

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff-Respondent,
vs.
CHARLES WATSON,
Defendant-Appellant.

8019

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE ADOLPH ALEXANDER, JUDGE PRESIDING

REPORTERS' TRANSCRIPTS ON APPEAL

APPEARANCES:

For Plaintiff-Respondent: THE STATE ATTORNEY GENERAL
600 State Building
Los Angeles, California 90012
622-4191

For Defendant-Appellant: CHARLES WATSON,
In Persona Propria

Harold E. Cook
and
Clair Van Vleck
Official Reporters
111 North Hill Street
Los Angeles, California 90012

VOLUME

PAGES 4768 to 5037, incl.

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 LOS ANGELES, CALIFORNIA, MONDAY, SEPTEMBER 27, 1971, 10:00 A.M.

2 --oOo--

3 THE COURT: Gentlemen.

4 People against Watson.

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

7 MR. BUGLIOSI: Thank you, your Honor.

8 People call Dr. Eklund.

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 EDWARD E. EKLUND,

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 and would you state and spell your name, please?

21 THE WITNESS: Edward E. Eklund, E-k-l-u-n-d.

22 THE CLERK: Thank you.

23 DIRECT EXAMINATION

24 BY MR. BUGLIOSI:

25 Q Doctor, are you a medical doctor, licensed to
26 practice in the State of California?

27 A Yes.

28 Q Is your medical specialty psychiatry?

1 A Yes.

2 Q Are you presently at Atascadero State Mental
3 Hospital?

4 A Yes.

5 Q What is your position at Atascadero?

6 A I am the associate medical director.

7 Q How long have you been at Atascadero?

8 A A little over six and a half years.

9 Q Are the patients at Atascadero all criminal defen-
10 dants?

11 A Not criminal defendants; Atascadero State Hospital
12 is a maximum security hospital that serves the entire state.

13 We get many referrals from courts all over the
14 state and many of them are defendants, some have been convicted
15 and then found not guilty by reason of insanity.

16 All of the mentally disordered sex offenders we
17 treat have all been convicted; and then we also get those
18 found to be presently insane and those are not convicted, but
19 their charges are pending.

20

21

22

23

24

25

26

27

28

2f.

1 Q Are they all charged or convicted of some crime,
2 charged with or convicted of some crime?

3 A All of the people we treat at Atascadero are
4 criminal offenders of some kind.

5 Q All right. That is the point I was trying to make.
6 They all either have actual or alleged mental
7 illness; is that correct?

8 A Yes, that is correct.

9 Q Could you please relate to the judge and the jury
10 your background and training in the field of medicine and
11 psychiatry?

12 A Well, I graduated from medical school in 1948.
13 I had training for general practice, although I
14 have always had an interest in psychiatry.

15 I was in general practice five years and did a lot
16 of office psychiatry. Then I --

17 Q Would you please relate where these things took
18 place? Where did you graduate from and where you worked.

19 A I graduated from New York Medical College in 1948.
20 I attended at the Orange County General Hospital, '48 to '49
21 and then I took two and a half years of general residency
22 aimed at general practice.

23 Then I served on the staff at Napa State Hospital
24 for a year and a half as a physician and surgeon. Then I was
25 in general practice for about five years in the City of Napa
26 and in 1957 I returned to Napa State Hospital as a staff
27 psychiatrist and qualified for their career residency program
28 and I started that, I think, in 1959 and completed it in '61

1 and I have been in the Department of Mental Hygiene ever since.

2 I have restricted my practice to psychiatry only
3 since '57 and then I was successful in passing civil service
4 examinations and was promoted to assistant superintendent
5 psychiatric services at Atascadero State Hospital.

6 I started to work there January 3rd, 1966. Six
7 months later I was promoted to associate and I have been
8 associate since then.

9 Q During that period of time, you have seen literally
10 thousands of criminal cases, criminal defendants at Atascadero?

11 A Yes.

12 Q And you have examined how many during that period
13 of time, approximately?

14 A Many, many.

15 Q In the hundreds or thousands?

16 A I don't know. I work 40 hours a week and I examine
17 -- well, I have examined many, many people. I couldn't put
18 any sort of estimate on it.

19 Let's take the ones I have examined at Atascadero.
20 Over a period of six and a half years, I have done many examina-
21 tions.

22 For a long time I conducted staff conferences
23 twice a week and I would see 25 patients in an afternoon.

24 Q So it is at least in the several hundreds; is that
25 correct?

26 A I don't know how many I've examined. I don't
27 believe I could give you any sort of number.

28 Q I realize that, Doctor.

A I have examined and evaluated many, many patients
at Atascadero Hospital during the last six and a half years.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

#3
1 Q You have also examined criminal defendants when
2 you were not at Atascadero, but elsewhere?

3 A That's right; I have also done work where I was
4 appointed by the court and I examined the patient at the
5 county jail or county mental health services, or something
6 like that.

7 I did those examinations before I ever came to
8 Atascadero.

9 Q Have you qualified in a court of law before as
10 an expert in the field of psychiatry?

11 A Oh, yes.

12 Q Many times?

13 A Many times.

14 Q And you have testified many times before as to
15 a defendant's state of mind at the time of a crime?

16 A Yes, many times.

17 Q Directing your attention to defendant Charles
18 Watson, I take it you know him.

19 A Yes.

20 Q And when did you first see Mr. Watson at
21 Atascadero?

22 A The night he was admitted.

23 Q I believe this was October 30 or 31, 1970?

24 A Yes, he was admitted October 30, 1970, in the
25 evening; and our medical officer of the day -- I had told
26 that medical officer of the day about his coming and I told
27 him if he wanted me to come down, take a look at him with him,
28 I would; and so he asked me if I could come in, so I came into

3-2

1 the hospital and saw Mr. Watson right after he had been taken
2 to ward 14.

3 I saw him in bed with the other doctor. We went
4 over him then. I asked him a number of questions and we also
5 offered him at that time some liquid nourishment, which he
6 drank very eagerly.

7 Q What were your duties at Atascadero with respect
8 to Mr. Watson?

9 A Well, when he was first admitted I was not his
10 attending physician; but about two months after he was
11 admitted to the hospital I became his attending physician
12 and saw him on a more or less daily basis.

13 Q Other than holidays and weekends, of course?

14 A Right; I work Monday through Friday and I don't
15 ordinarily work holidays, so I saw him at -- except for those
16 times, I saw Mr. Watson daily.

17 Q Even before you became his attending physician
18 did you see him quite frequently at Atascadero?

19 A Well, no, I didn't see him frequently. I saw
20 him the night of his admission and, of course, I also conferred
21 with Dr. Owre on many occasions and I had a number of phone
22 calls from various people and I was in touch with the ward
23 where Mr. Watson was a patient on many occasions by telephone.

24 Q This was even before you became the attending
25 physician?

26 A Yes, this was in the interval from October to
27 around the first of January 1971.

28 Q And you were his attending physician, then, for

3-3

1 approximately what period of time?

2 A Well, sometime around the 1st of January 1971
3 I took over this ward where Mr. Watson was a patient and
4 I went there daily to make ward rounds, to examine patients,
5 to do sick call, to make other decisions in regard to, you
6 know, what we would do with any patient on the ward; and so
7 I saw Mr. Watson more or less on a daily basis,

8 Now, on some days I would just say, "Hi, Tex," and
9 he would say, "Hi, Doc" and that would be all there was to it;
10 but I saw him in the day room and there were other times when
11 I sat down and had a fairly long conversation with him or
12 interviewed him or asked him various questions.

13 Q What period of time did you examine him on a day-
14 to-day basis; was this one week or two months or what?

15 A You mean cumulative time spent with Watson?

16 Q What time --

17 THE COURT: When to when?

18 Q BY MR. BUGLIOSI: -- were you his attending
19 physician, from --

20 A I was his attending physician from the early
21 part of January 1971 until he left the hospital --

22 Q When was that?

23 A -- when he was discharged --

24 Q Yes.

25 A -- to go back to court?

26 Q Yes.

27 A I mean, to go back to Los Angeles.

28 Let's see -- I don't have the full record here.

1 Is the original record here for me to refer to?

2 THE COURT: Yes, the original record is here.

3 THE WITNESS: That would be more helpful to me because
4 I only have a small part of his chart here.

5 Q BY MR. BUGLIOSI: Doctor, just briefly what period
6 of time were you his attending physician up there, one week
7 or one month --

8 A It was several months.

9 Q Several months, all right.

10 A Several months.

11 The original record would be helpful.

12 Q All right, but now, at least for a couple of
13 months you were his attending physician up there; is that
14 correct?

15 A Yes.

16 Q Now, during that several months' period of time
17 how would you describe Mr. Watson as a patient?

18 How would you describe him as a patient; what
19 type of a patient was he?

20 A He was a very cooperative patient.

21 Q All right.

22 Would you elaborate on that a little bit?

23 A Well, he did almost everything asked of him without
24 any sort of question. His behavior at all times was normal;
25 at no time was any abnormal behavior of any kind reported to
26 me and at no time have I ever observed any abnormal behavior
27 of any kind on his part.
28

#4

1 Q You say he was cooperative?

2 A Very cooperative.

3 Q Did you form any opinion during your observations
4 of Mr. Watson over this extended period of time as to his
5 intelligence?

6 A Yes.

7 Q What was that opinion?

8 A From a clinical estimate I would have estimated
9 his intelligence to be at least 110 I.Q. or perhaps even a
10 little over that.

11 Q You felt that he was above average in intelligence?

12 A Yes.

13 Q In psychiatric parlance up at Atascadero is there
14 such a term called a bug act?

15 A Yes.

16 Q What is a bug act?

17 A Well, we get many patients from the courts who
18 have misled the court appointed examiners and the court and
19 they have behaved in unusual ways, or they have said they
20 hear voices or they have said they see visions or something
21 and they are sent to us usually as unable to stand trial.

22 Then we keep them up there and we don't try to
23 make a diagnosis until they have been up there for about five
24 weeks. During that time we can observe them.

25 In many cases then we can sit down with the
26 patient five weeks after they have been admitted and say,
27 "Look, your behavior is entirely normal. You have been kidding
28 the others saying you are mentally ill and all that," and in

1 many cases the patient will say, "Well, yea, I was, but if
2 got sent up again I would have to go to prison for 10 years,"
3 and so they admit it.

4 Then usually we send a report back to the court
5 that this man admitted that he was pulling the bug act and
6 that he admitted that he had made statements to the court
7 appointed examiners and others that were not true.

