was in the infirmary during September and October,
17 1970?

18 A Yes, I did, Counsel.

19 Q Do you have any copies of those notes or memoranda
20 with you?

21 A I believe I have copies of Dr. Pollack's first
22 report. I have a copy of Dr. Crahan's first report. I have a
23 copy of Dr. Abe's first report.

24 Q Did Dr. Pollock and Dr. Abe opine in substance and
25 effect that Mr. Watson was catatonic?

26 A Yes, they did.

27 Q And what is catatonic?

28 A Catatonic is a condition in which the individual

1 will assume a posture and maintain that posture without visible
2 interest in activity.

3 Q You say assume a posture. Do you mean just lie in
4 one position?

5 A This would be one of the evidences.

6 Q Is this what Mr. Watson did?

7 A That is what he is reported as having done.

8 Q You didn't see him then?

9 A I did not see him.

10 Q Was he reported to have assumed that kind of a
11 posture?

12 A It said that he had assumed a fetal position, I
13 believe.

14 Q And just laid there?

15 A Just laid there.

16 Q Didn't get up to go to the bathroom or eat or do
17 anything?

18 A That is right, none.

19 Q Didn't they have to feed him by tubes?

20 A Yes.

21 Q According to the reports?

22 A According to the reports, they did, but you see
23 there are a lot of other circumstances which would make that
24 not necessarily, although a catatonic state, not necessarily
25 related to a schizophrenia, because he didn't have schizo-
26 phrenia.

27 Q Doesn't have it now?

28 A Didn't have it.

1 Q Pardon me?
2 A Didn't have it.
3 Q Didn't have it at any time?
4 A Not schizophrenia.
5 Q What is schizophrenia?
6 A Schizophrenia --
7 Q It is a mental disease?
8 A It is a mental disease but he didn't have that kind
9 of a mental disease.
10 Q How can you tell he didn't have that kind of a
11 mental disease?
12 A Well, he doesn't have it now.
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1 Q Ever? That didn't mean he couldn't have had it a
2 couple of years ago?

3 A No, it doesn't, Counsel, but he doesn't have any
4 history of the recurrent episode of schizophrenia, which include
5 not only the idea of withdrawal, but which include delusions
6 and which include difficulties so far as willingness to partic-
7 ipate in situations.

8 Q Is a symptom of schizophrenia a delusion?

9 A One of the symptoms.

10 Q Having delusions?

11 A Yes, one of the symptoms.

12 Q What are some of the other symptoms? In other
13 words, what would you expect to find in a schizophrenic? I
14 will withdraw that.

15 There is more than one kind of schizophrenia, isn't
16 there?

17 A Oh, there are several kinds of schizophrenia.

18 Q Have you ever heard of an undifferentiated schizo-
19 phrenia?

20 A Yes, I surely have.

21 Q Have you ever heard of a paranoid schizophrenia?

22 A Yes.

23 Q Any other kind?

24 A Hebephrenic schizophrenia.

25 Q What symptoms do you find in undifferentiated
26 schizophrenia or is it impossible to give us some of the symptoms
27 because they are so varied?

28 A I don't think it is impossible to give the symptoms.

1 The schizophrenic will be an individual who, in the first place,
2 finds it difficult to meet the need of his environment. He
3 may be precipitated into an acute episode of delusion, halluci-
4 nations.

5 He may find it increasingly difficult to attend to
6 his ordinary interests and his duties. He may withdraw and he
7 frequently will have a repetitive situation, or recidivistic,
8 in which he will have a free period of no difficulty whatsoever
9 and then will lapse back maybe six months later, two or three
10 years later into another episode of withdrawal and where he
11 will find it increasingly difficult to meet the necessities of
12 civilian experience, maybe.

13 Q Aren't you pretty well describing Mr. Watson?

14 A No, I am not.

15 Q Someone who finds it difficult to meet the needs
16 of his environment? Isn't that Mr. Watson all along?

17 A There are many people who find it difficult to
18 meet the needs of their environment.

19 Q This is just one symptom, apparently?

20 A Yes. There are many people that have that symptom
21 who are not schizophrenic.

22 Q But you gave us a list of symptoms.

23 A That is right. Schizophrenia is, as I say, it is
24 very difficult to state unequivocally what represents an un-
25 differentiated schizophrenia, although I am making a real
26 attempt to.

27 Q Let's assume Mr. Watson thought Manson was Jesus
28 Christ or God or the Devil; isn't that sort of a delusion?

A No. That is a belief.

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1 Q And isn't that an erroneous belief?

2 A It is an erroneous belief, but a lot of people make
3 mistakes.

4 Q But isn't that also an erroneous belief that is,
5 in Mr. Watson's case at that time and at that place, not
6 amenable to logic or reason?

7 That's a delusion, isn't it, when you have an
8 erroneous belief that can't be changed by logic or reasoning?

9 A Well, we are talking about two different things,
10 I believe, Counsel.

11 In the first place, I'm talking about the situation
12 as it regards the chart and in speaking in terms of schizo-
13 phrenia, this represents one of the factors; a delusion is one
14 of the factors in schizophrenia, but, as we know, his acquies-
15 cence to/Manson's contentions was not based on schizophrenia;
16 it wasn't based on a delusion, it was based on the fact that he
17 wanted to believe a particular authoritarian figure, which he
18 did.

19 Q Isn't that just one facet of Mr. Watson's relation-
20 ship with Manson, that as far as you are concerned that he
21 wanted to believe in an authoritarian father figure?

22 That isn't the whole story, is it?

23 A No, that isn't the whole story.

24 Q In your opinion, do drugs enter into the picture
25 at all, in producing Mr. Watson's psychosis?

26 A They don't enter into the picture in producing his
27 psychosis. They enter into the picture, but not in producing
28 his physosis.

1 Q Do you feel that the drugs Mr. Watson told he took
2 were just very incidental to the total, whole picture that we
3 have been discussing?

4 A I don't think they were incidental but I don't think
5 that they were of such a magnitude that it changed Mr. Watson's
6 ability to respond or that it changed his ability to respond to
7 his own conscience, which I believe to be, sir, the basic
8 problem with which we are dealing.

9 Q Wasn't it your belief, or isn't it your belief,
10 that Mr. Manson set up rather systematically to destroy the
11 conscience of his followers?

12 A Yes, I believe he did; that was his method.

13 Q Do you recall his telling, or allegedly telling the
14 people after they returned to the Tate house, "Do any of you
15 have any remorse?" and they were all supposed to have said,
16 "No"?

17 A I recall.

18 Q Is that illustration of Mr. Manson's technique in
19 seeking to destroy the conscience of his followers so they'd
20 do that he told them to do without any question?

21 A I believe that's certainly true; and he certainly
22 reinforced that effort by giving them a question which gave
23 them a chance to say audibly so that they could hear themselves
24 say the answer that he hoped they would give.

25 Q Do you think fear played a part in Mr. Manson's
26 program to dominate these people and get them to do what he
27 wanted them to do?

28 A I couldn't -- I couldn't --

1 Q Or don't you have an opinion?

2 A Oh, I have an opinion, of course; I must have an
3 opinion.

4 Q Well, you don't have to have an opinion, do you?

5 A Well, I think, honestly, I must.

6 Q Oh, all right; what is your opinion on Mr. Manson's
7 use of fear, if any?

8 A I think he used the element of dominance, which
9 created a degree of, I will say, respect; and in respect to
10 respect, that creates a type of fear, because anthithetic to
11 that, he is reported to have said, now, "Don't ever do anything
12 that you don't want to do," and this is certainly not a fearful
13 statement; but it is a very --

14 Q However, you have read testimony and other reports
15 concerning this case where it appears that nobody ever did
16 anything that Mr. Manson didn't want them to do or --

17 THE COURT: You mean, "Manson"?

18 Q BY MR. KEITH: -- Manson; and nobody ever disobeyed
19 Manson; isn't that right?

20 A I have read that.

21 THE COURT: Doctor, to whom did he say, "Don't do any-
22 thing you don't want to do"?

23 THE WITNESS: Your Honor, I can't -- I cannot at the
24 moment say. I believe it was so reported by one of those who
25 testified and I took it from that.

26 THE COURT: You don't recall who that was, do you?

27 THE WITNESS: No, but during the intermission I could find
28 that out.

5A

1 Q BY MR. KEITH: Doctor, turning to page 26 of your
2 report, line 8, beginning at line 8, under subheading B --
3 capital B, do you see that?

4 A 28?

5 Q Yes, page 26.

6 A Yes. Line 8?

7 Q Do you see this: "The indiscriminate, non-medical
8 use of unmeasured but often-told unknown combinations of
9 dangerous drugs whose affects, singly or in inordinate
10 combination, I find myself unable to assess or to predict.
11 I defer to toxicologists, neurophysiologists for valid value
12 judgments and opinions in this regard."

13 Do you see that statement, Doctor?

14 A Yes, I made that statement.

15 Q Do you mean, are you telling us in that sort of
16 language that you really can't form a valid opinion as to
17 what effect the drugs may have had on Mr. Watson simply
18 because you are not experienced in the field of drug abuse?

19 A I'm not as experienced as many are; and I make
20 that forthright statement.

21 Q So, your forthright answer, then, is that you are
22 unable to evaluate the effect of the drugs on Mr. Watson's
23 personality, character, mind and body?

24 A I'm certainly making that statement, for the
25 simple reason that I don't know how many drugs he took.

26 I have no idea as to what the dosage was -- they
27 were, as you know, either given by Mr. Manson or self-taken by
28 Mr. Watson.

5A-2

Q Well, excuse me; I didn't mean to interrupt you --

A I don't know what that unknown combination of drugs do to each other; some negate each other. We know this in general medicine; we know that some medications will counteract the effects of others.

We know that each individual may have a personal or individual response to a certain drug, an allergy or something of that sort, where others do not.

We know that in some combinations, under some circumstances of dosage, certain drugs have certain effects. Otherwise, where we do not know how much, how often or in what combination, I would be presumptive to say.

Q Let me assume something, Doctor: Let's assume that Mr. Watson between, let's say, the fall of 1968 and through August or so of 1969 was a chronic user -- a chronic user of LSD.

Now, bearing in mind Mr. Watson's personality, underlying personality structure, as you have found it to be, do you have an opinion as to what effect the chronic use of LSD might have on his mind?

A I can only judge that by the condition in which I found him and found his mind.

Q And you have no knowledge, then, of generally speaking of what the effects of the chronic use of LSD are or may be on a passive-dependent person?

MR. BUGLIOSI: I would object to that question; it is irrelevant.

We are only dealing with Mr. Watson here, your

5A-3

1 Honor, not the people in general; but what effect the drugs
2 had on Mr. Watson.

3 MR. KEITH: I'm trying to determine his expertise.

4 THE COURT: Overruled. I will permit the doctor to
5 answer.

6 You can answer that, Doctor.

7 THE WITNESS: Well, I would have to have and do have a
8 general idea, of course, as to the fact that marijuana and
9 LSD, chronically taken, have a very, very great effect on some
10 people and on other people they develop a tolerance for drugs
11 and function, as in the case of Mr. Watson, very, very
12 adequately.

13 Q BY MR. KEITH: Well, when people develop a
14 tolerance, all that means is that they have to take more of
15 the same thing to get the same effect; isn't that right?

16 A If you are speaking in terms of those addictive
17 drugs, that would be true; but here we have a situation in
18 which he hasn't had any drugs since he was -- that is, of
19 anything of that nature -- since he was hospitalized, nor
20 since he has been incarcerated.

21 Q I grant you that, he hasn't had any drugs of any
22 nature since at least December, 1969 -- I was going to say
23 '70, I knew that didn't sound right.

24 So, you can't give us an opinion as to how the
25 chronic use of LSD may have affected Mr. Watson's mind; is
26 that right?

27 A I can only give you an opinion as to how I find
28 Mr. Watson and his mind at the present time.

5A-4

1 Q Today?

2 A Well, during my examination.

3 Q All right, within a few months ago?

4 A Yes, correct.

5 Q Doctor, let's turn to the top of page 28 of your

6 report, if we may.

7 You see No. 9, paragraph 9, "Examiner's note:

8 Argument:."

9 Then you say: "The forest becomes more clearly

10 discernible when we can define the perimeter as well as the

11 parameter of the underbrush as well as the trees. To put

12 it in a mathematical context: Not only is the whole the

13 sum of all its parts, but the analogy of a parameter has

14 signal application here: A parameter is defined as, 'An

15 arbitrary constant characterizing by each of its particular

16 values some particular member of a system of expressions,

17 curves, surfaces, functions, etc.'"

18 Can you tell us at all what you meant by that

19 paragraph?

20 I can't understand a single word of it.

21 MR. BUGLIOSI: You don't mean that, Max; you don't

22 understand the word "the"?

23 MR. KEITH: Not in this context.

24 THE WITNESS: Well, we know that the perimeter of anything

25 is the limitation of a given area or a given body or a given

26 idea; and it may be square, it may be round, it may be

27 irregular, but it is the containing line. That, of course,

28 is the perimeter.

1 Now, the parameter, as we go on to say there,
2 the parameter has to deal with the inside contents, whether
3 the situation is a forest or whether it is underbrush; in
4 other words, whether the trees are trees or whether this
5 woodland, so to speak, is a matter of all trees and no
6 underbrush or a matter of it is underbrush and glades, or
7 what it is, speaking in terms of analogy of the forest; and
8 the parameter, as we go on to say on line 8:

9 "One of the curves and some of the
10 values in the psychiatric understanding of the
11 parameters in this case are the constellation of
12 symptoms which gradually evolved into the at
13 one time relatively rare diagnostic entity, folie
14 a deux."

15 By this we mean that there are certain factors
16 there in which, starting from the personality structure and
17 starting from his past experience, certain areas his
18 psychological makeup grew; others tended not to be as fully
19 developed.

20 This constitutes parameter, if you will.

21 There are certain areas in this analogy which
22 didn't appear at first as part of a psychosis; it appeared as
23 a matter of behavior or it appeared as a matter of response
24 or it appeared as a matter of circumstantial response, shall
25 I say, and these things did not become apparent as a system.
26
27
28

6R-1

1 They were not apparently related until gradually
2 they did become a well-defined psychiatric entity and that
3 entity was in my opinion folie a deux.

4 I hope -- I have tried to explain that.

5 Q Thank you, Doctor. Could you tell us what your
6 understanding of the medical term psychosis is?

7 A A psychosis is that condition which has to do with
8 the change of the total, or a portion of the personality from
9 the normal and in which most of the factors of ordinary integra-
10 tion, shall we say, are modified and where the tendency is to
11 have an unreal view of what are generally recognized as normal
12 appreciations.

13 Psychosis may be characterized by many features.
14 We have various types of psychoses.

15 Q What are some of the other types besides folie a
16 deux?

17 A Folie a deux is a very unusual type, actually. The
18 most usual types are schizophrenia and the cyclothymias, which
19 are characterized by manic depressive psychosis.

20 We have a psychosis of postpartum psychosis follow-
21 ing pregnancies where there are changes in relation to the
22 glandular system.

23 Q I am speaking more of the -- never mind.

24 Don't you find it difficult, Doctor, to equate a
25 person who is psychotic, as you found Mr. Watson to have been
26 on the nights of these homicides, to a person who is maturely
27 and meaningfully able to contemplate the gravity of his, or to
28 reflect upon the gravity of his contemplated act?

1 A No.

2 Q You find no difficulty in making that transition
3 whatsoever?

4 A There is no transition so far as I am concerned for
5 the simple reason that this psychosis we are talking about is
6 folie a deux, which is quite different than the psychoses of
7 schizophrenia or of manic-depressive psychosis.

8 Q What is the difference between this psychosis as
9 you found and schizophrenic psychosis?

10 A Well, there is such a difference that in the
11 diagnostic formulary of the American Psychiatric Association,
12 they find no place under schizophrenia or manic depressive
13 psychosis for this particular diagnosis and it is included
14 under the item 299, which is the receptacle, shall I say, for
15 unusual psychotic states which are not included in the main and
16 most frequently and most common types of psychosis.

17 Q Would a layman's term for psychosis generally be
18 crazy?

19 A It usually used to be.

20 MR. BUGLIOSI: Object as immaterial and irrelevant.

21 THE COURT: He has answered the question. He said it
22 used to be.

23 Q BY MR. KEITH: Doctor, does every psychotic exhibit
24 certain common symptoms in your opinion, regardless of whether
25 it is a manic-depressive or a folie a deux psychotic or a
26 schizophrenic psychotic?

27 A No, they don't have to. That is the differentia-
28 tion of folie a deux.

1 Q You told us that your definition of psychotic was
2 a change from the normal to -- what was that again? I tried
3 to write it down but I couldn't write fast enough.

4 Q Well, in a psychosis there is a, as I said, there
5 is a change in the personality and the individual also has
6 matters of depersonalization, in which there are changes, in
7 many instances, giving unreality feelings, or there may be
8 conditions in which there is a hypermanic state, in which the
9 individual simply is extremely active without any good reason,
10 or there may be delirium.

11 There are many, many evidences in the psychoses,
12 but the differentiation and the reason for this particular
13 definition and this particular diagnosis of folie a deux is
14 that the individual is able to do anything that he is, from a
15 physical standpoint, able to do.

16 He is able to make decisions. He is able to think.
17 He is able to act but this gives the basis for or the reason
18 for the manifestations which, as I pointed out, in the param-
19 eter, analogy, otherwise it would be very difficult to classify,
20 but this classifications meets each of these criteria, but the
21 individual is within that psychotic situation not involved as
22 he is in the schizophrenia.

23 For instance, none of these activities of Mr.
24 Watson were done because he was under the delusion that he was
25 somebody else.

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1 It was not done under the hallucination that he
2 saw two people instead of one or that he heard voices. He
3 didn't hear voices. I am talking about at the time of the
4 incidents.

5 He had no psychotic manifestations at that time
6 and it was not done, therefore, under conditions of schizo-
7 phrenia or of manic-depressive. He still has the, as I
8 testified yesterday, he still has the affect of the psychosis.

9 He will continue to have this until he gets out
10 of the stress situations and the apprehensions and the fears
11 and the predicament in which he is continually by reason of
12 such a situation as this this morning.

13 This doesn't do him any good. I am speaking now
14 personally -- the elements of examinations and of the trial --
15 but when he is freed from this, he has already expressed the
16 fact that he wants no more part of that other life.

17 He has already asked for forgiveness. This
18 indicates the degree of his conscience and it also further
19 explains why he was able to do what he did, even though he
20 was told to do it. It explains why he was able to do it
21 because some of the people were told to do it and they didn't
22 do it, but he did and he could by reason of certain responses
23 to his own conscience.

24 Q At the time he did these things, killed those
25 people, he was psychotic; right?

26 A He was no more psychotic then than he is now.

27 Q But you just told us that he was suffering from
28 a psychosis.

6A-2

1 A He is. I say --

2 Q At that time.

3 A He was. He is suffering from the same psychosis
4 now.

5 Q You mean he is still psychotic now?

6 A That is what I said.

7 Q And he still is suffering from the folie a deux
8 psychosis?

9 A Yes, he is, and he will be until he gets out of
10 this particular circumstance in which he is in jeopardy and
11 until he gets out of all influence from those individuals who
12 were at the ranch.

13 Q A psychosis isn't any laughing matter, is it,
14 Doctor?

15 A No, it isn't.

16 Q It is a severe mental disorder, isn't it?

17 A This is called a psychosis -- this folie a deux
18 is called a psychosis because it is a different response than
19 the response of an individual who had no compelling factors.
20 Admittedly Mr. Manson had a very profound effect -- I think
21 we have used the word in our report -- he had a profound effect
22 and yet at the same time the mechanism by which this was all
23 achieved is the receptacle. It is the skeleton, if you will,
24 on which the reactions are draped, if you want to use the
25 term.

26 Q Doctor, do you believe that a mature, well-adjusted,
27 strong personality would become the passive person in the
28 folie a deux psychosis, which is characterized by dominance

1 of an older figure, usually, older person?

2 A The individual -- when I use the term maturely,
3 I indicate that at the time that this occurred Mr. Watson
4 knew what he was doing.

5 Q You are not really answering my question.

6 A May I have it again?

7 Q My question was: In your opinion could a strong,
8 well-adjusted, mature individual become the victim of folie
9 a deux, that psychosis known as folie a deux, by being the
10 passive party and being dominated by the dominant figure of
11 the two? That was badly put.

12 A I think it was very well put.

13 I think that the answer to that would be yes, but
14 we have to remember that Mr. Watson himself was contributing
15 to the assumption of this role on the part of Mr. Manson
16 because Mr. Watson, as we pointed out, was interested in
17 that kind of a life style.

18 Q Doctor, you did a good deal of research, didn't
19 you, into this very interesting phenomenon that we have been
20 discussing?

21 A I did some, yes.

7R-1

1 Q And you read an article that you quote from --
2 here it is on Page 28, "In the 1965 edition of 'Encyclopedia
3 of Aberrations'" --

4 MR. BUGLIOSI: What line are you reading from?

5 MR. KEITH: Line 11, Counsel.

6 Q Are you with me, Doctor?

7 A Yes, I am.

8 Q Did you read an article by Edward Podolsky, M.D.?

9 A Yes, I did.

10 Q And he quotes from Dr. Mensch, M-e-n-s-c-h?

11 A Yes, Counsel.

12 Q And the next paragraph, I don't know whether you
13 are quoting from Podolsky or Dr. Mensch, it doesn't make a
14 great deal of difference -- do you recall?

15 A It was Dr. Mensch.

16 Q And it says here -- incidentally, did you consider
17 this Dr. Mensch's quotation that you have reproduced here in
18 forming your analysis?

19 A Yes, I did.

20 Q And did Dr. Mensch say that "The prominent factors
21 of association, dominance and submission, relationship, pre-
22 psychotic personality, sex and age, type of delusion, and
23 homosexuality are discussed. Emphasis is placed on the etio-
24 logical factors and explanatory mechanisms, including iden-
25 tification, hereditary and environment, imitation and sympathy,
26 and shock and strain"?

27 You quoted that paragraph from Dr. Mensch, I take
28 it?

1 A Yes, I did.

2 Q And so there is an element of submission in this
3 relationship of folie a deux?

4 A Yes; as I say, to which Mr. Watson, himself, con-
5 tributed.

6 Q Well, Mr. Watson submitted to Manson's --

7 A That's right.

8 Q -- ideas and Manson's dictate; isn't that right?

9 A That is true, in exchange for many blessings.

10 Q In exchange for blessings?

11 A According to his thought at the time, yes.

12 Q Didn't Mr. Watson tell you he gave everything away,
13 all material things away when he joined the family: His truck,
14 his camera equipment?

15 A I point that out, I think, yesterday.

16 Q All right.

17 A But I also pointed out the fact that in exchange
18 for all that, he obtained many of the physical and emotional
19 delights which came to be part of his experience on the ranch.

20 Q Did Mr. Watson tell you in so many words that he
21 became submissive to Mr. Manson, solely because Mr. Manson was
22 offering him a little sex and no responsibility, and an easy
23 life?

24 A No, he did not, not in those exact words.

25 Q This is what you have interpreted the relationship
26 to be; is that right?

27 A I had no choice, yes.

28 Q What do you mean, you have no choice?

1 A Because that's what the record shows.

2 Q That is what the record -- what record?

3 A The entire record of life on the ranch.

4 Q It shows that there was this agreement you talked
5 about yesterday whereby one family member would give up certain
6 things in exchange for other things?

7 A A disagreement?

8 Q A disagreement? I don't think I used the word --

9 A You used the word --

10 Q If I said "disagreement," I misspoke. I said
11 "agreement."

12 THE COURT: You mean to say agreement.

13 THE WITNESS: I beg your pardon. This is an agreement,
14 yes; that was part of the deal.

15 Q BY MR. KEITH: Where did you -- did you hear about
16 any contract or agreement from Mr. Watson?

17 A It is inherent in the state of affairs that when he
18 had a choice, he, as I said yesterday, he left for a while but
19 then he came back.

20 Q That was because of Manson's magnetic pull, wasn't
21 it?

22 A I'm not able to state that that was entirely due
23 to Manson's magnetic pull, because after all, Manson's magnetic
24 pull was --

25 Q Figuratively, I mean.

26 A -- was greatly potentiated by all the pleasant
27 habiliments which the ranch life, itself, insured.

28 Q One of the features of folie a deux is submission,

1 isn't it?

2 A Yes, it is, Counsel.

3 Q On the part of the passive member of the twosome;
4 isn't that right?

5 A This is true.

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1 Q And isn't one of the other features of the
2 psychosis that the passive individual is also highly
3 suggestible?

4 A It is -- well, to the extent that the individual
5 is a passive individual, that would be true of anyone, I
6 would say, yes.

7 Q Look on page 28 of your report. I think you
8 quote Dr. Mensch further --

9 A Yes, line 10.

10 Q It says here on line 10, "Examiner's note."
11 That "Examiner note" that is your language, isn't
12 it?

13 A That's correct.

14 Q And it says -- apparently you read quite a bit
15 of Dr. Mensch's work on the subject --

16 A I did.

17 Q -- of this psychosis; is that right?

18 A I did.

19 Q And he apparently is recognized in the field, in
20 this particular narrow area?

21 A In this area, yes.

22 Q And he says, you say, "The author, Dr. Mensch
23 goes on to say, 'Distinctions between the four commonly accepted
24 types are made in the following terms. The imposed type
25 involves the transmission of delusions to the mentally sound,
26 with the delusional trends not elaborated by the second
27 person, but accepted with little resistance and with the
28 disease in the second person disappearing after separation

7A-2

1 of the two patients."

2 Did you consider that phrase of Dr. Mensch in
3 your analysis and evaluation of Mr. Watson?

4 A Yes, I surely did.

5 Q And doesn't that pretty well, that phrase right
6 there, describe the relationship between Manson and Watson?

7 A That pretty well describes it, but there is a
8 statement there which is further elaborated and somewhat --
9 and, in fact, clarified by another statement which I quoted.

10 Q Is this starting at line 17?

11 A No, this is going back.

12 This is going back to page 28, line 21. I quoted
13 this yesterday:

14 "Folie a deux has been defined as a
15 'psychosis simultaneously involving two or more
16 intimately related persons; relationships, both
17 biological and environmental; a psychiatric entity
18 characterized by the transference of delusional
19 ideas and/or'" --

20 Now, the important point there is the slash
21 between "and" and "or." -- "'abnormal behavior from one
22 person to one or more others who have been in close
23 association with the primarily affected patient."

24 Now, this man, Mr. Watson, did not have delusions;
25 he had abnormal behavior, but not delusions.

26 Q What makes you think he didn't have delusions?

27 A He didn't have any delusions when he was -- at the
28 time of the incidents.

1 Q Let's assume he thought he was Manson; wouldn't
2 that be a delusion at the time of the incidents?

3 A That he thought he was Manson?

4 Q Yes.

5 A I have no information that he thought --

6 Q I'm just giving you a hypothetical question. Let's
7 assume, just assuming --

8 A All right. Then, I take it, you want me to assume
9 that he says, "I'm the devil here to do the devil's work" --

10 Q I haven't gotten to that.

11 THE COURT: Doctor, just one at a time.

12 Answer his questions, please.

13 THE WITNESS: I'm sorry.

14 Yes, if he assumed that he was Manson -- but I
15 have no information that he did.

16 Q BY MR. KEITH: All right, that's the purpose of a
17 hypothetical question, when you don't have any information on
18 the subject.

19 Let's also assume at the time that -- let's assume
20 this, that he heard Manson talking to him during the Tate
21 homicides, when, as we know, Manson wasn't there: Wouldn't
22 that be evidence of a delusion?

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8R-1

1 MR. BUGLIOSI: I don't believe there is any testimony
2 from Mr. Watson at the time of these murders he thought he was
3 Charles Manson. There was some testimony about confusion of
4 identities, but I think, by and large, his testimony was he
5 kept hearing in his mind, not the actual voices, but the direc-
6 tions from Manson. So I would object to that hypothetical as
7 not based on the evidence, your Honor.

8 THE COURT: The objection is overruled.

9 THE WITNESS: May I have the question again?

10 Q BY MR. KEITH: Let's assume that he thought he
11 heard Manson talking to him and giving him directions at the
12 very time he was stabbing the people at the Tate residence.
13 That would be evidence of a delusion?

14 A Well, that would be -- that would be, if true, that
15 would be evidence of a hallucination, an auditory hallucination,
16 although he didn't tell me that.

17 THE COURT: Doctor, did you ask him whether he heard
18 voices or heard directions at the time? As I take it from your
19 testimony yesterday, you told us you did not ask him to relate
20 in narrative form what occurred, but you took excerpts from
21 other persons and asked him "The record shows this. Is it
22 true?" Is that correct?

23 THE WITNESS: That was correct.

24 THE COURT: You did not ask him if he heard voices, did
25 you?

26 THE WITNESS: If I --

27 MR. BUGLIOSI: May we approach the bench?

28 THE COURT: Yes, sure.

3 (The following proceedings were had at the
4 bench, outside the hearing of the jury:)

5 MR. BUGLIOSI: These defense attorneys, in my opinion,
6 are perfectly competent to ask defense questions.

7 It is obvious from the tone of the Court's voice,
8 by the nature of the questions that these are defense questions.

9 I strenuously object to this. This has been going
10 on day after day after day. This is a jury trial.

11 Mr. Kay has also noticed -- we are both experienced
12 prosecutors -- that when our witnesses are on that stand, like
13 this witness here, there are two types of looks on the Court's
14 face.

15 And I am saying, as an officer of the court, No.
16 1, there is a look of disbelief or a look of mockery and
17 laughing. I do not find that when defense witnesses are on
18 that stand,

19 I would ask the Court to let the defense attorneys
20 conduct the cross-examination. I am shocked. That is all I
21 can say. I am shocked.