8 Q Mr. Watson never admitted that he was pulling any
9 bug act?

10 A No.

11 Q Although he did not admit that, did you form any
12 opinion during your observations of him at Atascadero, did
13 you form any opinion whether or not he was feigning mental
14 illness?

15 A Yes, I felt he was feigning mental illness.

16 Q This is based on your observation of him over
17 an extended period of time?

18 A That is correct.

19 Q During your observations of Mr. Watson, while you
20 were the attending physician, did you see any symptoms in
21 Mr. Watson whatsoever in the way he moved, in the way he
22 talked, in the way he responded, did you see anything at all
23 that indicated to you as a psychiatrist that he was mentally
24 ill?

25 A No. All of Mr. Watson's behavior appeared to me --
26 and Dr. Owe and I discussed his case at great length privately
27 and we also discussed his case at great length after he was
28 tested and we went over the test results and I came to the

1 conclusion, along with Dr. Owre, that there was nothing
2 whatsoever wrong with Mr. Watson. I didn't see him as having
3 brain damage either at any point.

4 Q You have seen people at Atascadero who in your
5 opinion did have brain damage?

6 A I have examined and evaluated many brain damaged
7 individuals.

8 MR. BUGLIOSI: Thank you. No further questions.
9

10 CROSS-EXAMINATION

11 BY MR. BUBRICK:

12 Q Dr. Eklund, you say that Watson was a very
13 cooperative patient in all respects?

14 A Mr. Watson was extremely cooperative and very
15 pleasant and a very nice person to be around.

16 Q Is that sort of typical behavior of inmates at
17 Atascadero?

18 A Yes, that would be typical behavior. Atascadero
19 is a very highly structured environment that is conducive to
20 cooperation and many of our patients -- or I would say the
21 greater majority of our patients are well behaved, very
22 cooperative and we have no problems.

23 Q Is that also true of patients in ward 14?

24 A The majority of the patients on ward 14 are
25 pretty well behaved, although we do have there some patients
26 who are more likely to act out aggressively and suddenly and
27 we have an increase in staffing on this ward for that reason,
28 but we try to prevent any sort of aggressive behavior, of one

1 patient toward another, and most of the time on ward 14 we
2 have patients who are cooperative. There are incidents that
3 occur, especially incidents where something happens and we
4 write this up and put it in the record explaining what
5 happened, who did what to whom and so on.

6 Q Are there any areas in which you thought Mr. Watson
7 was not cooperating?

8 A There was only one single time that Mr. Watson was
9 reported to me as not being cooperative and that was after
10 he had been with us for quite a while and he apparently felt
11 more confident and he stopped eating meat and this was
12 reported to me and I had a long conversation with him about
13 this and he told me he was a vegetarian and he didn't like
14 meat.

15 At that point I said to him, "Well, if you don't
16 want to eat meat, you don't have to eat meat. We will give
17 you something else."

18 And that was when I prescribed the peanut butter.

R-1

1 Q But wasn't there a lot of spitting up on his part
2 in conjunction with the eating of meat?

3 A I don't believe so.

4 Q You are not aware of any spitting up on his part?

5 A None was reported to me.

6 What sort of spitting up are you referring to?

7 Q Well, the inability of Mr. Watson to keep meat on
8 his -- you know, to keep meat down.

9 A Well, he didn't like to eat meat. When he first
10 came to the hospital, he was told, more or less, "Eat your
11 meat," and he did so.

12 Then later on when he realized that we weren't
13 going to punish him or be mean to him for these things and his
14 confidence increased, then is when he started showing the dis-
15 taste for eating meat and he did -- I don't think it was spit-
16 ting up; he would take some meat into his mouth, he would spit
17 it out in his plate, if that's what you mean by spitting up;
18 but then he finally reached the point where he didn't eat it
19 at all, and it was at this point that I talked to him about
20 this behavior and he explained to me that he was a vegetarian
21 and that he didn't like meat, and it was at that point that I
22 told the nursing staff, "Don't try to make him eat his meat.
23 If he doesn't eat meat, he doesn't have to eat meat."

24 Q Do you remember about how long this went on?

25 A No, I don't.

26 Q Is that the only area -- is that the only incident
27 where you know of that he was uncooperative with the authori-
28 ties?

1 A It's the only one that I can recall where he was
2 uncooperative.

3 In other areas, he was quite cooperative. I can't
4 think of any other instance when it was reported to me when he
5 was uncooperative at all.

6 It depends on what you mean by uncooperative. If
7 by uncooperative you mean he wouldn't talk about certain things,
8 then, yes, he was uncooperative.

9 I don't know what you mean by uncooperative.

10 Q I don't know; I am just repeating your expression:
11 You found him to be a very cooperative patient.

12 A Yes.

13 Q Whatever that means.

14 A Yes. He was very cooperative and we had practically
15 no trouble with Watson.

16 I asked one time -- I was talking to one of the
17 nursing service people and I said, "How is he getting along?"
18 and they said, "I wish all our patients were like Mr. Watson."

19 Q In other words, he wasn't giving anybody any
20 trouble, he wasn't fighting or verbally abusive or anything of
21 that nature?

22 A No, he never fought, he never did anything. He did
23 almost anything he was asked; he was very cooperative, agree-
24 able, pleasant patient.

25 He socialized with some patients and talked with
26 them and, of course, he talked a lot more with people at nursing
27 service level. On times when I talked to him, I immediately
28 appreciated that there were certain areas that he just didn't

1 want me to touch upon, and since I was only his attending
2 physician at the time, I didn't try to push matters here or
3 get him to talk about the circumstances of his offense or any-
4 thing of that, because this upset him and he just, you know --
5 certain things he just wouldn't talk about.

6 Q That's not unusual, is it, for defendants who go
7 up there involved with criminal cases?

8 A No, it is not unusual. In many cases, a patient's
9 lawyer tells him, "Don't talk about this, don't talk about
10 that, don't talk about so on. Just do what they tell you until
11 you come back here."

12 Q So it is quite possible that Mr. Watson was reacting
13 the same way as the result of advice?

14 A It is very possible that his cooperation and being
15 agreeable and all that was partly, at least, because he had
16 been advised to cooperate, yes.

17 Q I mean, the fact that he didn't talk about the
18 facts surrounding his offense, could very well have been as a
19 result of prior instructions?

20 A That's possible; that's possible, but he certainly
21 got upset when anyone tried to get into this area.

22 With Dr. Owre, he became quite hostile and angry
23 and at one point, he said to Dr. Owre, "I could kill you
24 easily."

25 Q Were you there when that occurred?

26 A No; Dr. Owre related it to me. It was during an
27 interview that Dr. Owre had with Mr. Watson.

28 Q Were you aware of the fact that apparently the

1 technicians were wrestling Mr. Watson about?

2 A No, I wasn't aware of that.

3 Q Well, isn't that part of the therapy at Atascadero?

4 A Wrestling patients about?

5 Q Yes, yes.

6 A No, of course not.

7 No, we treat all patients as humanely as we can.
8 We do sometimes use restraint for various purposes.

9 Restraints we use are leather restraints; we only
10 use restraints as necessary.

11 Now, when Mr. Watson first came to the hospital,
12 he was admitted directly to our maximum security ward and at
13 first he went into wrist and ankle restraints. This is our
14 standard procedure that we follow with any direct admission to
15 this ward.

16 And he was cooperative and he came out of these
17 restraints and he was up on the ward in wrist restraints.

18 Now, during the time he was in this back area and
19 before he was coming out in the day room, he was gotten up at
20 intervals to be showered, for nursing care, for other things;
21 and at this time he was, you know, held onto by our technicians
22 and taken into the shower; but I don't recall at any time that
23 he resisted the technicians or actually wrestled with them, and
24 our technicians do not engage in any sort of wrestling with
25 the patients unless it is necessary to bring them under control
26 for some reason. I don't recall Mr. Watson ever became
27 resistive or uncooperative, physically.

28 Q Are you telling us, Dr. Eklund, that it is not

1 part of the policy and it is not part of the therapeutic
2 technique to have technicians wrestle with inmates?

3 A Will you repeat that?

4 Q Are you telling us, then, that it is neither part
5 of the policy of Atascadero nor a recognized therapeutic
6 technique at Atascadero to have technicians wrestle inmates
7 around?

8 A No, it is not part of the therapy.

9 Q All right.

10 A It is not part of the therapy in any part of
11 Atascadero State Hospital, the entire hospital.

12 The only time we -- as a matter of fact, we don't
13 permit wrestling in the gym between the patients, or boxing.

14 Q But if it were done as a result of an order by a
15 doctor to one of his technicians, that would have been against
16 your approval; is that correct?

17 A I would never order a technician to wrestle with
18 a patient.

19 Q Nor would you permit it as part of a therapeutic
20 technique?

21 A No, I would not; and if any employee engaged in
22 any behavior of that sort, he would be disciplined.

23 Q Do you outrank Dr. Owre?

24 A Yes, I'm his immediate superior.

25 He is an assistant director and I am an associate
26 director, so I am in the next level authority over Dr. Owre.

#6

1 Q BY MR. BUBRICK: Did Dr. Owre ever report to you
2 that he had ordered a technician to wrestle Mr. Watson about
3 as part of a therapeutic technique?

4 A Well, not Dr. Owre. Dr. Morgan had some ideas
5 about having some physical contact with the patient with the
6 idea of determining how aggressive he would become in this
7 situation and it involved grabbing ahold of him by the hand,
8 going like this (indicating) and so on.

9 To my knowledge I don't believe Dr. Morgan did
10 anything of that nature with Mr. Watson.

11 Q How about Dr. Owre?

12 A I don't think so. No, because, you see, Dr. Owre
13 came to ward 14 to evaluate Mr. Watson, but he was never
14 really in charge of Mr. Watson's immediate treatment program.

15 That was on ward 14, and was under my direction
16 from January 1971 on and prior to that time, from October to
17 January, Dr. Morgan, who subsequently resigned, was Mr.
18 Watson's ward doctor or attending physician, so the answer
19 to that question is no.

20 Q You are not aware of that on the part of Dr. Owre?

21 A No.

22 Q You wouldn't approve of it if you had known about
23 it; is that correct?

24 A I would not have approved of it, no.

25 Q Now, you say that --

26 A If it did occur.

27 Q Sir?

28 A If it did occur. I personally doubt very much that

1 that could occur at Atascadero, or did occur.