22 THE COURT: You may remain shocked, Mr. Bugliosi. I have
23 asked questions and I intend to ask questions, whether they are
24 defense question or prosecution questions.

25 I cannot change the look on my face. God gave me
26 that look. I want to keep it. You can remain shocked, but I
27 intend to ask questions.

28 MR. BUGLIOSI: I notice there is a difference between
the look on the Court's face and it is not just my view but
it is Mr. Kay's view.

1 THE COURT: You yourself have been laughing at times
2 at this man.

3 MR. BUGLIOSI: Yes, there is no question about that, and
4 I also laughed at the prosecution witnesses and the defense
5 witnesses if they say something funny.

6 I see a smile on the Court's face indicating to
7 me that the Court does not believe the witness, the witness'
8 testimony, and Mr. Kay has formed the same opinion.

9 I have not heard the Court ask one question of a
10 defense psychiatrist which I could construe, as an experienced
11 prosecutor, as being a prosecutorial question.

12 I think on many occasions the Court has asked the
13 prosecution witnesses, in my opinion as an experienced prosecu-
14 tor, defense questions and I think this last one is one of
15 them.

16 THE COURT: Well, as an experienced judge, I intend to
17 ask questions that clarify. If I don't understand, I intend
18 to ask questions.

19 I have done so before and I will continue to do so,
20 regardless of your experience.

21 MR. BUGLIOSI: I know the Court is going to continue to
22 do so. I wanted to state on the record that it is against the
23 objection of the prosecution in this case. There is a definite
24 tone here and the Court --

25 THE COURT: This man yesterday testified that he did not
26 ask this man to give a narrative form. He asked him specific
27 questions based upon someone else's testimony and now he says
28 he did not tell him he heard voices. He didn't give him a

1 chance to tell him he heard voices.

2 MR. BUGLIOSI: There are two defense psychiatrists, your
3 Honor, I think they are perfectly capable --

4 MR. KAY: Attorneys.

5 MR. BUGLIOSI: There are two defense attorneys. They
6 are perfectly capable of conducting the cross-examination.

7 The problem is this, and it is extremely serious,
8 and I cannot emphasize it enough. I am not concerned about the
9 inciseveness of your questions. They don't bother me but what
10 I am concerned about is this jury getting the impression that
11 the Court is in sympathy with the defendant.

12 The judge by his questions, by the tone of his
13 questions, by certain things he said to the prosecutor seems
14 to be unconsciously sympathetic to Mr. Watson. This is what I
15 am concerned about.

16 THE COURT: I intend to instruct the jury that nothing
17 that I have said or any questions that I have asked is any
18 indication that I believe or disbelieve any witness.

19 MR. BUGLIOSI: You see, if I were the only person that
20 had this opinion, then I would say that I am wrong.

21 I hate to use the psychidelic term, but these are
22 vibrations that apparently are being picked up by a lot of
23 people other than myself.

24 Now, there is a lot at stake here. There is a lot
25 at stake.

26 THE COURT: Yes, there is a man's life at stake here. I
27 appreciate that, and I also appreciate he took seven lives,
28 but this man is entitled to a fair trial.

1 MR. KAY: And so are the People.

2 MR. BUGLIOSI: No question about that.

3 THE COURT: And I will give it to him.

4 MR. BUGLIOSI: No question about that.

5 THE COURT: And as you have mentioned the People are
6 entitled to a fair trial, too. You have already accused me,
7 or questioned my integrity, so that doesn't bother me what you
8 said at all, but I am going to ask questions. I have done it
9 before. I intend to do it. If they offend you, I am sorry.

10 MR. BUGLIOSI: Thank you, your Honor.

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

13 THE COURT: Ladies and gentlemen, we are going to have
14 a recess at this time. Heed the usual admonition.

15 (Recess.)

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1 THE COURT: People against Watson.

2 Let the record show all jurors are present; all
3 counsel and the defendant are present.

4 Mr. Keith, you may proceed.

5 MR. KEITH: Thank you, Doctor -- your Honor.

6 Q Doctor, yesterday you told us that in your opinion
7 Mr. Watson was able to exercise some degree of free will.

8 Does that adequately reconstruct your testimony?

9 A Yes, I think it does.

10 Q Isn't one of the features of folie a deux that
11 the passive member of the group, or the twosome in this case,
12 that his free will is seriously impaired by reason of the
13 domination of the dominant member of the duo?

14 A It is seriously impaired, but it wasn't impaired
15 to the point where he couldn't act independently.

16 Q Isn't the very keynote of folie a deux a relation-
17 ship where the passive member is completely dependent upon
18 the whims and wishes and desires and thought system of the
19 dominant member?

20 A I think that when you say "completely," I simply
21 can't accept the idea of "completely."

22 The very fact that, as I say, he has -- he received
23 emoluments for the submissiveness, which he was certainly
24 encouraged to have, was part of the picture; and, of course,
25 referring again to what he has had to say to me, and I used
26 that, of course, in my estimation of his posture and his
27 attitudes and his abilities to respond, dependently or
28 independently of the situation.

9-2

1 I asked him many other questions which I have not
2 had an opportunity to testify to, which were related not to
3 a structured series of questions, which have been previously
4 reported, but were my own stimulus to him was the question,
5 "So?", and then he was invited, by inference and implication,
6 to tell me anything that he would; and he did specifically
7 in regard to not only that time but the time before and after.

8 I have several pages of that material where there
9 was no structured question.

10 Q All right; but that indicates that Mr. Watson,
11 when you talked to him, was able to carry on a narrative
12 conversation with you without any stimulus on your part;
13 isn't that right?

14 A That's true.
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#10

1 Q That didn't have anything to do with his
2 dependency upon Manson, does it? The fact that now he is
3 able to carry on a conversation with you in narrative style?

4 A The very fact --

5 Q In response to nonleading questions.

6 A The fact is that as he himself has said he is
7 hopefully out from under the immediate influence and also
8 he himself is on record, I believe, as saying that he does
9 not quote "go along with Mr. Manson" unquote at the present
10 time but this does not change the fact that he is still under,
11 obviously, under duress.

12 He is still under the cloud and so long as this
13 circumstance persists, he will continue to have some of his
14 responses of psychosis, but this doesn't mean that he doesn't
15 know who he is, what he is doing and so on.

16 Q Doesn't the record in this case that you have read
17 and considered, as well as other sources of information that
18 have been available to you, such as newspaper reports, indicate
19 that Manson's followers did everything he told them to do?

20 A In general that is the response, although he also
21 told them, as I --

22 Q All right. Let me ask you another question.

23 Doesn't the record in this case indicate to you
24 that nobody ever disobeyed Mr. Manson except on a few
25 occasions, very few occasions?

26 A I think that this is true. If they did, they got
27 out.

28 Q Yes, the record indicates that the people that

10-2

1 didn't go along with Manson left his organization sooner or
2 later; isn't that right?

3 A That is correct.

4 Q And that there were some people, a few people,
5 that never were taken in by Manson but stayed anyway just
6 by reason of other inducements or factors that may have
7 existed; isn't that right?

8 A I think the record shows that.

9 Q Jaun Flynn is one of those people?

10 A That is correct.

11 Q And doesn't the record show in this case, Doctor,
12 that Manson's family did what he told them to do in general
13 without criticism of Manson or without weighing the pros and
14 cons of Manson's direction?

15 A Yes. I believe that to be so.

16 Q And with respect to the homicides themselves,
17 in your opinion didn't Watson go out and kill seven people
18 without weighing the pros and cons, without weighing the
19 reasons for or against killing people -- just went out and
20 did it?

21 A He went out and did it. He was told that that
22 was what he was to do.

23 Q And he did it.

24 A And he did it.

25 Q He didn't sit there and say, "Now, Mr. Manson, I
26 don't think we ought to do this. I don't think that is the
27 right thing to do is to go out and kill a bunch of people
28 just to start a black-white revolution"?

1 MR. BUGLIOSI: This calls for a conclusion of what was
2 on Mr. Watson's mind.

3 This witness, your Honor, I don't think would
4 have any way of knowing whether Mr. Watson went through that
5 mental process. I object to it upon that ground.

6 MR. KEITH: I am asking him his opinion.

7 THE COURT: I will allow him to answer.

8 THE WITNESS: My opinion would have to be based on what
9 we know from all sources and also from much of the material
10 that Mr. Watson gave me as his own response to my merely
11 stimulus question of "So?" "So?" "So?" This was equivalent
12 to a narrative which I have not had the opportunity of
13 describing.

14 Q BY MR. KEITH: Let me ask my question again.

15 In your opinion did you believe Mr. Watson
16 critically weighed the reasons for and against going out and
17 killing the people at the Tate residence and the La Bianca
18 residence when ordered to do so by Mr. Manson?

19 A I think Mr. Watson didn't know why he did it,
20 along with the fact that he was told to do it, but I don't
21 think he knew why he did it, but I think I know.

LIR-1

1 Q Pardon me; I didn't hear that.

2 A But I think I know.

3 THE COURT: Let's get this clarified. You say you don't
4 think Watson knew what he did -- meaning what?

5 THE WITNESS: I said, I don't think Mr. Watson knew why
6 he did it, other than the fact that he was told to do it.

7 THE COURT: When you say "it," you mean killing these
8 people; is that what you mean?

9 THE WITNESS: That's correct.

10 THE COURT: But you say you know?

11 THE WITNESS: I think I know.

12 Q BY MR. KEITH: Doctor, you told us yesterday, I
13 believe, that Mr. Manson used certain techniques to achieve the
14 debridement of individuals' self-respect -- this is what my
15 notes contain.

16 A That's correct.

17 Q Is "debridement" a surgical term, meaning cutting
18 away the flesh, dead flesh or diseased flesh?

19 A In that sense, it is a surgical term, yes.

20 Q How did you use it?

21 A I used it in the sense that taking away those
22 particular areas of self-respect; but at the same time, giving
23 an opportunity for certain inhibitions to be removed, and this
24 represents, in my orientation, the removal of certain restric-
25 tive attitudes on the part of any individual.

26 Q By that you mean Watson taught his followers that
27 anything you deal is all right, just fine, just lovely, just
28 go ahead and do what you want?

1 Isn't that what you are telling us?

2 A In a sense, but he also, as you know, was a past-
3 master --

4 Q I said "Watson," I keep -- I'm sorry -- I was
5 just informed -- go ahead.

6 A Would you repeat your question?

7 Q Yes. When you were talking about Manson using
8 certain techniques to deprive an individual of their self-
9 respect, tell us what you meant by that.

10 A That's what I meant, a debridement of the individ-
11 ual's feelings as regards certain responsible situations.

12 Q Feelings with regard to the rights of other people?

13 A Yes, and yet they recognized rights of other
14 people. They recognized their own rights; they recognized, for
15 instance, the fact that when somebody was asked, "Well, did you
16 do all these things right out in the open?" and they said, "Well,
17 no, no, we didn't, because that wouldn't be right."

18 Q You were talking about running around naked --

19 A That's correct.

20 Q -- at the Spahn Ranch?

21 A That's correct.

22 Q They didn't do that out in the open in plain view
23 of passersby; is that what you mean?

24 A That's right.

25 Q And they did --

26 A And they gave that as that as the reason; so they
27 had knowledge, but they ignored the knowledge.

28 Q But Manson, undertook, in your opinion to alter the

1 moral values that these people, as followers, once held; you
2 say that --

3 A There is no doubt about it.

4 Q And he also altered any, which you might say,
5 normal goals or what they once had, normal ambitions?

6 A Yes, by their permission. They contributed.

7 Q Well, Manson's family went along with this?

8 A Yes, but each, individually being happy and content,
9 and within limits, content -- satisfied, possibly, but there
10 is a difference.

11 Louis Untermyer once said, "May I be content but still
12 unsatisfied."

13 Now, in that connotation, contentment is a situation,
14 inwardly, Mr. Watson did not have. He had satisfactions -- it
15 was the other way around, he had satisfactions galore, but he
16 had a discontent within himself; and this discontent preyed on
17 his conscience because he has a conscience, irrespective of
18 what he accepted, he still has a conscience and this conscience
19 was not erased, because, although it went underground his con-
20 science, nevertheless, was the thing that made it possible for
21 him to do what Mr. Manson told him to do.

22 Others couldn't do what Mr. Manson told them to do.

23 Q His conscience became submerged, didn't it --

24 A It did.

25 Q -- during the period of time when he was with Manson?

26 A So it did, but he still --

27 Q His conscience didn't really operate at that time,
28 did it, effectively?

1 A It didn't have to; it didn't have to.

2 Q Well, it didn't operate, did it?

3 A It didn't have to operate. There was no appeal to
4 his conscience during the time that he was at the ranch. This
5 was one of the things that was -- one of the areas that Mr.
6 Manson wanted to erode, was the conscience.

7 Q Exactly.

8 A Sure; but he didn't succeed in eroding it to the
9 point where Mr. Watson didn't have a conscience; but that's the
10 reason I say Mr. Watson didn't know why he was able to kill,
11 but I think I can tell you why.

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#12

1 Q Did you ever read any testimony or receive any
2 information whereby one of Mr. Manson's concepts that he
3 preached to his followers was the death of the ego or loss of
4 the identity or ego destruction?

5 A I realize -- I don't have an exact quote but I
6 know that was part of the program.

7 Q That was part of his program?

8 A Part of his program.

9 Q Was it also part of his program to your knowledge
10 that Manson and his followers considered themselves as one
11 homogenous mass, that each was the other and they were all
12 sort of the same person?

13 A His idea was to make them homogenous and
14 homologous. Homogeneous, homologous, and analogous.

15 Q All right. In your opinion didn't Mr. Manson use
16 drugs to effectuate his purposes or to facilitate the results
17 he wanted to achieve?

18 A He did. Exactly as was reported in that poem
19 "The Lotus Eaters," where Tennyson says: "All things always
20 seem the same and the land of the lotus eaters was always
21 afternoon."

22 Q None of Mr. Manson's thought systems or philosophies
23 are original with him, are they? Always somebody else who has
24 had these same ideas. I don't mean to suggest that --

25 A Well, I think that in any culture, and particularly
26 in a culture in an area of time in which we are having a
27 cultural revolution, irrespective of any political revolution,
28 but a cultural revolution, it is immediately apparent that

1 those who are interested in affiliating themselves with the
2 changes -- and as we know youth is -- we have to recognize
3 the fact that within youth itself there is not a generation
4 gap, but a gap of ideation.

5 So consequently we have individuals who are very
6 active in their protest, we will say, and those who have
7 their own feelings, which are counter -- not as regards other
8 generations, but as regards their own.

9 I mention this because in a cultural revolution
10 individuals arise who come from widely divergent psychological,
11 ideational, political, sociological viewpoints and they are
12 just as strong in their beliefs and just as strong in their
13 chorisms as those who come from, we will say, the
14 traditional areas of educational experience and consequently
15 those individuals are no less compelling in their presentations,
16 and they may be to an extent right. So who is to say?

17 I certainly have no bias in that regard. I want
18 to be sure I don't but in relation to what we know, we would
19 have to say that there are certain individuals who, by reason
20 of being different than others -- maybe they are eccentric,
21 if you want to use the term -- I prefer to -- they may be
22 eccentric, but the only reason, for instance, that homosexuals
23 are different than other people is because -- I mean to say so
24 far as attitudes toward homosexuals -- is because most people
25 are heterosexual and it is like the fellow who said, "You
26 can put me in jail but here I am."

27 In other words, he was out-voted.

28 It is a matter of balance. So consequently many

1 of the things which Mr. Manson says have a great element of
2 truth in them, but unfortunately the fact that they become
3 antisocial and predatory, and the fact that they go around
4 stealing garbage and credit cards and other things, and money
5 to substantiate their particular life style, this is -- I am
6 just a doctor, I'm here to report -- that is nevertheless
7 prejudicial to not just the peace and quiet, not ^{just} to law and
8 order, but it is part of the cutting edge and some of those
9 things are related to a cultural change, not to a psychosis.

10 THE COURT: Would you read the question, please, Mr.
11 Reporter.

12 (Record read by the reporter.)

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12A

1 Q BY MR. KEITH: Thank you for the discourse. I
2 appreciate it.

3 Doctor, what professional societies are you a
4 member of?

5 A I am a member of the American Medical Association,
6 California Medical Association, Los Angeles Medical Society,
7 a member of the Hollywood Academy of Medicine.

8 I am a Fellow of the International Association
9 of Angiology.

10 I am a Fellow of the American College of Neuro-
11 psychiatrists. I am a member of the World Health Organization.
12 I am a member of the American Association of Science.

13 I am a member of the Division of Neurology and
14 Psychiatry of Los Angeles County Medical Association.

15 I am a member and a Fellow of the American
16 Association of Mental Deficiency.

17 I am a member of the Mental Health Association,
18 with its offices in London. Several things I am not a member
19 of, but I am a member of those.

20 Q You were an osteopath originally; is that right?

21 A I had my D.O. degree in 1926 as a physician and
22 surgeon and have been a physician and surgeon since that time.
23 By reason of the laws of California I became an M.D. in 1962.

24 Q You didn't have to take any tests then to obtain
25 your M.D. degree?

26 A I did not. This was automatic.
27
28

13R-1

1 Q Did you ever undertake a residency in psychiatry?

2 A I pointed out yesterday that I did not. I have

3 precepteeships.

4 Q And by that you mean you apprenticed to Dr. Merrill

5 for five years?

6 A That's right.

7 Q Or some period of time?

8 A That, I did.

9 Q And how long ago was that?

10 A That was from 1928 to 1933 -- whatever.

11 Q And when did you start using the term "neuro-

12 psychiatry" on your letterhead?

13 A In 1935.

14 Q Is there any difference between neuropsychiatry

15 and psychiatry?

16 A No. I was a neurologist and a psychiatrist, so I

17 combined the two.

18 Q And do you also perform surgery as a neurosurgeon?

19 A Yes, I did.

20 Q You don't do that anymore?

21 A Not since three years ago. I retired from neuro-

22 surgery.

23 Q Did you ever have any professorships other than

24 emeritus professorships?

25 A I will say yes to that because -- and I'm not

26 being facetious about this -- but if I hadn't had, I couldn't,

27 of course, been emeritus.

28 I was professor of the discipline at the College of

1 Osteopathic Physicians and Surgeons and at the California
2 College of Medicine, as I testified yesterday.

3 I was not professor at the Irvine Institution
4 because that was formed subsequent to my retirement from the
5 professorship.

6 Q Where is the California College of Medicine?

7 A That was the successor of the College of Osteo-
8 pathic Physicians and Surgeons, in Los Angeles.

9 Q When is the last time you testified in a homicide
10 case either for the prosecution or for the defense?

11 A Three weeks ago.

12 Q And how many homicide cases have you testified,
13 approximately, over the past two or three years, would you
14 say?

15 A In the past two or three years?

16 If I may repair to my record --

17 THE COURT: If it will help you any, go ahead, Doctor.

18 Q BY MR. KEITH: Well, just an approximation, Doctor.

19 A I don't want to be excessive in my reporting.

20 In the last two or three years, well, in the
21 neighborhood of 120.

22 Q Homicide cases?

23 A Murder cases.

24 Q Actually took the stand and testified?

25 A I beg your pardon sir; I didn't take the stand in
26 all those cases, I'm sorry. I misunderstood your question.

27 Q The cases you actually took the stand on were very
28 few, probably, in proportion to the number you reported on?

1 A Relatively few, because I tried to make my reports
2 inclusive so that it isn't necessary to have me called to the
3 stand, if I can possibly do so.

4 Q Doctor, you told us that the basis of your opinion
5 that Mr. Watson was able to meaningfully and maturely reflect
6 upon the gravity of his contemplated act was that he accomplished
7 what he set out to do; isn't that right, and that he met many
8 unsuspected crises and that he was able to deal with these
9 crises with dispatch.

10 Isn't that right?

11 A That's one of the reasons, yes.

12 Q And there were rapidly developing situations and
13 that he was able to handle them without any prior coaching; isn't
14 that right?

15 A That's right.

16 Q That's primarily the basis of your opinion that
17 Mr. Watson had the capacity to premeditate and to --

18 A Yes.

19 Q -- maturely and meaningfully reflect?

20 A I think that's a fair statement.

21 Q Doctor, he accomplished what Manson told him to do;
22 isn't that right?

23 A Manson didn't --

24 Q Manson told him to kill everybody there and he went
25 out and did it?

26 A Manson didn't tell him to kill the man that came
27 up in the automobile and shown the lights on him.

28 Q Manson told him, if I may beg to differe, Manson

1 told him to kill everybody there at the house?

2 A But this man wasn't at the house.

3 Q Well, he was on the grounds, wasn't he?

4 I don't mean to argue with you --

5 A I don't mean to argue with you, and you know that
6 we are not arguing, we are just presenting the facts.

7 This man showed up when, as far as I know, he
8 wasn't --

9 Q And Watson killed him with dispatch, didn't he?

10 A Yes, he did.

11 Q And without any ands, ifs, buts or whys; just bang,
12 bang, bang?

13 A That's right.

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14R-1

1 Q What unexpected crisis arose within the
2 Tate residence or the La Bianca residents that Mr. Watson met
3 with dispatch that you know of?

4 A In the first place, he had no idea of how many
5 people were going to be there, and yet he so comported himself
6 and everyone who was there was dead.

7 Q Doesn't, having no knowledge of how many people
8 who might be there, bearing in mind there could have been a
9 large party, show rather immature judgment and reflection on
10 Mr. Watson's part in going to a house where he had absolutely
11 no idea of who was going to be there. He could have been met
12 by 10 people with loaded shotguns and got his head blown off,
13 but he still went in.

14 Doesn't that show rather stupid, immature meaning-
15 less thinking?

16 A I would certainly say that he was armed and he had
17 a party and he knew exactly what he was going to do. In fact,
18 he knew the structure of the house, as I understand it.

19 Q Yes, he had been there before.

20 A He had been there. He knew. He had cased the
21 place.

22 Q Are you trying to tell us that he cased the place
23 for the purpose of coming back later and killing these people?

24 A No, I am not.

25 Q He had just been there for a social visit a couple
26 of times.

27 A That is correct, but he knew where he had been and
28 he was not foreign to the situation and he, granted as I say,

1 no question about it, he was told to go and kill people, but.
2 he had to act with independent volition and independent cognition.
3 He had to know.

4 Q In your opinion, he knew he was killing people?

5 A That is right.

6 Q That he intended to kill people there because Manson
7 told him to kill these people?

8 A That is true, but he also had to have the capacity
9 to react to situations that he nor anybody else could possibly
10 foresee.

11 Q How does this show mature and meaningful reflection
12 on the gravity of the contemplated act, the fact that he was
13 able to accomplish what Manson told him to do -- kill everybody
14 there, without getting himself killed?

15 A Well, because he was able to act in a protective
16 way, as well as acting to protect the girls, because he was
17 called to protect the girls and he responded to their protec-
18 tion or to their requests.

19 Q This doesn't have anything to do with weighing the
20 pros and cons or the reasons for and against killing people in
21 the first place, does it?

22 A I indicated before that he, in my opinion, did not
23 know why he was able to kill, but he did.

24 MR. BUGLIOSI: Would the Court care to take a recess
25 now?

26 THE COURT: Yes. We will have a recess at this time,
27 ladies and gentlemen of the jury until 1:30. Once more, heed
28 the admonition previous given.

(Recess.)

#15
1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 22, 1971; 1:30 P.M.
2
3

4 THE COURT: People against Watson.

5 Let the record show all jurors, counsel, and
6 the defendant are present.

7 All right, Mr. Keith, you may proceed.

8 MR. KEITH: Thank you, your Honor.
9

10 K. GROVNER BAILEY,
11 resumed the stand and testified further as follows:
12

13 CROSS-EXAMINATION (CONTINUED)

14 BY MR. KEITH:

15 Q Doctor, just a few more questions: I believe you
16 told us yesterday -- correct me if I am mistaken -- that one
17 of the reasons you thought that Mr. Watson was able to maturely
18 and meaningfully reflect upon the gravity of his contemplated
19 act was that he had no prior coaching -- just one factor that
20 you may have considered; that is my recollection of your
21 testimony.
22

23 A When you asked that question I thought I had
24 already made a reservation --

25 Q Maybe I did; maybe I am being redundant.

26 A No, I didn't mean it that way; but when you
27 asked that question -- obviously he had been coached -- he
28 was told what to do, but he had not been coached in exactly
how he was to meet each of the situations which he, according

15-2

1 to what he was supposed to do and what he intended to do,
2 he was able to do.

3 He was not coached in what to and how to react
4 to each of the situations that he faced.

5 In that sense, he was not coached, no.

6 Q What situation did he face other than going there
7 and doing what he did?

8 MR. BUGLIOSI: This has been asked and answered, your
9 Honor.

10 THE WITNESS: The situation -- I thought I had answered
11 some of it --

12 Q BY MR. KEITH: All right, all right --

13 A This morning as regards having been faced with
14 several unsuspected situations --

15 Q You told us about the Parent boy driving up in
16 the car?

17 A That's right; that's right.

16

#16

1 Q And you told us that Mr. Watson, of course, would
2 have no idea how many people were in that house.

3 A True.

4 Q When he got there.

5 A Yes, counsel.

6 Q And you told us about cutting the telephone wires.

7 A Which he may have been instructed to do. I take
8 it that he was.

9 Q Pardon me?

10 A I take it that he was told to do that.

11 Q Everything happened very fast he told us. That was
12 a factor you considered?

13 A That was a factor that I considered.

14 Q And everything was rather confused at the time
15 with people running around and yelling and screaming.

16 A I am sure it was.

17 Q Does the rapidity of the action -- and by action
18 I am referring to the actual homicides themselves, the actual
19 stabbings, indicate in any way to you mature and meaningful
20 reflection?

21 A Yes, in that he knew what he was going to do and
22 he did it and therefore accomplished what he was intending
23 to do.

24 Q He was told what to do and he went out and did it.

25 A Yes, but he had to exercise independent judgment
26 as to when and where and how it was to be done because he
27 shot some. He stabbed some.

28 Q He was given a knife and gun, wasn't he?

16-2

1 A That is correct.

2 Q And the evidence indicates to you, obviously,
3 that he knew how to use a knife and a gun?

4 A It does.

5 Q Did you take into account all the multiplicity of
6 wounds suffered by the victims in this case?

7 A Yes, I did.

8 Q And doesn't the very multiplicity of the wounds
9 appear to you to indicate perseverative action, repeated
10 senseless action?

11 A It wasn't senseless in accomplishing his purpose.

12 Q In accomplishing his purpose?

13 A It wasn't senseless. It was repetitive but as
14 I testified this morning he didn't know why he did that
15 repetitively.

16 Q In your opinion, weren't the very crimes themselves
17 senseless, knowing what you know about the case?

18 A Knowing what I know about the case, they were
19 senseless from the standpoint of being not directed to a
20 person in the sense of someone who has done something to
21 somebody and they retaliate. That was entirely coldblooded.
22 That was entirely senseless, but it was not without reason
23 that he himself was able to do it even though he had been
24 asked to do it. The reasons are occult but they are there.

25 Q Do you mean the reasons that Mr. Watson had
26 somehow lie in the supernatural?

27 A Not in the supernatural.

28 Q When you say occult --

1 A Occult in the sense of not seen as yet.

2 Q And not understood?

3 A I think I understand them.

4 Q You may but I mean --

5 A I said this morning that he did not understand
6 why.

7 Q Ordinarily when people are killed by somebody
8 else, it is for reasons for personal gain or revenge or
9 hatred as you told us about; is that right?

10 A In most instances, yes.

11 Q And that sort of purpose wasn't present in this
12 case so far as Watson is concerned. Didn't you form that
13 opinion?

14 A So far ^{as} he knew, it wasn't.

15 Q So far as he knew on a conscious level?

16 A That is right.

17 Q Doctor, getting back to psychosis again, when
18 you speak of psychosis, do you speak of somebody who is
19 generally divorced from reality, somebody who is not normal
20 mentally?

21 A There is a difference, sir, between being divorced
22 from reality.

23 Q Or has suffered a severe break from reality?

24 A There is a difference between that and the
25 psychosis which has been delineated and to which we have
26 testified as being present in this case.

27 Psychosis has to do as we have said, and as we
28 know, with unreality, with being out of touch with reality,

1 but this particular definition, if you will, labeled psychosis,
2 but being a receptacle, as I think I said before, or a
3 skeleton, on which can be placed a series of incidents and
4 motivations, which do not appear related at first, but which
5 gradually can be formulated into a behavior pattern -- but
6 this has not necessarily a relationship to the knowledge of
7 right and wrong. Of course that is something else again.

.7R-1

1 Q We are not discussing that --

2 A I appreciate that --

3 Q -- now --

4 A -- but this psychosis is not, as we have pointed
5 out, related to, necessarily, a delusion. It is a condition
6 in which the individual is kinked, if you will, they are
7 cornered by the milieu and by the dominance which you have
8 emphasized, also, of the authoritarian factor.

9 Q And they are operating with impaired judgment and
10 impaired perception and impaired ideas?

11 A This is part of the picture.

12 Q And the passive member has a dependency, as you
13 have said, toward the dominate figure of the duo?

14 A In general, that would be a fair statement, yes.

15 Q In addition to your reading of Mr. -- rather,
16 Doctor Iven Mensch's article and Dr. Podolsky's, did you also
17 read some works by Lasague and Fabret, Hoffbauer, Seguin and
18 Ireland and Tuke and Pike?

19 I am referring to Page 28 on Lines 25 to 29 of your
20 report.

21 MR. BUGLIOSI: May we approach the bench?

22 MR. KEITH: I am going to -- don't worry.

23 MR. BUGLIOSI: I am not interested in that gratuitous
24 remark by Mr. Keith. May that be stricken from the record?
25 May we approach the bench?