2 Q If Dr. Owre says it occurred, you would believe it
3 occurred, would you not?

4 A I would believe -- yes, if Dr. Owre told me that,
5 I would believe it.

6 Q Now, your clinical estimate of Mr. Watson's
7 intelligence was 110 or above; is that correct?

8 A Yes. I saw him as an above average in intelligence.

9 Q But you know that wasn't the way he scored on the
10 tests, do you not?

11 A That is right. He scored down around 80 on the
12 tests.

13 On the Wechler Adult Intelligence Scale he got a
14 score of somewhere around 80 and this was certainly inconsistent
15 with my observations of Mr. Watson.

16 Actually the way he performed on the ward was
17 quite intelligent. He was able to perform some work assignments
18 that we wouldn't ever, you know, let someone who was brain
19 damaged perform.

20 Q But most of the things he did were as a result of
21 direct orders given to him, were they not?

22 A Yes. He was asked to do various things. He
23 performed various tasks and he did work in our diet kitchen
24 and did various things there.

25 Q Did you ever see him read any books?

26 A He wasn't terribly interested in reading. He
27 used to watch TV and he listened to music quite a bit.

28 Q Spent most of his time sitting in a chair looking

1 out the window, if he wasn't watching the TV, didn't he?

2 A No. He didn't spend all his time sitting in a
3 chair looking out the window.

4 Q He spent a lot of his time doing that, didn't he?

5 A Not a lot. He would sometimes be observed sitting
6 and staring out the windows or sometimes he would sit and
7 stare at the floor and there were times when he was ^{just} sort of
8 left alone to do this and, yes, there were a number of times
9 when he was doing this.

10 Q Actually, he only talked to a very select few
11 of the inmates, didn't he?

12 A Yes. There were certain patients -- and we don't
13 like to call them inmates, Mr. Bubrick, because we are not
14 a prison. We are a maximum security mental hospital and the
15 term inmate at Atascadero is a term of opprobrium and we
16 avoid it. We use the word patient.

17 He did talk with other patients that he liked
18 and that he preferred to associate with and he socialized
19 with them quite readily.

6A

6AR-1

1 Q Was this business of creating hostility that you
2 told us about, you know, checking the reaction of the patient
3 to some hostility, a part of the therapy of the institution?

4 A No. Dr. Owre and many psychiatrists are able to
5 employ what is called a stress interview. With a stress inter-
6 view, what you do is you give the patient the impression that
7 you are not being too friendly toward him.

8 You question what they say. You contradict them
9 or interrupt them and you act nasty toward them, you know, and
10 quite often then the patient will respond to this in various
11 ways.

12 Dr. Owre tells me that he did use this stress
13 interview technique with Mr. Watson and that he did respond in
14 a very angry, hostile, aggressive fashion and I understand at
15 one point said to Dr. Owre, "I could easily kill you."

16 This was in anger and I believe this is what you
17 are referring to.

18 Q Well, yes, in part, but I take it these are the
19 observations that you say that Dr. Owre related to you?

20 A Yes. I never did any sort of stress interview
21 with Mr. Watson because that was not my function as his
22 attending physician.

23 I just took care of him, his medical needs, his
24 nursing. I saw to his nursing needs, his personal hygiene was
25 my responsibility, his well being on the ward. It was also my
26 job to see that he was protected from other patients who might
27 conceivably come near him or hurt him or attack him or some-
28 thing else.

1 Q I take it then the purpose of all of this is to
2 induce some hostility in the patient; is that correct?

3 A Not at all, not at all. From my observations of
4 Mr. Watson, he never expressed any sort of hostility toward me.
5 He was very friendly.

6 Q I am talking about the stress situation that you
7 talked about.

8 A That was between him and Dr. Owre.

9 Q But the purpose of that is to get him angry and get
10 some hostility out of him, isn't it?

11 A Yes. The purpose of the stress interview is to
12 see how the patient will respond under stress and if they will
13 respond either with paranoid delusions or by withdrawal or by
14 putting their hands over their face, or how they handle this
15 sort of thing, and Mr. Watson's response of hostility and anger
16 would be a normal response to a situation like this, very
17 normal.

18 Q In other words, you, I take it, you have to assume
19 that the patient doesn't know what you are trying to do?

20 A Well, we psychiatrists don't always tell people
21 what we are doing or why we are doing it because if we did,
22 I'm afraid we would be much less effective as psychiatrists.

23 Q So in this case, so far as Mr. Watson is concerned,
24 I take it, he didn't know what Dr. Owre was trying to do?

25 A I hope not.

26 Q And if he were jostled or wrestled about by
27 technicians, in all probability he wouldn't have known that
28 that was part of a therapeutic technique either?

1 A No, he wouldn't. I wouldn't say therapeutic. I
2 would prefer to hear you use the word diagnostic technique.

3 Q Diagnostic technique?

4 A No, he wouldn't. He wouldn't understand that.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL
RECORDED
INDEXED
FBI - NEW YORK

6B

1 Q What was there about Mr. Watson, Dr. Eklund, that
2 led you to believe he was involved in a bug act?

3 A Well, because his behavior at all times was
4 entirely normal and I got reports from the nursing service
5 people who were observing -- we were observing the man around
6 the clock. I knew how he slept. I knew how he ate. I knew
7 how he treated other patients. I knew how he related to nursing
8 service people.

9 I had the reports there. We had ward team
10 meetings where we discussed his behavior and I had my own
11 observations of him and his behavior was normal.

12 Q You read, I take it, the reports that accompanied
13 him to Atascadero.

14 A Yes. I have read the reports of the court
15 appointed examiners.

16 Q And you knew what his condition had been on the
17 very day or the day before he had been sent to Atascadero?

18 A I heard on the radio that people thought he was
19 going to die.

20 Q That was a report made by a doctor. That was in
21 the report that you got at Atascadero, wasn't it?

22 A Yes, it was.

23 Q You read Dr. Crahan's report?

24 A Yes.

25 Q How about Dr. Pollock's report?

26 A Yes. I read Dr. Pollock's report.

27 Q And Dr. Abe?

28 A Yes.

6b-2

1 Q And they all felt that he was catatonic at the
2 time, didn't they, at the time he was sent there?

3 A No, I don't believe they all felt he was catatonic
4 at the time. I can't agree with that.

5 Q Do you remember, Doctor --

6 A One report described him as catatonic,

7 Q Dr. Crahan's report?

8 A The other examiners were somewhat more cautious in
9 what they said.

10 Q They just suggested hospitalization at Atascadero
11 in effect, didn't they?

12 A No, I don't believe any of the court appointed
13 examiners suggested that. I believe it was some judge's
14 decision to send him up to Atascadero.

15 Judge Lucas talked to me about this case and there
16 was another judge -- I have forgotten his name -- who called
17 me originally and said to me, "We have got a problem down here,
18 Dr. Eklund. Do you think they could help us out up there at
19 Atascadero?"

20 And he explained the situation to me. He explained
21 this -- I never heard of Mr. Watson until he called and he
22 explained the situation and I said, "Yes, we can help you out."

23 THE COURT: Do you have an employee there by the name of
24 Barnett?

25 THE WITNESS: Barnett?

26 THE COURT: Yes.

27 THE WITNESS: Yes.

28 THE COURT: What is his capacity?

1 THE WITNESS: I believe he is a psychiatric technician,
2 your Honor.

3 THE COURT: What does that mean?

4 THE WITNESS: Well, he is a person who is a high school
5 graduate. He gets 1550 hours of training, some didactic,
6 some in the classroom and then he works in whites on the wards
7 as a nursing service employee.

8 THE COURT: Do you have one by the name of Weems,

9 THE WITNESS: Paul Weems, yes. He is a technician also.

7R-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: Same as Barnett?

THE WITNESS: Yes.

THE COURT: Same capacity?

THE WITNESS: Yes.

Q BY MR. BUBRICK: Doctor, do you remember seeing a report, something marked a supplemental -- here it is -- I invite your attention to part of your records, a report signed by Dr. Crahan bearing date October 28th, in his last paragraph he recommended Atascadero Hospital in his report, doesn't he?

A I don't think I ever saw that letter, which is addressed to you, Mr. Bubrick.

Q Yes, it certainly is, but it accompanied --

A It may have gone into the chart at some time when I didn't notice, but I do remember reading this -- I do remember reading this report here, I think.

Q That is a supplemental report.

That follows the report that you are now fingering. It is also Dr. Crahan's original and supplemental?

A Right.

Q I think they are both addressed to me.

A Yes, they are; and this one does say that he be transferred to Atascadero State Hospital.

But, this was before I got the telephone call from the judge.

Q Well, this is dated October 29 and he was sent up the very next day, the 30th?

A Right; I got the telephone call from the judge, oh, a couple weeks before he came up.

1 Q From which judge, Dr. Eklund?

2 A I can't remember his name. He was one of the
3 judges down here, judge of the Superior Court; and since we
4 hadn't received the patient, I did not make an entry in the
5 patient's record, and then later on I had some conversation
6 with Judge Lucas.

7 Q Well, all of this occurred -- these are all records,
8 references by Judge Dell, are they not, October 29th?

9 A Yeah, it may have been Judge Dell who called me.

10 Q I see.

11 A Probably was.

12 Q You are aware, Dr. Eklund, that Dr. Braswell --

13 A I wanted to say something else in response to what
14 you showed me, Mr. Bubrick.

15 May I?

16 THE COURT: Go ahead.

17 THE WITNESS: Where you are dealing with a lot of patients
18 and where, for example, on the ward I was taking care of Mr.
19 Watson is about 40 patients, and where you are handling all
20 these records from day to day, it is not as easy to keep in
21 mind, and particularly since I have been out of this now for
22 the past few months, to remember all these people's names and
23 what happened, and so on, and remember exactly what was in
24 the record.

25 I haven't ^{even} seen Watson's full ward chart for
26 several months, so it is not always easy to remember all these
27 details.

28 Q BY MR. BUBRICK: Well, you have already told us

1 that you knew that he tested out something around below normal;
2 but as far as you know, was he ever tested again after that?

3 A Well, Dr. Bramwell tested him repeatedly and this
4 report is the culmination of several testings, the one done in
5 November 11th -- now, I don't believe that we tested him sub-
6 sequent to that.

7 Q Well, I have the report that is dated January 28,
8 1971.

9 A Done at our hospital?

10 Q Yes, signed by Dr. Bramwell.

11 A Oh, wait; here, yeah, that's the one, January 28th,
12 1971; that's the one I have here.

13 Q Under intellectual factors, he said, "Mr. Watson
14 earned scores on the Wechsler Adult Intellectual Scale which
15 fall within the borderline range in terms of present intellectual
16 functioning."