26 THE COURT: I didn't hear the remark, but if you want to
27 approach the bench, you may do so.

28 (The following proceedings were had at the

1 outside the hearing of the jury:)

2 MR. KEITH: Mr. Bugliosi anticipated me. I was going to
3 ask him if he read these articles where the folie a deux was
4 called "infectious insanity," -- so on; you can read it.

5 MR. BUGLIOSI: "Reciprocal insanity," "double-insanity."

6 MR. KEITH: Because I knew "insanity" is a dirty word
7 in this phase of the case, but nevertheless, these are the
8 names of the articles.

9 MR. BUBRICK: Particularly, Judge, in view of the defini-
10 tion that he gives to the term "psychosis."

11 MR. BUGLIOSI: The bivalence --

12 THE COURT: Just a minute.

13 MR. BUBRICK: And the fact that he would draw distinctions
14 between psychoses of this order, and he seems to draw the con-
15 dition, the folie a deux type psychosis -- and I think we ought
16 to have a right to show some of the English translations of
17 folie a deux, these are referred to in the second last para-
18 graph on Page 28.

19 MR. BUGLIOSI: If the only relevance, your Honor, is the
20 English translation, I think it is overwhelmingly outweighed
21 by the fact that insanity, the issue is insanity, the word
22 "insanity" should not be injected into the first trial.

23 Now, these are words used by men back in the 19th
24 Century. Insanity is not an issue in this case; they are just
25 trying to squeeze something in here about an English transla-
26 tion --

27 MR. KEITH: He is using the same words that he is putting
28 the definition on him in 1971 which we think is consistent with

1 the very article he quotes from and he cites as authority for
2 his definition on folie a deux.

3 MR. BUGLIOSI: Your own psychiatrists, also spoke of
4 folie a deux as being a psychosis. There is no inconsistency,
5 they all say it.

6 MR. KEITH: Are you trying to say it is detached from
7 insanity?

8 MR. BUGLIOSI: Insanity is not an issue during the first
9 trial.

10 THE COURT: Gentlemen, all the psychiatric testimony
11 just leaves me cold. To me it is a lot of gobble-dygook and
12 double-talk, see; but I do know the Supreme Court has said that
13 in this phase of the case all evidence of insanity must be
14 eliminated.

15 Now, the doctors who testified, no doubt some of
16 them, although they didn't use the word "insanity," said this
17 defendant is insane, without using the very word.

18 This doctor is pretty tough to follow. Now, you
19 want to ask him whether he read their definitions of folie a
20 deux?

21 MR. KEITH: Yes, exactly.

22 THE COURT: All right, tell you what you do: Supposing
23 we do this, asking whether he read the definitions by Lasegue
24 and Fabret.

25 MR. KEITH: And so on?

26 THE COURT: -- without going into what they are; and ask
27 him, "Do you agree with those definitions?"

28 MR. KEITH: All right.

1 MR. BUGLIOSI: Okay, but --

2 MR. KEITH: Except, I can't do much about it if he does --

3 THE COURT: At this stage, I don't see what --

4 MR. BUGLIOSI: I see your point.

5 MR. KEITH: I see your point.

6 MR. BUGLIOSI: I thought the Court was implying that if
7 the witness did say that he was agreeing with it, then at that
8 point, the Court would permit Mr. Keith to go into the words
9 used, but apparently the Court hasn't said that.

10 THE COURT: I don't know how to get around it, to tell
11 you the truth. It just leaves me cold, as I said before.

12 MR. BUGLIOSI: I agree with the Court on that; but these
13 are words which I do not think should be interposed into the
14 first trial, and I think they would only tend to confuse.

15 THE COURT: The Supreme Court has so said; but, now, you
16 take the paragraph above that, "The transference of delusional
17 ideas" -- now, this guy says that if Watson believed that
18 Manson was Jesus Christ, that is not a delusion, it is a
19 belief.

20 Now, that is his definition of how he gets away
21 from it is a delusion, by saying it is his belief. It is not
22 a delusion.

23 Frankly, to me most of the psychiatric testimony is
24 a lot of double-talk, is gobbledygook; and, like I said before,
25 it leaves me cold.

26 I wish we could get along without it, but I guess
27 we can't.

28 MR. BUGLIOSI: Thank you, your Honor.

1 MR. KAY: Judge, could we have just a moment, because
2 the doctor from Atascadero is on the phone and wants to talk
3 to Vince just a second.

4 THE COURT: Go ahead, talk to him.

5 (The following proceedings were held in open
6 court, in the presence of the jury:)

7 THE COURT: All right, Mr. Keith, you may proceed.

8 Q BY MR. KEITH: Doctor, in your opinion has the
9 defendant Watson more than learned his lesson and do you believe
10 that in the environment of his family at Copeville he would
11 again be able to cope?

12 A I think I --

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1 MR. BUGLIOSI: This is irrelevant, your Honor.

2 THE COURT: Sustained.

3 MR. KEITH: I have nothing further.

4
5 REDIRECT EXAMINATION

6 BY MR. BUGLIOSI:

7 Q A few questions, your Honor.

8 Doctor, are you also a brain surgeon?

9 A Yes.

10 Q You have actually performed surgery on the brain?

11 A Yes.

12 Q And from your neurological examination of Mr.
13 Watson, you couldn't find any evidence of brain damage?

14 A In the examination which I gave him, I found no
15 evidence of brain damage.

16 Q But you were aware of the EEG at UCLA which
17 indicated some mild brain damage?

18 A I was also aware of the one at Atascadero which
19 says there was none.

20 THE COURT: Doctor, please answer the question.

21 THE WITNESS: I am sorry.

22 THE COURT: Please answer the question put to you.

23 THE WITNESS: Yes.

24 Q BY MR. BUGLIOSI: You were also aware of the EEG
25 up at Atascadero?

26 A Yes.

27 Q Which indicated no brain damage?

28 A That is correct.

18-2

1 Q I believe you testified that you thought you knew
2 why Mr. Watson killed these people when Manson told him to do
3 so.

4 Will you please tell the jury what your opinion
5 is on that?

6 A Well, in the first place, I believe I made a
7 statement a long time ago, and if I may please refer back to
8 one of the pages in which I indicated that at the time he
9 decided to leave home and decided not to go back home when
10 he found that he could not support both his apartment and
11 his schooling and chose to keep his apartment and gave up
12 his schooling and then fell into these other situations --
13 that at that time he made a decision.

14 Now, this decision had to be based on expediency
15 and on his expectancy of his future and he left Texas for
16 California.

17 He had a certain element of shame, which is a
18 matter of conscience, because he was ashamed to tell the
19 folks why he actually stayed out here.

20 He eventually did not keep in contact with them,
21 although now he does.

18A

18A

1 The element of conscience has come through this
2 thing very clearly and all the time that he was giving up
3 certain prerogatives, as I discussed this morning with Mr.
4 Keith, his conscience was being eroded, but it was not
5 eroded completely by any means. So that he began more and
6 more and more to hate himself. This is conscience -- to
7 hate himself.

8 He deplored the situation in which he was and
9 yet he loved it, if there might be a dichotomy of feeling and
10 thinking.

11 The more he deplored the state he was in, although
12 he went along with it, the greater the tensions built up
13 within him and when he was told to do something of this nature
14 he did it, but he did it -- and again responding to Mr.
15 Keith's question -- he did it with a viciousness that was
16 more than necessary, inasmuch as some of them were already
17 dead, as I understand it, or they were practically so --
18 and at that particular time the hate that he had for himself
19 was externalized into not against a person, a named person,
20 but against the individual in the corporate mass, so to speak,
21 and he was able then to satisfy the hate which he had against
22 himself and externalized it against the objects of his anger.

23 He was able to do that only because of this factor.
24 If he hadn't had that factor built up within himself, he
25 would have been like many of the others who would have said,
26 "I can't do it," but he did it and when he did it, he overdid
27 it and he overdid it because this relieved stress within
28 himself.

18A-2

1 He didn't hate these people that he killed, as
2 he says he killed them. He didn't hate them but he himself
3 was relieved of this stress within him, even to the point
4 where -- he didn't tell me this but it is reported I take
5 it authoritatively and it has been accepted in the testimony --
6 by one of the girls who said he said, "Gee, this is fun,"

7 Now, when somebody under those circumstances
8 says, "Gee, this is fun," this isn't an individual who is
9 acting only because he is told to do something.

10 It is because by this act he has been relieved of
11 a hate within himself, even though he knows this is wrong to
12 do.

13 Now, added to that the next factor we hear -- and
14 this is also I believe a matter of testimony -- that when
15 one of the girls was asked as to how Tex reacted, she said
16 he reacted or acted as if he had been through a traumatic
17 experience.

18 Now, one can only be through a traumatic experience
19 if one has knowledge of the experience and has had a pang of
20 conscience as regards the fact that this has been accomplished
21 and although in one sense at the time it made him feel better,
22 at the time also, or just subsequent to that, he had had a
23 traumatic experience because he had gone through this and it
24 is very difficult to say he had come out a better man, but
25 from the standpoint of his own inner tensions, he was
26 relieved.

27 MR. BUGLIOSI: Thank you, Doctor. No further questions.
28

RE CROSS-EXAMINATION

BY MR. KEITH:

Q Doctor, in a nutshell, your theory is that Mr. Watson hated himself so he took it out on these other people that he killed.

A He was able to do what he was asked to do because this gave him -- this he externalized, yes.

There are cases in the literature which cover this point exactly.

Q But I believe you told us, I think I am being accurate, that Mr. Watson himself didn't understand or realize on a conscious level any of this hatred that he had with anyone.

A Yes, that is correct.

Q I believe you told us that he didn't have any idea why he did such a thing other than being told to do it.

A That is what he told me.

Q Did you evolve this theory of Mr. Watson's subconscious hatred of himself from your reading in the literature?

A Yes.

Q Or experience?

A From my reading in the literature.

Q What literature did you read to evolve this theory of the homicides?

A Dr. Rue Tolo reported the examination of four murderers and near murder, which case reports --

Q Where is that article published?

1 A That article is published in "Progress in
2 Neurology and Psychiatry" by Spiegel.

3 Q Is that a book or --

4 A It is a book, yes, counsel.

5 Q When was it published, if you know?

6 A Volume 25, 1970.

7 Q That man's name is -- I am sorry.

8 A Ruo Tolo.

9 Q R-u-o-t-l-o?

10 THE COURT: T-o-l-o.

11 Q BY MR. KEITH: Any other literature that you
12 read in helping you or assisting you to evolve this theory of
13 subconscious inner hatred?

14 A No, frankly, there wasn't.

15 I know that by previous experience, in general,
16 an impression I will say, that there have been cases in my
17 own experience in which we know that individuals have evolved
18 an inner hatred. They have had internal conflict for many
19 reasons and those have been externalized against individuals.

20 Q Let's assume, Doctor, that in or about September
21 or early October 1969 he was ordered by Manson to kill a
22 couple of other people and didn't do it.

23 Would that still square with your theory of inner
24 hatred or had he already satisfied his inner hatred by
25 doing what he did on the Tate-La Bianca nights?

26 A If I might ask again what is the time relationship
27 there?

28 Q This would have been, we are assuming now that Mr.

1 Watson was asked to kill a couple of other people and he didn't
2 do it in or about September or October 1969, a month or two
3 after the Tate-La Bianca homicides. This allegedly occurred
4 up in the desert at Barker Ranch. Six weeks after.

5 A This can have a bearing. I don't know that I
6 knew of that, but in any event, he certainly had expressed
7 -- and I don't use the term "vented," I used the term
8 "expressed" -- he had expressed this inner tension and inner
9 hatred of himself.

10 Now, to vent something, I take it one does that
11 on purpose, but it is a fact that, after all, there was
12 ventilated, if you will, the condition of stress, which he
13 expressed at the time of these two succeeding nights of
14 orgy -- and it may well be that following that expression
15 there was released, or reduced, there was reduced this degree
16 of inner hate of himself, but he still hates himself because
17 he has begged for forgiveness.

18 MR. KEITH: I have nothing further.

19 MR. BUGLIOSI: No further questions.

1 THE WITNESS: That's when this --

2 THE COURT: This girl described it as such?

3 THE WITNESS: He had been hurt before. He had been hurt
4 before by these affronts to his pride.

5 He had not been able to express himself against it
6 because he had already made a contract in his thinking; but
7 he was -- he had a traumatic experience when he did what he
8 did and realized that this had occurred; and this unnerved him
9 and this was a traumatic experience as to him, because he had
10 done this, he didn't know why; but it, nevertheless, was a
11 traumatic experience and she related it to that point.

12 THE COURT: And that must have been from one of the girls
13 who was present at the time; is that right?

14 THE WITNESS: I believe so, your Honor.

15 THE COURT: And you took her expression "traumatic
16 experience" as coinciding with your definition of what a
17 traumatic experience is?

18 THE WITNESS: That's right.

19 THE COURT: I have nothing further.

20 MR. KEITH: I have no further questions.

21 THE COURT: Thank you, Doctor; you may be excused.

22 Doctor, did you want this back or do you want me
23 to keep it?

24 THE WITNESS: If you wish, you may keep it.

25 THE COURT: May I?

26 THE WITNESS: Please.

27 THE COURT: Thank you.

28 MR. BUGLIOSI: People call Jeanne Mallett.

1 THE CLERK: Will you raise your right hand, please?

2 You do solemnly swear that the testimony you may
3 give in the cause now pending before this court shall be the
4 truth, the whole truth and nothing but the truth, so help you
5 God?

6 THE WITNESS: I do.

7
8 JEANNE MALLET,
9 called as a witness by the People in rebuttal, testified as
10 follows:

11 THE CLERK: Thank you; take the stand and be seated,
12 and would you state and spell your name, please?

13 THE WITNESS: Jeanne Denise Mallett, J-e-a-n-n-e;
14 Denise, D-e-n-i-s-e; Mallett, M-a-l-l-e-t-t.

15 THE CLERK: Thank you.

16
17 DIRECT EXAMINATION

18 BY MR. BUGLIOSI:

19 Q Miss Mallett, do you prefer to be called Denise?

20 A Yes.

21 Q As opposed to Jeanne?

22 A Yes.

23 Q Denise, you presently live in Texas?

24 A Yes.

25 Q And you flew out here to testify?

26 A Yes.

27 Q How old are you?

28 A 21.

1 Q I take it you know the defendant, Charles Tex
2 Watson?

3 A Yes.

4 Q When did you first meet Mr. Watson?

5 A In about 1965.

6 Q Where were you living at the time and where was
7 he living?

8 A I was living in Dallas and he lived in Copeville.

9 THE COURT: Excuse me. Can you hear the lady?

10 Q BY MR. BUGLIOSI: Can you sit up a little closer,
11 Denise, and we'll move this.

12 You were living in Dallas and he was living in
13 Copeville?

14 A Right.

15 Q How far is Dallas from Copeville?

16 A About 35 or 40 miles.

17 Q And how did you happen to meet Mr. Watson?

18 A I was spending a summer at my grandmother's and I
19 met him through friends or a cousin.

20 Q Where did your grandmother live?

21 A In Farmersville.

22 Q How far is that from Copeville?

23 A I believe it is about seven miles.

24 Q So you were only fourteen or fifteen at the time?

25 A Yes, sir.

26 Q Was this the summer of 1965?

27 A Yes, sir, I believe so.

28 Q And did you enter into somewhat of a

1 boyfriend-girlfriend relationship with Mr. Watson?