17 A I know, but let me explain something about
18 psychological testing.

19 Psychological testing is very useful, just like
20 a brainwave testing or blood test or whatever; but you have to
21 take the results and evaluate them clinically and compare that
22 with what you know up here, you see; and my estimate of Mr.
23 Watson is that he is considerably more intelligent than this
24 report indicates; and I, myself, didn't think even after this
25 report was made that he should have tested that low.

26 Q But the fact remains that he did test that low?

27 A Yes. Yes, in the Wechsler Adult Intelligence
28 Scale he got a score somewhere down around 80, and I went over

1 these tests with our psychologist. He and I went over his raw
2 data.

3 Q You also found him to be seriously disturbed in
4 interpersonal relationships and social relationships -- that's
5 on Page 2.

6 A Let's see, where does it say that?

7 Q Second paragraph, on personality factors, under --

8 A Well, yeah, the question is there, how much of
9 that do you believe and how much did our psychologists believe.

10 Our psychologists went in and tested this man and
11 didn't go into the case as thoroughly as Dr. Owre and I did;
12 so he's giving this on the basis of his tests and seeing the
13 patient and --

14 Q He renders his professional opinion, doesn't he?

15 A That is his professional opinion, based on his
16 testing and his observations, yes.

17 The question is, how valid is it, that's the
18 question. In other words, is the test correct, that's the
19 whole thing, and it is a question of what one believes. I,
20 myself, do not believe that Mr. Watson is that bad off.

21 7af.
22
23
24
25
26
27
28

7A

1 Q But you didn't have Dr. Bramwell's test results
2 duplicated or tried again by anybody else; he wasn't retested?

3 A Dr. Bramwell went up and saw him a few times and
4 he had some difficulty with certain things, getting full
5 cooperation from Mr. Watson, and so he did see him on more
6 than one occasion in the process of preparing this report.

7 Q But he never retested him a second time, did he,
8 as far as you know?

9 A I don't know that he ever retested him. Why
10 would he want to do that?

11 Q I don't know; I am just asking if he did.

12 A Well, I wouldn't consider it necessary.

13 Q Did you ever tell Dr. Bramwell you thought these
14 test results were not consistent with your evaluation?

15 A Yes; I, in my discussion -- Dr. Bramwell and Dr.
16 Owe and I all got together and discussed the test results and
17 we all agreed that the patient tested low and we all agreed that
18 he probably was brighter than the test indicated.

19 Q Do you have that test, or that documentation by
20 Dr. Bramwell in front of you, Doctor?

21 A What documentation?

22 Q The one we have just been referring to, that
23 report.

24 A I have before^{me} the psychological report, the
25 referral for it was made November 11, 1970, the date the
26 report was made up and it was signed much after that date,
27 of course; but the date he put down of the testing was
28 January 28, 1971, and it indicates in the report that he saw

7A-2

1 Mr. Watson on November the 4th, November the 20th, November
2 27th and January 25.

3 Q And then his report is dated January the 28th?

4 A That is correct.

5 Q May I ask you to go back to page 2 of your report
6 again, Doctor?

7 A Yes.

8 Q The paragraph under "Personality Factors," we
9 have already talked about the fact that the first sentence
10 or his first reaction was that his "interpersonal relationship
11 and his ability to clearly understand social situations
12 appear to be seriously disturbed"; do you see that?

13 A Yes.

14 Q Then he goes on to say, "Mr. Watson has reduced
15 his own self identity and his identification with others to a
16 simple and immature level"?

17 A Yes.

18 Q Do you agree or disagree with that?

19 A I agree with the statement as being accurate,
20 but as to why he has reduced his self identity, and so forth
21 and so on, to ". . . a simple and immature level," it is the
22 "why" that is the important thing.

23 In other words, is he doing this consciously and
24 deliberately or is he doing this involuntarily; and that's
25 the whole key to understanding that sentence.

26 Q You thought he was doing it deliberately?

27 A Certainly.

28 Q But Dr. Bramwell didn't?

7A-3

1 A He didn't say he wasn't doing it deliberately.

2 Where does it say that.

3 Q Well, there is nothing in this report that says
4 that this is feigned, is it?

5 A No, it isn't his job to decide whether someone
6 is feigning. His job is to do the tests and describe his
7 findings, from his point of view.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Q Yes, and he did that?

A Yes.

Q And he didn't say anything about the effect that he thought that Mr. Watson was not being cooperative and that this was conscious behavior on his part?

A Well, yes, and he had various difficulties trying to even get Mr. Watson to cooperate.

Q Well, wouldn't that be consistent with this finding that he is seriously disturbed in social situations?

A No, no way.

Q Doctor, I want to invite your attention to the very last -- here is a card. It is apparently some sort of --

A This is called a Rand card.

Q Do you know who prepares that, Dr. Eklund?

A Yes. This is done by the technicians and here is the people that prepare it: Weems, Barnett, Smith, Beach and Lloyd.

Q Are you aware or are you shown the preparation of that card at the time it is prepared?

A No, not necessarily. It is available in the office, right there anytime for me to look at it and I certainly have it there anytime. I have access to it and sometimes these are gone over at our ward team meetings where we are either going to change a patient's program or go into another phase or something like that, go into phase 2.

Q Well, did you approve of everything on it if you saw it before?

A Not necessarily. This is prepared by nursing

1 service people according to nursing service concepts and it
2 represents their estimate of patients' needs and problems.
3 It covers what they feel, the nursing people, feel they need
4 to do for the patient.

5 Q For example in "Patient's needs and problems" it
6 says, "Patient seems to be very confused as to why he is here.
7 Does not converse with other patients. Will not seem to
8 accept help from staff. Says that nobody will understand him."

9 A Well, that was probably --

10 Q On 2-12.

11 A 2-12-71.

12 Q That is a week before he was sent to court,
13 returned to Los Angeles County.

14 A Yes. Well, right, but I think there you have to
15 focus on the "seems to be very confused," and it is true he
16 never did converse with very many other patients.

17 There were some patients that he did socialize
18 with.

19 Q I take it, medically, you don't concur with those
20 observations.

21 A I neither concur, nor disconcur with these
22 observations. This is merely a nursing care plan developed
23 by five technicians who are doing the best they can to take
24 care of the particular individual they have, and they do
25 their best to put down here what they see as the patient's
26 needs and problems and they also put down here what they feel
27 they want to try to do to help the patient.

28 Q Which they thought was what?

1 A "Adjust patient to ward, hospital rules and
2 routines. Try to encourage patient to socialize with other
3 patients and join in various ward activities. Try through
4 group therapy, one to one, to show him that we are here to
5 help him."

6 Q And there is nothing in there that indicates that
7 you told them that you thought they were wrong, that he was
8 just behaving the way he was consciously?

9 A I'm always hesitant to tell anyone they are wrong
10 unless I know for certain that they are wrong.

11 Q Does that mean that you are not certain that your
12 observations are correct?

13 A This was not based on my observations.

14 Q I know.

15 A My own opinions are based on my own observations.
16 This Rand card was made up on the basis of their observations.

17 Q But wouldn't you have found it necessary to tell
18 them, "I think you are wrong," if you actually disagreed with
19 their observations and their conclusions?

20 A Well, I don't know what you are getting at, Mr.
21 Bubrick. It is not up to me.

22 If a technician thinks someone is confused, and
23 that is his impression, and my impression is he is not as
24 confused as that technician thinks, it is hardly polite for
25 me to say to him, "You are wrong. He's not confused."
26 And "I know more than you because I am a doctor and you are
27 only a technician."

28 That is not polite and that doesn't maintain a

1 good relationship between me and my psychiatric technician.
2 It is not courteous, you know.

3 Q It would have been in the best interest of the
4 patient, would it not?

5 A Not necessarily. This card is merely a thing
6 to work by to arrive at some sort of an idea of what we are
7 going to do with any particular patient.

8 The statements in here do not necessarily have
9 to be entirely accurate and I do not necessarily have to
10 agree or disagree with anything in this card. Does that
11 answer your question?

12 Q Yes, it certainly does.

13 A Thank you.

14 MR. BUBRICK: May we have our morning recess?

15 THE COURT: All right.

16 Ladies and gentlemen of the jury, we will recess
17 at this time. Please heed the usual admonition.

18 (Recess.)
19
20
21
22
23
24
25
26
27
28

9R-1

1 THE COURT: People against Watson.

2 Let the record show all jurors, counsel and defen-
3 dant are present.

4 Are you having trouble, Doctor?

5 THE WITNESS: Just a little; the chair won't behave.

6 Q BY MR. BUBRICK: Dr. Eklund, you told us before
7 the break that you also thought Mr. Watson was feigning mental
8 illness; is that correct?

9 A Yes. I felt from the moment I saw Mr. Watson
10 until I didn't see him any more that much of his behavior was
11 put on.

12 Q Put on where; are you talking about Atascadero or
13 at the Los Angeles General Hospital?

14 A No, the behavior I observed and the behavior that
15 was reported to me at Atascadero, I felt, was behavior designed
16 to create the impression that he wanted to be treated as a
17 weak, sick, helpless individual; and I feel that a lot of this
18 behavior on the part of Mr. Watson was conscious.

19 Q You saw him in all respects as being normal; is
20 that correct?

21 A Yes, I did.

22 Q Is there some dichotomy there between normal
23 behavior and behavior that is being consciously restrained or
24 repelled or controlled?

25 A I'm not sure I know what you mean by the word
26 "dichotomy."

27 To me dichotomy means a separation into two
28 categories; and I suppose a person who is trying to act normal

1 might not be classified in exactly the same framework as a
2 person who is normal, but where do you draw the line between
3 the two?

10f.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10R-1

1 Q Do you think he might have been trying to act
2 normal?

3 A Oh, I think he was trying to act as normal as --
4 no, I don't think he was trying to act normal. I think he
5 was trying to act weak and helpless and sort of like a little
6 child, and I think he -- I don't think he wanted to -- I don't
7 think he was trying to -- he didn't act like he was hearing
8 voices.

9 He didn't report hearing voices. He didn't come
10 out with anything like delusions that we would think were a
11 put on. He did do various things.

12 Like he did look out the window a lot and he did
13 seem to be meditating a lot but this is entirely normal, I
14 felt, for his situation.