2 A Something of that type.

3 Q Well, did you ever date him?

4 A Yes, some.

5 Q You saw him frequently during the summer of 1965?

6 A Yes.

7 Q Did you see him during the fall and the winter of
8 1965?

9 A I'm not real sure. I might have seen him a couple
10 of times during that year.

11 Q How about 1966; did you see him again then?

12 A During the summer.

13 Q Again, in Copeville or Farmersville?

14 A Right.

15 Q Pardon?

16 A Yes.

17 Q In Copeville and Farmersville?

18 A Right.

19 Q And you continued to date Mr. Watson?

20 A Something of that type, yes.

21 Q You went with him; is that correct?

22 A Well, I wouldn't say that. We were friends or
23 whatever, you know.

24 19a.f.
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19A

1 Q You were not going steady with him?
2 A No.
3 Q But you would on occasion go out on dates with
4 him?
5 A Yes.
6 Q What about the winter or the fall, winter and
7 spring of 1966, did you see him then?
8 A '66 or '67?
9 Q I'm sorry, '67.
10 A I don't believe I saw him that winter, I'm not
11 sure.
12 Q What about the summer of 1967?
13 A Yes, I saw him during the summer of 1967.
14 Q Where did you see him?
15 A In Dallas.
16 Q Was he living in Dallas at the time?
17 A Yes.
18 Q And you were also living in Dallas?
19 A I was visiting friends in Dallas.
20 Q Did you see him frequently in the summer of 1967?
21 A I was only in Dallas for about six weeks.
22 Q Did you see him quite frequently during that
23 six-week period?
24 A Yes, maybe not the whole six weeks, but I saw
25 him frequently.
26 Q Now, you are aware that eventually Mr. Watson left
27 for California?
28 A Yes.

19A-2

1 Q Do you know approximately when he left for
2 California?

3 A It must have been late that summer in 1967.

4 Q The summer of 1967?

5 A Yes.

6 Q Now, prior to his coming to California when was
7 the last time you saw him?

8 A In August of 1967.

9 Q In Dallas?

10 A Yes.

11 Q During that period of time, primarily the summers
12 of 1965 and '66 and 1967, how would you describe Charles Tex
13 Watson?

14 A He was always very mannerly and happy.

15 Q Would you say he was a lot of fun?

16 A Yes.

17 Q Did you have a good time with him?

18 A Yes.

19 Q Would you characterize him as being somewhat
20 carefree?

21 A Yes.

22 Q Now, after you last saw him in August of 1966
23 when is the next time you saw him?

24 A In November of 1969.

25 Q Where did you see him at that time?

26 A I saw him in Farmersville.

27 Q And how did you happen to see Mr. Watson in
28 November of 1969 in Farmersville; how did it come about?

19A-3

1 A I was visiting my grandmother and I called his
2 house when I heard he was back in Texas, at his parent's home.

3 Q All right; did Mr. Watson then come over to your
4 grandmother's place?

5 A Right.

6 Q In Farmersville?

7 A Right.

8 Q And what part of November was this, early, mid or
9 late November?

10 A About the middle or the latter part of November.

11 Q How long did you spend with him that particular
12 day?

13 A Just a couple of hours.

14 Q What did you do?

15 A We just rode around, talked, went to the Dairy
16 Queen and got a coke.

17 Q Did he drive the car?

18 A Yes.

19 Q And you hadn't seen Mr. Watson, then, for over
20 two years?

21 A Yes.

22 Q How did he look to you in November of 1969?

23 A He looked great, you know; he looked just like
24 he had always looked. He was a little thinner, but that's
25 all.

26 Q You say he looked great?

27 A Yes.

28 Q But you noticed that he had lost some weight?

- 1 A Yes.
- 2 Q But, apart from that he looked great?
- 3 A Yes.
- 4 Q What about his personality?
- 5 A Well, he seemed -- he seemed pretty well the same;
- 6 he had a lot of new ideas and things, but other than that he
- 7 seemed, you know, he seemed pretty much the same.
- 8 Q When you say he seemed pretty much the same, did
- 9 he again appear to be carefree?
- 10 A Well, I don't know whether I would use the word
- 11 "carefree" or not; but he seemed pretty, you know, just a
- 12 normal person.
- 13 Q Did he seem to be happy?
- 14 A Yes, some of the time.
- 15 Q You had fun with him?
- 16 A Yes.
- 17 Q Was this on a Sunday that he came over to your
- 18 grandmother's place in Farmersville?
- 19 A Yes, sir.
- 20 Q Did you see him the next day?
- 21 A Yes, sir.
- 22 Q Where did you see him the next day?
- 23 A We went to Denton.
- 24 Q How far is Denton from Farmersville?
- 25 A About 30 or 40 miles, I believe.
- 26 Q And you were staying overnight at your grandmother's
- 27 place?
- 28 A No, I was in Dallas and I came to ^{his} home.

1 Q Where?

2 A In Copeville.

3 Q Okay; so you met him, then, this would be a Monday?

4 A Yes, sir.

5 Q You met Tex at his home in Copeville?

6 A Yes, sir.

7 Q And then you and he went where, now?

8 A To Denton.

9 Q What was the purpose of your going to Denton?

10 A We went to visit some friends.

11 Q Your friends or his friends?

12 A My friends.

13 Q Did you do anything that afternoon?

14 A yes, we spent the afternoon at the Holliday Inn.

15 THE COURT: I didn't get that.

16 (Record read.)

17 Q BY MR. BUGLIOSI: Did you engage in sexual
18 intercourse with Mr. Watson at the Holliday Inn?

19 A Yes, sir.
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19B

1 Q Did you have sexual intercourse with Mr. Watson
2 before he came out to California or was this the first time
3 you had ever had sexual intercourse with him?

4 A I'd say this was the first time we had ever had
5 sexual intercourse, but there had been sexual relations before.

6 Q Did you notice any difference in Tex, from a
7 sexual standpoint, since you had last seen him?

8 A He was rather animalistic, I would say. I don't
9 know, it was strange.

10 Q Was he kind of aggressive?

11 A Yes.

12 Q Vigorous?

13 A Yes.

14 Q Now, after the afternoon at the Holliday Inn, what
15 happened next?

16 A We went to -- I took him back; he went back to
17 Copeville and I went back to Dallas.

18 Q When is the next time you saw him?

19 A I believe it was on Thursday.

20 Q Of the same week?

21 A Yes, sir.

22 Q Where did you see him at that time?

23 A I saw him at his home in Copeville and then he
24 came to Dallas later on that night.

25 Q How did you happen to get to see him; in other
26 words, did you call him, did he call you?

27 A This was Thanksgiving and I'd spent the day at
28 my grandmother's; then I stopped by his house on my way home

1 and he came to Dallas that night to my home.

2 Q Did you know that he was going to come to Dallas
3 that night?

4 A Yes.

5 Q And this would be Thanksgiving night?

6 A Yes, sir.

7 Q Did Tex visit with you at your mother's place?

8 A Yes.

9 Q How long did he spend with you?

10 A He spent the evening, about 6:00 to 11:00 or 11:30.

11 Q Were you inside the house all night?

12 A Yes.

13 Q You didn't go any where?

14 A I don't believe so.

15 Q What about two days later, a Saturday; did anything
16 happen on that date?

17 A Yes, he called and he came to Dallas that
18 afternoon.

19 Q So you were in Dallas and he was in Copeville?

20 A Right.

21 Q He called you on the telephone; is that correct?

22 A Yes.

23 Q He said he wanted to see you?

24 A Yes.

25 Q So he drove to Dallas; is that correct?

26 A Yes.

27 Q What did you do in Dallas that day? This would be
28 a Saturday, the Saturday following Thanksgiving.

1 A We drove around a bit in Dallas, stopped and got
2 a beer.

3 Q Did he get the beer or did you get it?

4 A He did.

5 Q Okay.

6 A And we went to a park and talked for a while and
7 then we went back to my home and spent the evening there
8 watching television.

9 Q Then he went back to Copeville?

10 A Yes, sir.

11 Q What about that Sunday, the following day; did you
12 see Tex again?

13 A Yes, I went to his home in Copeville and we
14 spent the afternoon at the lake.

15 Q There is a lake there near the --

16 A Yes.

17 Q -- outskirts of town?

18 A Yes.

19 Q Did you talk with Tex at that time?

20 A Yes.

21 Q Did you talk about any plans that you and he may
22 have had for the future?

23 A Well, he was discussing going back to California
24 and I was thinking about going, also.

25 Q Did he say he was interested in going to any
26 particular part of California?

27 A He said something about northern California.

28 Q He didn't say he was going to Southern California?

1 A No.

2 Q Could you go into more detail about the discussion
3 about his going to northern California?

4 A Well, we had discussed maybe both of us going,
5 you know, to northern California; it was nothing definite, we
6 just discussed it.

7 Q That night he went to jail; is that correct?

8 A Yes, sir.

9 Q And that was the last time you saw him?

10 A Yes.

11 Q Other than right now, of course.

12 A Yes, sir.

13 Q During this week that you saw him off and on in
14 Copeville, Denton, Farmersville and Dallas -- I guess these
15 were the four places -- how did he dress?

16 A He was always very neat, had on slacks and a shirt
17 most of the time.

20R-1

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Q Did he look clean?

A Yes, sir.

Q What about his hair?

A His hair was cut. It wasn't long at all.

Q Did you notice any difference in his walk during this period?

A No, sir.

Q Or the manner in which he spoke to you?

A No, sir.

Q He seemed to be the same old Tex; is that right?

A Yes.

Q You will have to talk a little more loudly, please.

A Yes.

Q Denise, I show you People's 306 for identification. Do you recognize this as being a photograph of Charles Tex Watson?

A Yes, sir.

Q Does this photograph accurately depict the way Mr. Watson looked in November of 1969?

A Yes, sir.

Q Back in Texas?

A Yes, sir.

Q During this week that you spent with him off and on, I presume you and he talked about many things; is that correct?

A Yes, sir.

Q Did he ever talk about his experience in California?

A He spoke -- he seemed to be very impressed with

1 California and he spoke of a couple of places that he had
2 lived.

3 Q Could you go into that for the judge and the jury?

4 A Oh, he told me about a beach house that he once
5 lived in and then he mentioned that he also lived on a ranch.

6 Q On a ranch?

7 A Yes, sir.

8 Q Did he say with whom he lived on this ranch?

9 A No. He never mentioned any names of any other
10 people he lived with.

11 Q Although he didn't mention any names, did he
12 indicate the nature of the group? Boys, girls, or what have
13 you?

14 A He said there were quite a few women, maybe 30
15 girls, and just a couple of men.

16 Q Did he say who was the leader of this group?

17 A He said he and one other person were the main
18 people.

19 Q He didn't tell you who this other person was?

20 A No, sir.

21 Q But he said that he and some other person were the
22 main people in this group?

23 A Yes.

24 Q That lived at the ranch?

25 A Yes.

26 Q Did he say that while he was out in California,
27 he met anyone whom he thought was Jesus Christ?

28 A No, sir.

1 Q Did he tell you that he met anyone in California
2 who in his opinion was kind of a supernatural being?

3 A No, sir.

4 Q Did he talk to you about being in the wig business
5 out here in California?

6 A Yes. He mentioned that.

7 Q What did he say?

8 A He was combing my hair one time and he just
9 mentioned that he had been in the wig business.

10 Q Did he mention drugs to you?

11 A Yes, we discussed it.

12 Q What did he say?

13 A He said that he had, you know, used a lot of drugs,
14 mainly acid, and that he used to take massive doses.

15 Q Of acid?

16 A Yes.

17 Q Did you ever smoke marijuana with Tex?

18 A Yes.

19 Q Back in Texas?

20 A Yes.

21 Q In November of 1969?

22 A Yes.

23 Q Now, you say that Tex seemed to be impressed with
24 California?

25 A Yes.

26 Q How did you get the impression that he was impressed?
27 What did he say that led you to that conclusion?

28 A Well, it just seemed like he had a good time here.

1 He really liked the place. He comes from a very small town
2 and he just really liked California.

3 Q Did he talk about black people in California?

4 A Yes. He said something to the effect that there
5 were a lot of black men going with white women now and he spoke
6 of the black-white revolution that was going to take place.

7 Q Spoke about a black-white war?

8 A Yes.

9 Q Talked to you about a pit in the desert?

10 A Yes. He told me all about that.

11 Q And helter-skelter?

12 A He didn't explain.

13 Q Did he mention the words "helter-skelter" to you?

14 A He said it some but it was never mentioned in any
15 of his ideas or anything.

16 MR. BUGLIOSI: Thank you. No further questions.

17

18

CROSS-EXAMINATION

19

BY MR. BUBBRICK:

20

21 Q Denise, all the times that you spent with Charles
22 back in Texas were times that you wanted to be with him; is
23 that correct?

24

25 A Well, I wouldn't necessarily say that. I don't
26 understand your question, sir.

27

28 Q When you were with him, it was because you wanted
to be with him; is that right?

29

A Yes, sir.

30

Q You weren't forced to go out with him?

1 A No, sir.

2 Q You enjoyed being with him; is that right?

3 A Yes.

4 Q And he enjoyed being with you?

5 A I guess so, or he wouldn't have been there.

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1 Q He obviously went out of his way to see you. I
2 think you told us he drove a number of miles on a number of
3 occasions to be with you; is that right?

4 A Yes, sir.

5 Q So the two of you got along pretty well; is that
6 right?

7 A Yes.

8 Q I take it he was not violent toward you?

9 A No.

10 Q He didn't hit you or beat you?

11 A No.

12 Q Or abuse you in any way?

13 A No, sir.

14 Q When you were asked whether Charles seemed care-
15 free after he got back from California, you were kind of
16 hesitant there for a minute. Was it because he was in fact
17 not very carefree after he got back?

18 A I was only with him for that one week and I wouldn't
19 be able to describe it as carefree.

20 Q Didn't he seem a little -- I am sorry. I didn't
21 mean to interrupt.

22 A That is okay.

23 Q Didn't he seem a little more serious than he had
24 been previously?

25 A Yes. I would say he had a lot of new ideas.
26 People change, you know. I hadn't seen him for two years.

27 Q Did he seem to be sort of preoccupied with those
28 new ideas?

1 A No, sir.

2 Q Didn't he spend a great deal of time talking about
3 his California experiences?

4 A Yes.

5 Q He talked about this hole in the ground, the bottom-
6 less pit, so to speak?

7 A Yes.

8 Q And the revolution that you have told us about?

9 A Yes.

10 Q As a matter of fact, he repeated that a number of
11 times, didn't he?

12 A No -- mainly just on one day he was explaining the
13 whole thing to me.

14 Q Other than that, was it just a lot of small talk?

15 A Yes, sir.

16 Q Between the two of you, sort of personal between
17 the two of you?

18 A Yes, sir.

19 Q Was there anything unusual about the marijuana
20 smoking experience that you had with him there in November of
21 1969?