15 I mean, if I were charged with a bunch of murders,
16 I would be thinking about it quite a bit, too, and I would be
17 looking out the window and thinking about various things.

18 Q But you don't know what he was thinking about at
19 those times, do you?

20 A No. He may have been daydreaming or he may have
21 been thinking about a variety of things. He wasn't hurting
22 anybody and it wasn't contrary to the routine of the ward, so
23 we don't stop anybody from staring out the window or acting
24 any particular way.

25 We don't tell people how they must behave. We just
26 ask them to follow the rules and regulations.

27 They have to get up a certain time and there is a
28 certain time for meals and there is time when everyone brushes

1 their teeth and all that.

2 Q Doctor, being a professional man I hate to tell you
3 this, but would you please answer the question and let it go
4 at that?

5 THE WITNESS: I am sorry.

6 THE COURT: Thank you, Doctor.

7 Q BY MR. BUBRICK: What did he do, Dr. Eklund, that
8 made you think that he was putting on this bug act or feigning
9 mental illness that you talked about?

10 A Well, I don't think it was so much what he did as
11 what he didn't do.

12 He did sit around and stare and all that but I
13 didn't see that as feigning mental illness, but there were
14 times when he acted like he didn't understand, and there were
15 times when it seemed fairly obvious, you know, what was going
16 on and I had to explain it to him.

17 Q Maybe he just didn't understand. Is that possible?

18 A Well, it is difficult to say. This business of
19 what is a person's true behavior compared to what his put on
20 behavior, it is difficult to make this distinction and I cannot
21 describe exactly what he did, to answer your question, that
22 made me think he was feigning mental illness.

23 As a matter of fact, the primary opinion about
24 this was Dr. Owre's opinion, but I don't disagree with Dr.
25 Owre's opinion.

1 Q Well, it is possible that there was poor rapport
2 between Mr. Watson and Dr. Owre, is it not?

3 A Yes, there wasn't the same sort of relationship
4 between Mr. Watson and Dr. Owre that there was between myself
5 and Mr. Watson. My relationship with Mr. Watson was very
6 friendly, supportive and sort of almost a sort of personal
7 doctor-patient relationship; whereas Dr. Owre was seeing him
8 as an evaluating psychiatrist in a situation where he was per-
9 forming a mental examination and giving him various tests and
10 doing various other things.

11 So, the type of communication between me and him
12 was different than between Watson and Dr. Owre.

13 Q Would you say, Dr. Eklund, that of all the
14 personnel at the hospital, it is probably the technicians who
15 see the patients more and most regularly?

16 A Well, they work a shift and they have more personal
17 contact with the patients than other staff do, yes.

18 Q And these are people who become skilled in their
19 tasks over periods of time, aren't they, these technicians?

20 A Skilled in their tasks?

21 Q Yes.

22 A I would say yes to that.

23 Q And so if the technicians felt on February 12,
24 1971, that Watson appeared to be very confused that might
25 very well be a very legitimate evaluation on their part;
26 correct?

27 A Well, confusion is something that -- becomes a
28 matter of psychiatric knowledge; and, I mean, the man in the

11-2

1 street may see someone and observe certain phenomenon of a
2 certain person and think he is confused; but, now a psychiatric
3 sits down and does a mental examination of that same person.
4 He may say he is not confused, so I wouldn't say this -- the
5 psychiatric technician is not really a professional person. He
6 wouldn't really have the knowledge to evaluate something such
7 as confusion.

8 He can say -- he can have his own opinion that he
9 appears to be confused or he seems to be confused, but you have
10 to evaluate that sort of opinion in the light of his own back-
11 ground and training and experience; and even though he has been
12 a technician for some time doesn't necessarily mean he is an
13 expert on confusion.

14 Q But invariably, though, his responses are directed
15 only toward the patients he sees in that hospital environment,
16 is it not?

17 A The technician's?

18 Q Yes, the technician's observation, when he says,
19 "I see somebody; he is very confused," this is an observation
20 he makes about Watson in the hospital, not about Watson on the
21 street or somebody else on the street?

22 A That is true; and he may have that opinion and
23 he may discuss it with some of his fellow technicians or, in
24 some cases, he may even ask the doctor's opinion and say to
25 him, "I think this man is confused, Doctor. Do you agree or
26 not?" and that may help him learn a little more about how to
27 tell when someone is confused or not confused.

28 Q Did that happen in this case, if you remember,

1 Dr. Eklund, any of these technicians come up and say, "He's
2 confused," and discuss it with you?

3 A Well, we talked about Mr. Watson's case and I
4 think they made an accurate statement when they said, "He
5 seems to be confused."

6 Q You think that was inaccurate on their part?

7 A I said, "I think they made an accurate statement" --

8 Q "Accurate," I'm sorry.

9 A -- when they said, "he seems to be confused."

10 In other words, I feel the technician was giving
11 an honest opinion, that that was the way they saw Mr. Watson.

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

13
14 REDIRECT EXAMINATION

15 BY MR. BUGLIOSI:

16 Q Doctor, did Mr. Bubrick come up to Atascadero and
17 speak to you?

18 A Yes, Mr. Bubrick came up one time.

19 He telephone me first and he told me he was
20 Watson's attorney, and I said to him on the phone, "Well, are
21 you his attorney of record?" and he said, "Yes," and he said,
22 "I'd like to come up and see him."

23 And he did come up and I met him and took him
24 through our sally port into our security area, walked him
25 down the hall to Ward 14 and I took him down to the door and
26 then I turned him over to the nursing service person in charge
27 of the ward and then I went back to my office.

28 And then he saw Mr. Watson on the ward and later

1 later -- it was Mr. Davis -- took Mr. Bubrick out through the
2 sally port and he came back to my office and told him something
3 about Mr. Bubrick said, "Thank you for your courtesy," or,
4 as I recall, something like that.

12f.

#12

1 MR. BUBRICK: Something like that.

2 Q BY MR. BUGLIOSI: Did Mr. Bubrick ever tell you
3 not to talk to Mr. Watson about anything?

4 A No.

5 Q To your knowledge did he tell anyone at
6 Atascadero not to converse with Mr. Watson?

7 A No. I mean to my knowledge. To the best of my
8 knowledge he did not tell anyone else not to do that.

9 Q Dr. Morgan was Mr. Watson's attending physician
10 before you?

11 A Yes. From in October until around the first of
12 January he was the ward doctor on 14.

13 Q And you say that Dr. Morgan now and then did employ
14 physical contact with the patients at Atascadero as a
15 diagnostic tool?

16 A Yes.

17 Q What type of physical contact?

18 A Well, Dr. Morgan, with some types of individuals,
19 Dr. Morgan would have a mat and he would take off his shoes
20 and his jacket and he would sort of wrestle around with the
21 patient to see how he reacted.

22 Mainly he was interested in seeing if the patient
23 would react aggressively or nonaggressively or in some cases
24 some patients will refuse to wrestle or they will retreat from
25 the doctor.

26 It is possible that he may have done this, or it
27 is possible that under his direction some technician may have
28 done some of this and with some patients also we will take them

12-2

1 out in the courtyard and be involved in throwing a ball back
2 and forth or walking with them or jogging around the courtyard
3 with them or having them throw a basketball.

4 So there are sometimes some physical contact. I
5 don't think it is done for therapeutic purposes, but more,
6 you know, to sort of relate to the patient in some cases in
7 a physical sort of way.

8 I mean there are patients who want you to put
9 your arms around them and demonstrate that you like them
10 physically, you see, and if a patient, a very sick patient
11 has this need, it is therapeutic to put your arms around the
12 person and show them physically that you are not going to
13 hurt them, that you are their friend and sometimes this
14 helps them but I would say that -- what was the question again?
15 Maybe I'm not answering it.

16 Q I was just concerned about Dr. Morgan, whether
17 now and then he employed any type of physical contact or
18 instructed those people under him, subordinates, to do so.

19 A Right. Our rehab therapists are often involved
20 with physical activity and they may take a patient down to
21 the gym and work out with them or have them lift weights or
22 they may do so-called kinesics with them, you know, having
23 them, putting their hands together and having them push and
24 pull and this sort of thing and this is done mainly down in
25 the gym, however.

26 Now, I don't know if anything of that nature was
27 done up on ward 14.

28 Q Mr. Bubrick in referring to Dr. Bramwell's report,

12-3

1 the first page of his report, read to you the first line,
2 "Mr. Watson earns scores in the Wechler Adult Intelligence
3 Scale which fall within the borderline range in terms of
4 present intellectual functioning."

5 Is that correct?

6 A What is the question?

7 Q Mr. Bubrick read this first line in Dr. Bramwell's
8 report.

9 A Yes.

10 Q About Mr. Watson falling within the borderline
11 range; is that correct?

12 A Yes.

13 Q The very next line which Mr. Bubrick did not
14 read, does that line read, "However, the large scatter of
15 subtest scores indicate Mr. Watson is probably capable of
16 functioning at a more effective and efficient intellectual
17 level, possibly average to above average range."

18 Is that the next line?

19 A Yes.

20 Q That is Dr. Bramwell's conclusion?

21 A That is correct. Mine also.

22 Q Dr. Bramwell concludes that Mr. Watson's
23 present intellectual functioning appeared diminished due
24 to the presence of anxiety and the depressive elements that
25 Mr. Watson is presently experiencing; is that correct?

26 A That is correct.

27 Q You estimated Mr. Watson's I.Q. at 110 or above,
28 yet he performed at a lower level on these psychological tests.

12-4

1 Do you have any explanation why he performed lower?

2 A Yes, I think he wanted to score lower.

3 Q You feel that he deliberately then gave false
4 answers?

5 A Yes, Psychological testing is by no means
6 infallible. It is possible to get a lower score on an
7 intelligence test voluntarily.

8 MR. BUGLIOSI: Thank you, Doctor.

9 Nothing further.

10
11 RECROSS-EXAMINATION

12 BY MR. BUBRICK:

13 Q Doctor, would this finding on the score be
14 evidence of cooperation that you spoke of?

15 A Evidence of cooperation?

16 Q Yes.

17 A No. It is evidence of trying to fool the
18 psychologist.

19 Q You said he was a cooperative patient.

20 A He was cooperative with the rules and regulations
21 and all that.

22 Q But uncooperative in testing, you think?

23 A Well, Dr. Bramwell -- usually psychological
24 testing of this nature can be done in one session and for
25 some reason Dr. Bramwell want to see him --

26 THE COURT: Four times.

27 THE WITNESS: -- four times. And now I wouldn't say
28 that was necessarily lack of cooperation, but I would say

1 certainly Dr. Bramwell must have encountered certain
2 difficulties in administering some of those tests.

3 Q BY MR. SUBRICK: Do you suppose Mr. Watson just
4 couldn't have been physically up to it?

5 A No, I don't.

6 Q He weighed 110 on October the 30th and he had
7 been tied down in the Los Angeles County jail, in the Los
8 Angeles County Central Jail prior to being sent up there,
9 hadn't he?

10 A Yes, but he wasn't tied down at Atascadero very
11 long. Most of the time he was Atascadero he was up and
12 walking around.

13 Q But these tests started four days after he was
14 received?

15 A Well, I don't think the test started then. I
16 think that probably initially Dr. Bramwell went up and maybe
17 had a little interview with him and I imagine the first
18 interview was in response to this referral, see, where Dr.
19 Owe says up here, "Reason for referral: Question of psychosis.
20 Question of organic. What is level of depression?"

21 And so the first time he went to see him he would
22 go in, talk to him a few minutes, introduce himself, said,
23 "You know, Mr. Watson, I am Dr. Bramwell."

24 Q Do you have any evidence that he didn't give him
25 a test on the first day that he saw him on November the 4th?

26 A Do I have any evidence?

27 Q Is there anything to show that he wasn't tested
28 on that date?

1 A I can't prove that he wasn't, if that is what you
2 mean.

3 Q I am just wondering if there is anything to indicate
4 the exact date.

5 A No. I am just telling you the way it is usually
6 done and the way it probably was done in this case when he
7 saw him on the four occasions.

8 Q And Dr. Bramwell reports that Mr. Watson is
9 probably capable of functioning at a more effective range;
10 right?

11 A Right.

12 Q That is a question on his part probably.

13 A What is that again?

13R-1

1 Q That is sort of a guess, is it not, that he's
2 probably able?

3 A No; when you say there is something that is
4 probable, it means you are fairly certain that is the case,
5 but that there is some possibility it might not be the case.
6 That's what "probable" means.

7 MR. BUBRICK: I have nothing further.

8
9 REDIRECT EXAMINATION

10 BY MR. BUGLIOSI:

11 Q Doctor, is depression a form -- or one form of
12 mental illness?

13 A No. Everyone has depression. If someone in your
14 family dies, you have normal depression from that; and every-
15 one has depressive episodes normally.

16 Many women are depressed at a certain time of the
17 month, and I get depressed around income tax time; and depres-
18 sion is quite a normal phenomenon. It is just something you
19 have to consider as part of a clinical picture.

20 Q You found Mr. Watson to be somewhat depressed up
21 at Atascadero?

22 A Well, yes; and especially he got depressed if you
23 got into areas that he didn't want to talk about, you see, and
24 at times -- there were times when people talked to him about
25 some of these things and he would actually cry, he got so
26 depressed.

27 Q You found his depression understandable, in view
28 of the fact that he was being charged with seven counts of

1 murder --

2 A Right.

3 Q -- and you would be depressed --

4 A Yes, under similar circumstances, I would be quite
5 depressed, myself.

6 Q But other than depression, throughout your whole
7 period of observation of him up there, you found no evidence
8 of mental illness?

9 A That's correct.

10 MR. BUGLIOSI: No further questions, your Honor.

11
12 RECROSS EXAMINATION

13 BY MR. BUBRICK:

14 Q You also found him drug dependant and on hallucino-
15 genics and LSD, did you not?

16 A The diagnosis of dependence on hallucinogens, LSD,
17 was made by Dr. Owre and it was based on his history of drug
18 use prior to being in custody.

19 Q You mean Dr. Owre believed that portion of his
20 statement?

21 A I think we believed that Mr. Watson may have used
22 various drugs in the past.

23 Yes, I would believe that, myself. As a matter of
24 fact, I believed many of the things that Tex told me personally,
25 and like when he told me about being a vegetarian, I hadn't
26 understood he was a vegetarian up until that time and it was
27 at that point, you know, that I said, "Well, I understood now
28 and if you don't want to eat meat, you don't have to."

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

2 MR. BUGLIOSI: Nothing further, your Honor.

3 THE COURT: Thank you, Doctor; you may be excused.

4 MR. KAY: Call Dr. Rolph Sherman.

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: I do.

11
12 ROLPH G. SHERMAN,
13 called as a witness by the People in rebuttal, testified as
14 follows:

15 THE CLERK: Thank you; take the stand and be seated, and
16 would you state and spell your name, please?

17 THE WITNESS: My name is Rolph G. Sherman; R-o-l-p-h;
18 G.; S-h-e-r-m-a-n.

19 THE CLERK: Thank you.

20
21 DIRECT EXAMINATION

22 BY MR. KAY:

23 Q Dr. Sherman, are you a medical doctor duly licensed
24 to practice medicine in the State of California?

25 A Yes, I am.

26 Q What is your specialty?

27 A Neurology.
28

1 Q Would you please relate your educational background
2 before the jury?

3 A Briefly, I went to Boston University School of
4 Medicine, graduated in 1956.

5 I interned at the Bellevue Hospital in New York,
6 1956 to '57.

7 I spent one year in internal medicine at the
8 University of Utah Hospital, 1957 to '59.

9 I spent a year in neurology residency at the New
10 York Hospitals and Bellevue Medical Center in New York from
11 '58 to '59.

12 From 1959 through 1961, I was in the United States
13 Air Force at the Aerospace Medical Center at Brooks Air Force,
14 Texas, as a neurologist.

15 I subsequently returned to the New York hospitals
16 and spent a further two years in the neurology residency.

17 I spent about seven to eight months at the
18 National Institutes of Health in Bethesda, Maryland, in
19 electroencephalography.

20 I then came to the University of Southern Califor-
21 nia Hospitals in San Francisco as assistant professor of
22 neurology. I was there for two years on a full-time basis.
23 I left there in 1965 to enter the private practice of neurology
24 in San Francisco.

25 Q And what hospitals do you work at in San Francisco
26 now, Doctor?

27 A I have privileges and work out of U. C. Hospital;
28 San Francisco General Hospital; French Hospital; Children's

1 Hospital; Mount Zion Hospital; St. Francis Hospital; Franklin
2 Hospitals and St. Luke's Hospitals.

3 Q I take it that one of your specialities, Doctor,
4 is electroencephalography?

5 A This was one of my original interests that I have
6 been with for some time. I consider myself only a clinical
7 neurologist at this time.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL
FILED
FBI
JAN 10 1964
FBI

1 Q Doctor, are you also a consultant to Atascadero
2 State Mental Hospital?

3 A Yes, I am; I have been a consultant there since
4 1964 or '65, go there about three or four times a year.

5 Q And when you go there three or four times a year
6 it is one of your duties as a consultant to read electro-
7 encephalograms?

8 A That's correct.

9 Q And did you read the electroencephalograph given
10 Mr. Watson on November 11, 1970?

11 A Yes.

12 Q And did you find in that electroencephalograph,
13 did you find any electric abnormality that you would correlate
14 with brain damage?

15 A No, his EEG was entirely normal at Atascadero
16 State Hospital.

17 Q Did you have occasion to read the electroencephalo-
18 gram given Mr. Watson at UCLA on, I believe it was, March 19,
19 1971 -- let me check that -- yes, March 19, 1971?

20 A Yes.

21 Q In reading that electroencephalogram did you find
22 any signs of electrical abnormality that you would correlate
23 with brain damage?

24 A No.

25 Q Do you consider the electroencephalogram given at
26 UCLA and the electroencephalogram to have been given at
27 Atascadero to be in conflict?

28 A I have to give you an answer that is both yes and

1 no, sir.

2 Q All right, go ahead, Doctor.

3 A The answer, they are in conflict; the one at
4 Atascadero State Hospital was given without any medicine given
5 beforehand. The one done at UCLA was given with seconal given
6 about 15 or 20 minutes before the record was taken.

7 I presume the reason this was done -- I don't
8 know the exact reason -- is that they wanted both a wake and
9 sleep record, so I suspect that the UCLA reading -- record,
10 I am sorry -- shows more fast activity, which is a reflection
11 of the medicine; secondly, it shows sleep and more slowing,
12 which I think is a reflection of the medicine given to him
13 beforehand.

14 Q Do you feel that the electroencephalogram given at
15 UCLA indicates brain damage in Mr. Watson?

16 A No, I do not think it shows brain damage.

17 Q And I take it you also feel that the electro-
18 encephalogram given Mr. Watson at Atascadero does not show
19 brain damage.

20 A That's correct.

21 Q Doctor, have you read the report of the EEG given
22 Mr. Watson at UCLA?

23 A Yes, I have.

24 Q And did you check through the record of the EEG
25 to find the abnormalities that they were talking about in that
26 report?

27 A They are talking about two types of abnormalities
28 in this report: First of all, they are saying, and I think

1 correctly, that there is some slowing. My impression from
2 looking at the record that this is probably due to drowsiness
3 rather than being a reflection of the brain activity during the
4 waking state.

5 The second thing they comment on is that over
6 the left side, particularly over this part of the brain, there
7 is more slowing than on the corresponding right side. They
8 picked out three pages, and actually the paper slips are still
9 there -- one, two, three -- where they thought this was
10 particularly prominent.

11 There are, indeed, three runs, each lasting about
12 one to three seconds, where there is a little bit more slowing
13 on the left side than the right side.

14 Q You feel that that is significant?

15 A Let me answer it this way: If I were seeing this
16 patient routinely I would pass it. I would not think this is
17 terribly significant, considering the fact that much more is
18 at stake in reading any EEG in setting we are in right now.

19 I think one is forced to comment on it, but to me
20 it is a rather nonspecific abnormality, which I think is not
21 significant.

22 MR. KAY: Thank you, Doctor; I have no further questions. ↑
23

24 CROSS-EXAMINATION

25 BY MR. BUBRICK:

26 Q Doctor, do you know Dr. Richard E. Walter?

27 A Yes, sir.

28 Q Do you consider him a competent doctor?

1 A I certainly do.

2 Q And you know he is the one who read the scan that
3 you have there?

4 A Yes.

5 Q Doctor, do you know whether Mr. Watson was under
6 the influence of any drugs at the time the scan was made at
7 Atascadero?

8 A The record -- all I can answer you to that one is
9 this, that the EEG does not indicate on the face sheet, which
10 we always have on an EEG, that he was taking any medicine.