22 A What do you mean by unusual?

23 Q Do you remember how you described it, or did you
24 ever describe it to anybody?

25 A Describe how he acted?

26 Q Yes.

27 A There were times when he was a bit strange.

28 Q While under the influence of marijuana?

1 A Yes.

2 Q As a matter of fact, you said at one time he acted
3 crazy, didn't you?

4 A Yes, but not -- yes, I believe I did say that.

5 Q What?

6 A I did say that.

7 Q What did you mean by that?

8 A I think strange is the best word to describe it --
9 different.

10 Q Didn't you say he kind of flipped or something
11 when he was stoned; is that right?

12 A Yes. He was different than he was.

13 Q You mean he was different when he was stoned than
14 he was when he was sober?

15 A Sometimes.

16 Q How many times did you smoke marijuana with him
17 during that week and a half?

18 A Only two or three times.

19 Q Two or three times?

20 A Yes.

21 Q Were they all on the same date?

22 A No.

23 Q Or on separate occasions?

24 A Separate occasions.

25 Q And would his reactions under the influence of
26 marijuana be the same on each of these occasions?

27 A No, sir. There were only a couple of periods
28 during each -- you know, during a couple of times maybe that he

1 acted a little, you know, strange.

2 Q Were you smoking marijuana at the same time that
3 he was?

4 A Yes.

5 Q On each of these two or three occasions?

6 A Yes, sir.

7 Q Was there anything he said or did to you that was
8 different while he was under the influence of marijuana on
9 these occasions than otherwise?

10 A That he specifically said?

11 Q Yes, or did.

12 A No, sir. I can't think of anything specific.

13 Q Just a sort of feeling that you had?

14 A Yes.

15 Q That when he was stoned he sort of flipped out?

16 A Yes.

17 Q At any rate, even though he was sort of flipped out
18 while he was on marijuana, that didn't particularly make you
19 fearful of him, did it?

20 A No, sir.

21 Q As a matter of fact, you talked about coming back
22 to California with him, didn't you?

23 A Yes.

24 Q Who used the term "Northern California"?

25 A We were talking about going where it snows. It
26 snows in Northern California.

27 Q Didn't you know that there might be snow in the
28 mountains in Southern California?

1 A I'm not very familiar with California, actually.

2 Q Was that the real subject matter of your discussion
3 about going to California -- where it snows?

4 A The subject matter of everything we talked about
5 or just when we were talking about that?

6 Q Going to California, I mean.

7 A Yes. We talked about going to Northern California.

8 Q Did he use the term "Northern California" or
9 "going to California where it snows"?

10 A I believe he used the term "Northern California."

11 Q Do you know where the Owens Valley is in Califor-
12 nia?

13 A No, sir.

14 Q Did you ever ask him what he meant by "Northern
15 California"?

16 A No, sir.

17 Q Ever ask him what cities that might be close to?

18 A No.

19 Q But you were willing to go there anyway; is that
20 correct?

21 A It was nothing definite. It was just something
22 that we discussed.

23 MR. BUBRICK: I have nothing further.

24 MR. BUGLIOSI: No further questions.

25 THE COURT: Thank you. You may be excused.

26 MR. BUGLIOSI: May the witness be allowed to return to
27 the State of Texas, your Honor?

28 THE COURT: Go ahead if she wishes.

1 MR. BUGLIOSI: The reason I asked that is the defense
2 might want her to remain. We have no further questions of her.
3 May she return?

4 MR. BUBRICK: Certainly.

5 THE COURT: You don't expect to call her?

6 MR. BUBRICK: No.

7 MR. BUGLIOSI: Thank you.

8 MR. KAY: The People call Judge Robert E. King.

9 THE CLERK: Raise your right hand, please.

10 You do solemnly swear that the testimony you may
11 give in the cause now pending before this court shall be the
12 truth, the whole truth and nothing but the truth, so help you
13 God?

14 THE WITNESS: I do.

15
16 ROBERT E. KING,
17 called as a witness by the People in rebuttal, testified as
18 follows:

19 THE CLERK: Thank you. Take the stand and be seated.
20 Would you state and spell your name, please?

21 THE WITNESS: Robert E. King, K-i-n-g.

22
23 DIRECT EXAMINATION

24 BY MR. KAY:

25 Q Judge King, are you Justice of the Peace in Collin
26 County, Texas?

27 A Yes.

28 Q What are your duties as Justice of the Peace?

1 A Well, I serve as magistrate on the misdemeanor
2 court in Collin County.

3 Q How long have you been a Justice of the Peace?

4 A Since the 1st of August, 1970.

5 Q Before you were a Justice of the Peace, what was
6 your occupation?

7 A I was the deputy sheriff of Collin County and
8 acting jailer.

9 Q And while you were the jailer for Collin County,
10 did you come in contact with Mr. Charles Watson?

11 A Yes, I did.

12 Q And was he a prisoner under your control?

13 A Yes, he was.

14 Q How long a period of time was he under your control?

15 A Approximately eight or nine months, from the latter
16 part of November 1969 through the first of August of '70.

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#21

1 Q Now, during the 9-month period -- well, would
2 you describe the cell that Mr. Watson had in the jail -- first,
3 was he by himself?

4 A Yes, sir, he was by himself.

5 Q No other prisoners in the cell?

6 A No, sir.

7 Q All right.

8 Will you describe the cell: What was in there,
9 the makeup of the cell?

10 A Well, the cell was approximately 8 foot wide with
11 10 feet deep. It did have two metal bunks, one above each
12 other.

13 There was a shower stall, a commode and a lavatory.

14 Q Did Mr. Watson have anything in there for his
15 personal entertainment?

16 A Well, there was, after a time that he was there,
17 there was a television brought in; he also had a record player
18 and a radio. There was also a small styrofoam ice chest.

19 THE COURT: What is that last one?

20 THE WITNESS: A styrofoam ice chest.

21 Q BY MR. KAY: Now, what type of things would Mr.
22 Watson eat while he was there?

23 A Well, he didn't eat the regular food that we
24 served through the jail, to my knowledge. The tray, we'd
25 put the tray up there and it would usually just sit there and
26 then he would send out or his mother or one of his relatives
27 would bring him certain types of food, such as dietary food,
28 cottage cheese, honey, fruit juices.

21-2

1 Q On various occasions did he ask you to buy food for
2 him?

3 A We would go to the store, which is right around the
4 corner, for him.

5 Q What type of things would you buy?

6 A Well, it used to be the dietary type of foods,
7 such as cottage cheese, honey.

8 Q The whole time that Mr. Watson was in jail did
9 you ever observe him to eat meat?

10 A Not to my knowledge.

11 Q How would you describe Mr. Watson's behavior
12 during the 9-month period that you were there?

13 A Well, if you -- I'd describe it as an ideal
14 prisoner, because there was never any trouble, or he never --

15 Q You'd say he was very well behaved?

16 A Yes, he was a well behaved person.

17 Q Did Mr. Watson ever have any emotional problems
18 while you were there in the 9-month period?

19 A Not that it would show.

20 Q Well, did he ever yell or scream or beat his
21 head against the wall or make any racket?

22 A No, sir; he would always, if he wanted something,
23 he'd usually tap on the door and one of us would go see what
24 he wanted and he'd ask for it in a mannerly --

25 Q Did he always show you a lot of respect?

26 A Yes, he did.

27 Q How did he address you?

28 A As "Mr. King."

1 Q And how would you describe his behavior as
2 opposed to the other prisoners you have had in your experience
3 as a jailer; how would you rate his behavior?

4 MR. BUBRICK: It would be immaterial, your Honor.

5 THE COURT: Sustained.

6 Q BY MR. KAY: How would you describe Mr. Watson's
7 hygiene, personal hygiene habits during this 9-month period?

8 A Very good.

9 Q Did he comb his hair?

10 A Yes, he stayed neat and orderly.

11 Q Did he shave?

12 A He stayed well shaven. Occasionally he would
13 have, maybe two, maybe three-day growth of beard, but not
14 very often.

15 Q Did he brush his teeth?

16 A Yes, he did.

17 Q What type of clothes did he wear?

18 A Well, usually trousers and a sport shirt. He
19 did keep them neat and clean.

20 Q Did he change his clothes quite often to keep
21 clean clothes on?

22 A Yes, he did.

23 Q And what about the inside of his cell; was he neat
24 or was he messy, or what?

25 A No, he tried to keep it real clean.

26 Q At times did he ask either you or one of the
27 other jailers for a mop or broom to clean his cell?

28 A Yes, we would put a mop or broom in to him and we

1 let him do it, if he wanted to.

2 Q Did he read magazines and newspapers?

3 A Yes, he did.

4 Q What type of magazines did he read?

5 A Well, it was more the monthly type magazines.
6 There was a U. S. News and oil report, and possibly a Life
7 or something like that in there.

8 Q What about the newspapers?

9 A Well, it was usually the daily newspapers that
10 we would give him. They'd come to the jail and usually of
11 an afternoon or something we'd put the papers in to him.

12 Q Did his mother ever bring newspapers to him?

13 A Yes, she did.

14 Q How many visitors would he usually have every week?

15 A Oh, I'd say two to three, probably; maybe twice a
16 week, something like that.

17 Q Did you ever notice any bizarre conduct on Mr.
18 Watson's part during this 9-month period, well, that he was
19 under your control?

20 A No, sir, I didn't.

21 Q Did you ever have any conversations with Mr. Watson
22 during this period?

23 A Yes, sir.

24 Q Numerous conversations?

25 A Well, not numerous, but we would -- when I'd be
26 back there we would talk occasionally.

27 Q During these conversations you had with Mr. Watson
28 did you make any assessment of his intelligence?

1 A Well, he could carry on an intelligent conversa-
2 tion with you.

3 Q Did he seem intelligent to you?

4 A Yes, he did.

5 Q Did he ever seem crazy to you at all?

6 A No, sir.

7 Q Did he ever in any way seem mentally ill, to you?

8 A Not to my knowledge.

9 Q Did you see Mr. Watson on September the 11th,
10 1970, the day he came back to California?

11 A Yes, I did.

12 Q Did you notice anything on that day of a change
13 in his hair style?

14 A No.

15 MR. KAY: If I may have just a moment, your Honor?

16 Q Did you give a statement to Mr. Tom Ryan, the
17 County District Attorney in McKinney, Texas?

18 A Yes, sir, I did.

19 Q And you gave that statement on the 27th of
20 October, 1970, approximately?

21 A Approximately; I don't remember exactly the date.

22 Q And Mr. Ryan is now Judge Ryan, he's --

23 A Yes.

24 Q He's a superior court judge there?

25 A A district judge.

26 Q A district court judge?

27 THE COURT: Will you show counsel what you want him to
28 read?

1 MR. KAY: They have already seen it, but I will show it
2 to them again.

3 THE COURT: You don't have to show it to him. You can
4 read it from where you are.

5 MR. KAY: Well, maybe to refresh his recollection.

6 THE COURT: If you want to do that, go ahead.

7 Q BY MR. KAY: From line 11 through line 15; does
8 that refresh your recollection about whether or not there was
9 any change in Mr. Watson's hair style the day he came out to
10 California?

11 A No, there wasn't much of a change. He did possibly
12 have -- it was well groomed and combed back.

13 Q Well, in other words, generally didn't he
14 usually comb his hair back?

15 A Well, it was usually combed back neat.

16 Q And the day he came to California wasn't it combed
17 down in bangs; in other words, somewhat similar to the way
18 he has it now?

19 A Similar to that right there.

20 MR. KAY: I have no further questions.

CROSS-EXAMINATION

BY MR. BUBRICK:

Q Mr. King, Charles has a relative who runs the jail that you worked in at the time in 1970, doesn't he?

A The sheriff of Collin County.

Q The sheriff of Collin County is Charles Watson's uncle; right?

A I believe so.

Q And while he was in the jail, as you have told us, he was in his own home ground, so to speak, wasn't he?

A You could say that.

Q Everybody in town pretty well knew Charles, didn't they?

A Well, not everybody in town. You could have taken Charles out of the cell and walked him around the county courthouse and they wouldn't have known who he was.

Q But his uncle knew who he was?

A That is right.

Q And so did the other members of the family; right?

A Yes.

Q And people who visited him?

A Yes.

Q Now, you were the jailer as I think you have told us; is that correct?

A Yes, sir.

Q During the nine months that you had Charles up there, Charles Watson, up there in jail, you never called him a killer, did you?

1 A No, sir.

2 Q You never called him "Charlie Manson," did you?

3 A No, sir.

4 MR. BUGLIOSI: Irrelevant, your Honor.

5 MR. BUBRICK: Oh, come.

6 THE COURT: I will allow it.

7 Q BY MR. BUBRICK: You never did anything like that,
8 did you?

9 A No, sir.

10 Q You never forced him to eat food you served him on
11 the tray, did you?

12 A No, sir.

13 Q If he didn't want to eat, you just took it away,
14 didn't you?

15 A That is right.

16 Q There were no other people around the cell block
17 so far as you knew screaming at him, were there?

18 A Not to my knowledge. There possibly could have
19 been, but right up above his cell there is a window way which
20 goes to another tank upstairs, another cell block, and there
21 was prisoners up there and usually most of all of them knew
22 who was down below and there might have been some comment to
23 him there.

24 Q But you never heard anybody saying, "If you don't
25 testify for Charlie Manson, we'll fix you," or things of that
26 nature, did you?

27 A No, sir.

28 Q No threats were directed against him while he was

1 an inmate of your jail, so far as you know?

2 A No, sir.

3 Q What sort of clothes did he wear, Mr. King? Was
4 it the jail clothes or was it civilian clothes?

5 A It was civilian clothes.

6 Q And they were always neat and clean, weren't they?

7 A Yes, sir. His mother would bring them.

8 Q Would bring in them almost every other day, wouldn't
9 she?

10 A I would say about twice a week.

11 Q Didn't somebody from the family visit every other
12 day?

13 A Not every other day.

14 Q Whenever they visited, they brought him clean
15 clothes and took back the old clothes, didn't they?

16 A That is right.

17 Q He never washed any clothes in jail, did he?

18 A No, sir.

19 Q And the same with food, there would be some, you
20 know, fairly decent quantities of food brought in from time
21 to time, wouldn't there?

22 A Yes, there would.

23 Q And then he would eat that and then the next visit
24 something would be brought to him, wouldn't it?

25 A There would.

26 Q Did you ever see him spit around the floor in your
27 jail?

28 A No, sir.

1 Q Pretty clean, wasn't he?

2 A Yes, he was.

3 Q He showered regularly?

4 A Yes, sir.

5 Q And he could take a shower any time he wanted to,
6 couldn't he?

7 A Any time.

8 Q Didn't have to wait in line?

9 A No, sir.

10 Q And he wasn't told he could shower once or twice
11 a day either, was he?

12 A No.

13 Q When ^{you} did talk to him, Mr. King, what did you talk
14 about?

15 A Years later the local events as maybe the football
16 games here in the latter part of '69 and weather conditions or
17 things of that sort.

18 Q Just a lot of little small talk, right?

19 A Yes.

20 Q Did you ever get involved with him in any philo-
21 sophical discussions?

22 A No, I never did.

23 Q Ever talk about world affairs?

24 A No, sir.

25 Q Ever talk about world leaders?

26 A No, sir.

27 Q Or, you know, the difficulty the United States is
28 in at the moment, you know, monetarily, unemployment, things of

1 that nature?

2 A No, sir. We never talked of that.

3 Q And I take it when you did talk with him, it was
4 just for a few minutes at a time; is that right?

5 A Yes, sir.

6 Q Do you have any idea, Mr. King, how often his
7 mother would come and see him in jail?

8 A She would come in at least once a week, possibly
9 twice. His father would come occasionally. His sister and
10 brother-in-law would come.

11 Q Wouldn't they sort of alternate so that they all
12 didn't come at the same time?

13 A Yes, sir.

14 Q So that usually somebody was visiting pretty much
15 every day or every other day he would have some visitors?

16 A No, sir, not every other day. Twice a week usually.
17 I think in the first part of the week and toward the latter part
18 of the week I believe his mother and father would usually --
19 or his sister would come on Saturdays.

20 Q Do you have any recollection, Mr. King, of any
21 officers other than the officers of your sheriff's department
22 being with Charles Watson in that jail or in the cell room with
23 him?

24 A No. No one other than possibly the county attorney.

25 Q Do you have any recollection of any Los Angeles
26 Police Department officer ever being up in the cell with Charles
27 Watson?

28 A No, sir. There never was so far as I know.

1 Q Do you have any recollection of Charles Watson
2 every being brought down to the cell when there was a Los
3 Angeles Police Department officer in the jailhouse?

4 A Well, he might have, there might have been one in
5 the office and he had to walk by the door in front of the
6 office to come by the stairs to go back to his cell, but so far
7 as one of them ever talking to him, there never was so far as
8 I know.

9 Q Was that sort of a standing order in the jail by
10 Mr. Montgomery?

11 A To let him go upstairs and then come back down?

12 Q To keep officers who were not assigned to the jail
13 away from Mr. Watson?

14 A Not necessarily, just our own departmental officers,
15 they did have access to the jail, but no other officers.

16 Q I am talking about officers from other jurisdictions
17 like Los Angeles Police Department or the Los Angeles Sheriff's
18 Department?

19 A He advised us not to let anyone see him. His
20 attorney there in Texas also advised him.

21 Q So far as you know, that order was carried out?

22 A While I was on duty, it was.

23 Q You were there when Mr. Watson left the jail; is
24 that correct?

25 A I was there the morning he left that afternoon.

26 Q I take it when you left, that is when your tour
27 of duty was over, you were replaced by another deputy; is that
28 correct?

1 A That is right.

2 Q Were there three of them? Was there a 24-hour
3 shift?

4 A Well, I left at 4:00 in the afternoon and there
5 was from 4:00 to 8:00 there was another, usually one of the day
6 men were still there and then the night man came in at 8:00.

7 Q 8:00 at night?

8 A Yes, sir.

9 Q Was Charles ever in a cell with anybody else in
10 the nine months that you were there?

11 A No, sir.

12 MR. BUBRICK: I have no further questions.

13

14

REDIRECT EXAMINATION

15

BY MR. KAY:

16

17 Q I take it, Judge, that you stopped being the
18 jailer on August the 1st, 1970?

18

19 A Yes, sir.

20

21 Q And how was it that you happened to see Mr. Watson
22 on September the 11th?

22

23 A Well, I had some business in the courthouse that
24 morning and on the way to McKinney from where I lived, which
25 is in the southeast part of the county, I heard a radio broad-
26 cast that he was being transferred back to California that day,
27 so I just stopped by, went in and went back and talked to
28 Charles for a few minutes, just sort of to bid him goodbye
and wished him whatever might come of this thing.

28

Q I take it his uncle is still the sheriff?

1 A Yes.

2 Q How long has he been the sheriff?

3 A Since the first of '69.

4 Q So you would say generally that all and all Mr.
5 Watson was treated pretty well back there, wouldn't you?

6 A He was treated well.

7 MR. KAY: I have no further questions.

8
9 RECROSS EXAMINATION

10 BY MR. BUBRICK:

11 Q Mr. King, does he look any different now than he
12 did that day he left Collin County for Los Angeles?

13 A Not much difference. As a matter of fact, he
14 looks like he may have on the same coat.

15 Q Does he look about the same in weight?

16 A Yes.

17 Q Do you have any idea what he weighed when he left
18 McKinney?

19 A I would say approximately 120 or 125.

20 Q As a matter of fact, when he left you wished him
21 luck, didn't you?

22 A Yes, I did.

23 MR. BUBRICK: I have no further questions.

24 MR. KAY: Nothing further.

25 THE COURT: Thank you, Judge. You may be excused.

26 MR. BUGLIOSI: Does the Court wish to take a recess?

27 THE COURT: Yes. We will have our afternoon recess at
28 this time.

1 Ladies and gentlemen of the jury, we will have our
2 afternoon recess at this time. Once again, please heed the
3 usual admonition.

4 (Recess.)

23f.

28

#23

1 THE COURT: People against Watson.

2 Let the record show all jurors, counsel and the
3 defendant are present.

4 MR. BUGLIOSI: People call Stephanie Schram.

5 THE CLERK: Raise your right hand, please.

6 You do solemnly swear that the testimony you may
7 give in the cause now pending before this court shall be the
8 truth, the whole truth, and nothing but the truth, so help you
9 God?

10 THE WITNESS: Yes.

11
12 STEPHANIE SCHRAM,

13 called as a witness by the people in rebuttal, testified as
14 follows:

15 THE CLERK: Thank you.

16 Be seated, and would you state and spell your
17 name, please.

18 THE WITNESS: Stephanie Schram; S-t-e-p-h-a-n-i-e;
19 S-c-h-r-a-m.

20 THE CLERK: Thank you.

21
22 DIRECT EXAMINATION

23 BY MR. BUGLIOSI:

24 Q How old are you, Stephanie?

25 A 19.

26 Q And you know the defendant in this case, Charles
27 Watson?

28 A (Nods head.)

23-2

1 Q You have to answer out loud.

2 A Yes.

3 Q You also know Charles Manson?

4 A Yes.

5 Q When did you first meet Mr. Manson?

6 A On, I think, the 3rd of August, a Sunday, in
7 Big Sur.

8 Q August 1969?

9 A '69.

10 Q And was he driving a truck at that time?

11 A Yes.

12 Q And did you start going with him from that moment
13 on?

14 A Yes.

15 Q Okay.

16 Where did you meet him in Big Sur, a gasoline
17 station?

18 A Yes.

19 Q So he took you on the truck with him and you
20 started living with him?

21 A Yes.

22 Q Did you remain in Big Sur for any period of time?

23 A Yeah, about three or four days.

24 Q Was he alone at the time?

25 A No, he had two guys with him.

26 Q Okay.

27 Did they remain with him while you were with him
28 in Big Sur?

23-3

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A For about a day.

Q Then the remainder of the time you and Manson
were alone?

A Yes.

1 Q This truck that he had, did it appear to be a
2 baker van?

3 A Yes.

4 Q White or cream colored?

5 A Yes.

6 Q Rather old? About a 1952?

7 A Yes.

8 Q Ford?

9 A Yes.

10 Q Where did you and Mr. Manson go from Big Sur?

11 A We spent about three days in Big Sur, then we
12 went down to the ranch.

13 Q Spahn Ranch?

14 A Spahn Ranch.

15 Q When did you arrive at Spahn Ranch?

16 A I guess about the 5th or 6th, the 6th of August.

17 Q Of August 1969?

18 A Yes.

19 Q Did you go anywhere from there with Mr. Manson?

20 A Yes. Then I went down to San Diego.

21 Q With Mr. Manson?

22 A Yes.

23 Q Who was in San Diego?

24 A My sister.

25 Q Why did you and Mr. Manson go down to San Diego?

26 A To get some clothes, things to live with.

27 Q And when did you leave Spahn Ranch for San Diego?

28 A On the 7th of August.

1 Q August the 7th, a Thursday, 1969.

2 About what time of day did you leave Spahn Ranch
3 for San Diego?

4 A Sometime in the morning, probably about 10:00,
5 something like that, I think.

6 Q About 10:00 a.m. then on Thursday, August the
7 7th, 1969 you left Los Angeles with Mr. Manson en route to
8 San Diego.

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q En route did Mr. Manson get a traffic ticket?

13 A Yes.

14 Q And where was that near?

15 A Oceanside.

16 Q About what time of day was it?

17 A It was in the evening.

18 Q This would be August the 7th then?

19 A Yes.

20 Q In the evening, 1969; is that correct?

21 A Yes, sir.

22 Q Then you arrived down in San Diego that evening?

23 A Yes, sir.

24 Q And you went to your sister's place?

25 A Yes.

26 Q And you picked up some clothing there?

27 A Yes.

28 Q Did you stay overnight at your sister's place?

1 A We spent the night in San Diego but not at my
2 sister's.

3 Q So you and Mr. Manson had stopped at your
4 sister's place but then you went to San Diego and spent the
5 night there?

6 A Yes.

7 Q In San Diego inside the truck?

8 A Yes.

9 Q Did you then eventually return to Los Angeles?

10 A Yes.

11 Q When did you return to Los Angeles? When did you
12 leave San Diego for Los Angeles?

13 A The next morning.

14 Q That would be August the 8th, 1969?

15 A Right.

16 Q Friday?

17 A Yeah.

18 Q About what time of day did you leave San Diego for
19 Los Angeles?

20 A The morning, early.

25R-1

1 Q Approximately.

2 A 8:00 or 9:00 o'clock.

3 Q And approximately what time did you arrive at

4 Spahn Ranch on Friday, August the 8th, 1969?

5 A Around noon, something like that.

6 Q Well, if anything, was it before noon or after

7 noon?

8 A After.

9 Q So, it would be after 12:00 o'clock?

10 A Yeah.

11 Q Do you remember telling me at an earlier time that

12 it was around 1:00 or 2:00 o'clock?

13 A No.

14 Q In any event, it was after 12:00?

15 A Yeah.

16 Q And then you started to live with the family for

17 a period of time?

18 A Yes.

19 Q You eventually went up to Death Valley with them?

20 A Yeah.

21 Q Now, with respect to Mr. Watson, did you ever have

22 any conversations with Mr. Watson while you were living at

23 Spahn Ranch with the family?

24 A Not very much, just a little.

25 Q All right. Would you relate what those conversa-

26 tions were?

27 MR. BUBRICK: Could we know when, your Honor, some

28 foundation?

1 Q BY MR. BUGLIOSI: Would this be in August of 1969?
2 A Yes.
3 Q In Spahn Ranch?
4 A Yes.
5 Q All right; you may continue.
6 A The only thing I can think of that I ever talked
7 to him about is that I was a little bit hung-up with the past
8 and the future; and I can recall him sometimes saying to me
9 that it wasn't very cool to be thinking about anything except
10 what is happening right now.
11 Q Mr. Watson told you this?
12 A Yeah.
13 Q On more than one occasions?
14 A A couple of times.
15 Q Would you ask him for his advice or --
16 A No.
17 Q -- or would you be saying something then he would
18 talk?
19 A I'd be saying something or thinking something, and
20 he could tell.
21 Q Then he would say that to you --
22 A Yeah.
23 Q -- "Just be concerned with the present"?
24 A Yeah.
25 MR. BUGLIOSI: Thank you. No further questions.
26
27
28

CROSS-EXAMINATION

1
2 BY MR. BUBRICK:

3 Q Did Mr. Manson also tell you to be only concerned
4 with the present?

5 A Yes.

6 Q That was pretty common gossip, or pretty common
7 talk around the ranch, wasn't it?

8 A Yeah.

9 Q Everybody kind of talked about just living for
10 today?

11 A Mm-hmm.

12 Q So that wasn't very original with Watson, was it?

13 A No.

14 Q Are you pretty sure about these time sequences you
15 have told us about, Stephanie?

16 A Yeah.

17 Q You are sure you are not a little hazy or kind
18 of --

19 A No, I don't think --

20 Q -- trying to think about the two-year period, now?

21 A The only reason I'm sure of the dates is because I
22 remember the 1st of August that I was in Reno, Nevada; and
23 from then I can remember certain dates.

24 Q Well, how about the dates of the 7th and 8th?

25 I know you got the ticket the night of August the
26 7th in Oceanside --

27 A Right.

28 Q -- and you spent that night in the San Diego area

1 before you came back?

2 A Right.

3 MR. BUBRICK: I have nothing further, your Honor.

4 MR. BUGLIOSI: Just one more question.

5
6 REDIRECT EXAMINATION

7 BY MR. BUGLIOSI:

8 Q You say that Mr. Manson was driving what appeared
9 to be a baker van, a white baker van, when he picked you up
10 in Big Sur.

11 Was he also driving that same truck when you got
12 the ticket in Oceanside?

13 A Yes.

14 MR. BUGLIOSI: Thank you.

15 No further questions.

16 THE COURT: Thank you, you may be excused.

17 MR. BUGLIOSI: I have a stipulation. May it be stipulated
18 that Officer Richard C. Wills of the California Highway Patrol
19 be deemed to have been called by the People in court, was
20 duly sworn and testified as follows:

21 That on August the 7th, 1969, at approximately
22 6:15 p.m., he gave a traffic ticket to Charles Manson while
23 Manson was driving southbound near Oceanside, California, and
24 that Mr. Manson was driving a 1952 Ford baker van, plain
25 colored?

26 So stipulated?

27 MR. BUBRICK: Yes, I will so stipulate.
28

#26

1 MR. BUGLIOSI: May we approach the bench, your Honor.

2 (The following proceedings were had at the bench.)

3 MR. BUGLIOSI: I have to apologize. We ran out of
4 witnesses again. I had a psychiatrist that just came in
5 from Atascadero, but he is not available right now. He just
6 came in about a half an hour ago. I have no one else to
7 call right now. I'm sorry.

8 THE COURT: All right. As I said before those things
9 happen. We can anticipate those things. We will recess.
10 What time can we start? 9:30?

11 MR. BUGLIOSI: 9:30.

12 THE COURT: All right.

13 (The following proceedings were had in open court.)

14 THE COURT: Ladies and gentlemen of the jury, again we
15 will recess at this time to 9:30 tomorrow morning.

16 During the recess do not form or express any
17 opinion in this case.

18 Do not discuss it among yourselves or with anybody
19 else. Please keep your minds open and remember what I
20 advised you about the news media. Thank you.

21 (An adjournment was taken until Thursday, September
22 23, 1971 at 9:30 a.m.)
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