11 Q Do you remember what day it was administered or
12 taken?

13 A No, I can't answer that question.

14 Q I mean, the EEG --

15 A Which one, sir?

16 Q The one at Atascadero.

17 A I don't have that here, sir --

18 MR. KAY: Here's your report, Doctor.

19 Q BY MR. MURRICK: Do you have a summary --

20 A I have the report; would this suffice, sir?

21 Q Just the date, is all we are looking for.

22 A It says here "11-11-70," so to answer your question
23 it says "11-11-70," and "medication none."

24 Q Well, I have a copy, apparently of an EEG at
25 Atascadero, it appears to be November 13.

26 A All right, I'm reading incorrectly. This is the
27 request, 11-11; the actual record was taken November 13.

28 I presume the technician stated here, "There is
no medication."

14R-1

1 Q Would Thorazine have any effect on a person taking
2 an EEG?

3 A Do you mean on the person, sir, or the brain or
4 the brainwave tracing?

5 Q Would it show up any where in the tracings?

6 A I think you would have to answer that by how much
7 Thorazine.

8 Q I think these are the medical records, Doctor.
9 Here is one of apparently November the 13th. I guess that is
10 50 mg.

11 A That is 50 mg, right. Where does that start?

12 Q 13.

13 A My reason for pausing is this: That was started
14 on the same day as the EEG. Now, I don't know when the first
15 dose was given, whether it was before or after the EEG and I
16 am hard put to read this. I don't know quite what it means.

17 Q Apparently shows 10:30 a.m. and again twice a day
18 50 mg, twice a day?

19 A Okay. Let me just look at it. Do you have the
20 tracing from Atascadero here? Well, he does not record the
21 time.

22 We have no idea whether it was before or after
23 the Thorazine. Let's presume if it was after the Thorazine,
24 you might see some increase in fast activity, the main effect
25 that you would see from Thorazine.

26 what
26 Q And/would be the significance of that?

27 A Well, instead of seeing, as he does, this rather
28 smooth alpha like activity here, you might see a good deal

1 more rapid choppy activity, particularly the front part of the
2 head, but I think at this dose level this is the main effect
3 the medication would have.

4 Q It wouldn't effect then, in your opinion, that it
5 was still a normal tracing, I take it?

6 A No. We might simply say it showed a good deal of
7 fast activity, but fast activity is almost in all cases entirely
8 normal.

9 Q It is the slow activity that is significant; isn't
10 that correct?

11 A Yes.

12 Q Something that is 10 alpha rays per second is
13 presumed to be sort of average or normal?

14 A The average is presumed to be somewhere between 8
15 through 12 per second, sir.

16 MR. BUBRICK: I have no further questions.

17 MR. KAY: Nothing further.

18 THE COURT: Doctor, in reading the EEG at UCLA did you
19 find a mild diffuse slow wave activity during the waking hours?

20 THE WITNESS: No, sir. I felt that the slowing was not
21 abnormal. I thought it was most likely due to the fact that
22 he was probably drowsy.

23 THE COURT: Well, regardless of what it was due to, did
24 you find that in the EEG?

25 THE WITNESS: Yes. There is some slowing on the EEG.

26 THE COURT: Do you find 5 to 7 cycle activity?

27 THE WITNESS: Could I see exactly, sir, your Honor, which
28 5 to 7 that is?

1 THE COURT: Speaking of the mild diffuse slow wave
2 activity during waking .

3 THE WITNESS: Yes.

4 THE COURT: 5 to 7?

5 THE WITNESS: Yes, sir.

6 THE COURT: Now, that is slower than normal, is it not?

7 THE WITNESS: Yes, sir.

8 THE COURT: Did you find the left frontal temporal area
9 unusually slow?

10 THE WITNESS: I think I did, your Honor, that I thought
11 there were three runs in particular where there was some slow-
12 ing on the left side, which lasted about three pages, for about
13 one to three seconds.

14 THE COURT: But you did find it there?

15 THE WITNESS: Yes.

16 THE COURT: But you, however, would pass it as normal?

17 THE WITNESS: I would consider the record within normal
18 limits.

19 THE COURT: Thank you, Doctor.
20

21 REDIRECT EXAMINATION

22 BY MR. KAY:

23 Q Doctor, again on the questions that the judge has
24 just asked you, what significance again do you give to those
25 things that the judge has just mentioned?

26 A I think the significance simply is that Dr.
27 Walters and I are saying essentially the same thing.

28 I feel that some of the slowing is probably due

1 to drowsiness and I do not think the abnormality is terribly
2 striking or very significant.

3 It is one of the things we see in EEG's that we
4 call interesting but has no specific meaning.

5 MR. KAY: Thank you.

6
7 RECROSS EXAMINATION

8 BY MR. BUBRICK:

9 Q Doctor, is the use of Seconal to get the sleep
10 reading a sort of a common testing device?

11 A Yes.

12 Q That is given during the course of the test itself?

13 A That depends on the laboratory and UCLA, they
14 started the test shortly before 11:00 and they gave him medicine
15 at 10:30, 10:35, to be specific.

16 MR. BUBRICK: I have nothing further.

17 MR. KAY: Nothing further.

18 THE COURT: Thank you, Doctor. You may be excused.

19 MR. KAY: Would now be a good time to take the recess,
20 your Honor?

21 THE COURT: All right.

22 Ladies and gentlemen of the jury we will recess
23 at this time until 1:30. Once more, heed the admonition hereto-
24 fore given.

25 (A luncheon recess was taken until 1:30 p.m.
26 of the same day.)
27
28

-1
1 LOS ANGELES, CALIFORNIA, MONDAY, SEPTEMBER 27, 1971, 2:00 P.M.

2 --oOo--

3 THE COURT: People against Watson.

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

6 Mr. Bugliosi or Mr. Kay, who is going to proceed?

7 MR. BUGLIOSI: People call Dr. Hochman.

8 THE CLERK: Will you raise your right hand, please?

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

13 THE WITNESS: I do.

14
15 JOEL SIMON HOCHMAN,
16 called as a witness by the People, in rebuttal, testified as
17 follows:

18 THE CLERK: Thank you. Take the stand and be seated,
19 and would you state and spell your name, please?

20 THE WITNESS: Joel Simon Hochman, H-o-c-h-m-a-n.

21 THE CLERK: Thank you.

22
23 DIRECT EXAMINATION

24 BY MR. BUGLIOSI:

25 Q Are you a medical doctor, duly licensed to
26 practice in the State of California, Dr. Hochman?

27 A Yes, I am.

28 Q And you are a psychiatrist?

1 A Yes, I am.

2 Q Please relate your training, experience and back-
3 ground in the field of medicine and psychiatry.

4 A Premedical, Rice University, B.A. in philosophy,
5 '62; M.D., Baylor College of Medicine, 1966; internship,
6 Cedars Sinai Medical Center, Los Angeles, California, '67;
7 residence, psychiatry, University of Colorado Medical, '68;
8 resident psychiatry, UCLA Neuropsychiatric Institute, '68-'69
9 and '70; '70-'71, research fellow, Neuropsychiatric Institute,
10 UCLA, September '70/present, special consultant on drug abuse,
11 Department of Mental Health, Los Angeles County; part-time
12 private practice, as well.

13 Q That is the extent of your background?

14 A Well, how much farther would you like me to go?
15 I could tell you about specific --

16 Q Did you mention the UCLA Neuropsychiatric Institute;
17 did you mention that?

18 A Yes.

19 Q You have testified before in a court of law as to
20 a defendant's state of mind at the time of commission of a
21 crime?

22 A Yes.

23 Q Have you written articles in the field of psychiatry?

24 A Yes.

25

26

27

28

#16

1 Q What are those?

2 A The articles primarily deal with marijuana
3 effects; marijuana use; chronic marijuana use, and social
4 adaptation. A book Marijuana and Social Evolution, that is
5 not out yet.

6 Q You have written a book. You have a manuscript
7 of it?

8 A Yes -- with the University of California press
9 right now.

10 Psychological and Pharmacological factors in
11 marijuana toxication. That is a pending publication. It
12 has been accepted.

13 Another acceptance for an article on chronic
14 marijuana use and liver function -- a number of papers I
15 have delivered at meetings Persons Politics Assassination. That
16 would be the Southern California Psychiatric Society meeting
17 in 1969. There are a number of others. Should I go on?

18 Q You have written many, many articles?

19 A Well, a number, not many, many.

20 Q In the field of psychiatry and drugs?

21 A Yes.

22 Q Is that correct?

23 A Yes.

24 Q And you are presently employed where?

25 A Department of Mental Health as a consultant on
26 drugs, Los Angeles County.

27 Q During the last trial did you examine Susan Atkins,
28 Leslie Van Houton, and Patricia Krenwinkel?

1 A Yes, I did.

2 Q And you testified at the last trial?

3 A Yes, I did.

4 Q Do you recall you were called to the witness stand
5 by Mr. Keith?

6 A Yes.

7 Q Did you examine the defendant Charles Tex Watson?

8 A No, I didn't.

9 Q Why didn't you examine him?

10 A Permission to examine him was not given me by
11 his defense attorneys.

12 MR. BUBRICK: If your Honor please I will object to that
13 statement because none of us ever talked to this doctor. I
14 think that is a conclusion.

15 THE COURT: You can cross-examine him on that.

16 Q BY MR. BUGLIOSI: Were you advised that Mr. Watson
17 would not permit you to examine him?

18 A Yes.

19 MR. BUBRICK: I think it is immaterial. He didn't.

20 Q BY MR. BUGLIOSI: Is that what you were advised?

21 A Yes.

22 Q That is the reason why you never examined him?

23 A Yes.

24 Q Although you did not examine him, did you read
25 any testimony or any reports with respect to these seven Tate-
26 La Bianca murders?

27 A Yes. I read 1500 pages of materials.

28 Q What materials were those?

1 A Records of the Atascadero State Hospital, signed
2 by Dr. Owre; medical examinations at the Atascadero State
3 Hospital signed by Dr. Kody; EEG report signed by Dr. Sherman
4 of Atascadero; psychiatric examination by Ira Frank, M.D.;
5 neurological examination by Richard Walters, M.D.; psychological
6 examination by James Palmer, Ph.D; psychiatric examination
7 by John Suarez, M.D.; EEG report at UCLA, unsigned; psychiatric
8 examination by Seymour Pollock, M.D.; psychiatric examination
9 by George Abe, M.D.; by Vernon Bohr, M.D.; psychiatric
10 examination by K. Grovner Bailey, M.D.; psychiatric examination
11 by Joel Fort, M.D.; Volumes 9, 10, 11, 19 and 20 of the
12 official court transcripts.

13 Q Let's stop there. This included the testimony of
14 whom?

15 A Of Mrs. Kasabian -- everyone involved in the case
16 to date -- I am also including the Grand Jury proceedings.

17 Q When you say volumes 9, 10, 11, 19 and 20, you are
18 talking about the transcript in this case, this trial?

19 A Yes.

20 Q Not the previous one?

21 A No. In this trial the testimony of Mr. Watson and
22 Mrs. Kasabian primarily, although many others were included
23 in that testimony.

24 Q Did you also read the testimony of Rudolf Weber?

25 A Yes, I did.

26 Q Did you read the testimony of Barbara Hoyt?

27 A I don't recall the name.

28 Q Did you read the testimony of Diane Lake?

1 A Yes.

2 Q Did you read the Grand Jury testimony in this case?

3 A Yes.

4 Q Including the testimony of Susan Atkins?

5 A Yes.

6 Q Now, based on the reports that you have read and
7 the transcripts that you have read, did you form any opinion
8 as to whether or not Mr. Watson harbored malice aforethought
9 at the time of these killings?

10 A If I can turn to my notes on that to be more
11 specific, be more precise.

12 In answering that question I reported that:

13 "Malice as defined by law is an evil
14 intent, a state of mind, shown by intention to do
15 or intended doing of something unlawful.

16 "By definition I felt Mr. Watson did
17 harbor such malice aforethought as revealed in the
18 testimony of Miss Atkins and Mrs. Kasabian and by
19 the evidence of his actions prior to the events in
20 preparing himself."

21 Q Do you feel that Mr. Watson intended to kill these
22 seven victims?

23 A I think there was no question of that from my
24 examination of the material.

25 Q Based on what you read, and that is including Mr.
26 Watson's testimony, do you feel that this decision to kill these
27 victims was a personal one?

28 A I am not sure what you mean by personal.

17R-1

1 Q Well, do you feel that he formed the intention
2 to kill in his own mind or that this was an intention formed
3 in someone else's mind and that it was never passed on to him?

4 A No, I think in that sense it was a personal
5 decision, a decision within his own mind.

6 Q To kill these people?

7 A Yes.

8 Q You do admit, however, that Mr. Manson had a sub-
9 stantial influence upon Mr. Watson?

10 A Yes, I would say that his influence was of psychotic
11 proportions.

12 Q All right. Based on your reading the reports and
13 the transcripts did you form any opinion on whether Mr. Watson
14 deliberated and premeditated these killings?

15 A Yes.

16 Q What is that opinion?

17 A My opinion was that under the definition of pre-
18 meditate, that is, a degree of planning and forethought suffi-
19 cient to show intent to commit that act, as reflected in the
20 evidence provided by Miss Atkins and Mrs. Kasabian's, defendant
21 did premeditate on the subject of the murders.

22 Q Assuming that -- they have already testified to
23 malice aforethought and premeditation -- assuming that the
24 word "deliberate" means formed or arrived at or determined
25 upon as a result of careful thought and weighing of considera-
26 tions for and against the proposed course of action, do you
27 feel that Mr. Watson deliberated these murders?

28 A Well, I would be somewhat confused by the term

1 "carefully."

2 If by "deliberate" you mean he undertook certain
3 thought processes and considered its possibilities, I would
4 say yes, that he did. Whether or not this was careful, I
5 don't know what the word means in that sense.

6 Q All right. Other than the fact that you do not
7 know what the word "careful" means, do you feel that he did
8 undertake considerations for and against these killings and
9 decided to commit them, anyway?

10 A I would say the evidence points at that.

11 Q So, other than your confusion, and it might be a
12 very understandable one, other than your confusion as to the
13 word "careful" you do feel that he did deliberate these murders?

14 A In the sense to think about it, think through the
15 possibilities and weigh the possibilities, I would have to say
16 yes.

17 Q Now, on what evidence or what facts do you base
18 your conclusion that he did deliberate and premeditate these
19 murders?

20 A Well, I am relying on the evidence in the trans-
21 cripts and the various testimony of the people involved.

22 Q Would you point out certain factors which caused
23 you to believe that he did deliberate and premeditate these
24 murders?

25 A Yes. For instance, in the instance of driving to
26 the Tate residence, it is the testimony of others involved
27 that he said something to the effect that he had been to the
28 house before, that he knew the layout and to do just whatever

1 he told them to do.

2 Prior to the events, he had a rope that he carried
3 to the residence, according to testimony; that was evidence to
4 me of some prior consideration of what would happen and what
5 he would do.

6 He behaved in a fashion that the object of which
7 appeared to be to effectively accomplish his task there, in
8 terms of stopping Parent, moving the Parent car --

9 Q What about cutting the telephone wires?

10 A Cutting the telephone wires, unquestionably, an
11 incident which occurred prior to the actual murders; this
12 revealed some premeditation in my mind; the cutting of the
13 screens to gain entrance into the house, these things, particu-
14 larly, I felt, were evidence of a process of premeditation or
15 consideration beforehand.

16 Q Did you form any opinion as to whether Mr. Watson
17 maturely and meaningfully reflected upon the gravity of the
18 contemplated act of killing?

19 A I will have to turn back again to the report.
20 First of all, let me say that it is my understanding that there
21 is no legal definition of "mature" or "meaningful," so anything
22 I have to say really doesn't hinge on that under the law. I
23 don't know what the law means by that, to "maturely" or
24 "meaningfully" reflect.

25 Q So you have no legal opinion, then, as to whether
26 Mr. Watson maturely and meaningfully reflected upon the gravity
27 of the contemplated act?

28 A Right, under the law.

1 Q Do you have any psychiatric opinion?

2 A Yes, definitely.

3 Q Now, you are making reference now to your field,
4 the study of psychiatry as opposed to your knowledge of the
5 law?

6 A Yes.

7 Q What is that opinion?

8 A Precisely?

9 Well, in my opinion, as I say, I can't reach a
10 legal decision; but, let's see, I would say quite definitely
11 under a psychiatric observation that his behavior was not
12 mature in any sense of the word.

13 Q Why do you say that?

14 A I would say that because his behavior was such as
15 ordinarily aberrant beyond social expectations or social norms,
16 beyond normal values or beliefs of people.

17

18

19

20

21

22

23

24

25

26

27

28

17af.

17A

1 Q In other words, murder is antisocial?

2 A Yes, and I think is *prima facie* evidence of
3 severe maladjustment in the sense of ego identity or integrity.

4 Q Would it be a fair statement to say that your
5 opinion is that if someone murders another party, by
6 definition, the killer is psychiatrically immature?

7 A Yes, I would have to agree with that.

8 Q Would you go further and say that if someone
9 commits any crime, this is evidence of psychiatric immaturity?

10 A I would have to probably agree with that, with
11 certain qualifications; but behavior is appropriate to
12 circumstances, not just the law; so, for instance, if someone
13 were starving in times of famine and so to survive, that
14 would not constitute immaturity; it would constitute their
15 more --

16 Q Go ahead.

17 A -- in ordinary circumstances, the commission of a
18 crime does reveal a kind of immaturity. The degree of
19 immaturity is the crucial point, though.

20 It may be slightly immature to commit a petty
21 offense, but to commit a capital offense or a severe crime
22 would reflect a kind of immaturity or lack of integrity,
23 of identity, of capital proportions.

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

28 A In that sense, yes.

1 Q Did you form any opinion as to the type of
2 relationship that existed between Manson and Watson?

3 A Yes; in fact, I commented extensively on that
4 in the report. I think that the relationship between the two
5 was an extraordinary one and it was of essentially a delusory
6 character; that is to say, that Manson's delusions were shared
7 by Mr. Watson and that this relationship actually fits a
8 syndrome that is known to us in psychiatry, which I make
9 reference to, called the folie a deux or folie a famille
10 syndrome, which is, by definition, a state of induced psychotic
11 delusion.

12 Q And you found that type of situation existing
13 between Mr. Manson and Mr. Watson?

14 A Yes, I did.

15 In fact, in reviewing the literature on the
16 subject, I found that the descriptions of this condition in
17 previous literature, psychiatric literature, uncannily
18 paralleled the relationship between Manson and Watson.

19 Q Do you feel that the interrelationship and the
20 interaction between the entire family was an example of folie
21 a famille?

22 A Yes, I do.

23 Q So, in your opinion, then, the entire family
24 relationship was psychotic in nature?

25 A Yes.

26 Q This is not the typical type of psychiatric
27 psychosis, of course?

28 A No, there are two psychotic conditions that are

1 classified officially as -- let's see, it is referred to as
2 nonstandard psychotic syndromes, and these are, in fact,
3 the Ganser syndrome and the folie a deux syndrome, one form
4 of which is the folie a famille.

5 I could elaborate on that, if you like.

6 Q Yes, go ahead.

7 A To quote from the text that I am referring to
8 here, a folie a deux is characterized by the occurrence of
9 psychotic symptoms that have a common delusional link in two
10 or more persons living in close or intimate association.

11 There are three types in which, I believe, the
12 Manson situation represents the folie imposee. This refers
13 to the phenomenon which is most frequently given the name
14 folie a deux.

15 "Psychotic syndromes -- most frequently, delusions --
16 are transmitted from the sick individual to a healthy one, who
17 frequently elaborates on the induced delusions. Sometimes,
18 more than one person is affected by such an induced psychosis.
19 Folie a trois, folie a quatre, and folie a cinq have also
20 been observed. Goduco-Agular and Wintrob have reported on a
21 folie a famille -- which I think this represents -- affecting
22 seven members of a family in the Philippines. The oldest
23 daughter induced in her sisters, brother and parents, a
24 psychosis that culminated in a state of religious frenzy,
25 during which her aunt was beaten to death. In the first
26 publication on the folie a deux condition, the syndrome was
27 summarized in nine conclusions, which in the main are still
28 valid -- and I can list these if you like.

#18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q Yes.

A "1. Under ordinary circumstances, psychotic symptoms are not contagious from a psychotic to a healthier or another psychotic person.

"2. Such contagion of psychotic symptoms can only occur in exceptional conditions.

"3. These conditions are:

"a. One individual is a dominant one, is usually more intelligent than the other one and gradually imposes delusions on the more passive and originally healthy partner.

"b. The two individuals have lived a very closely knit existence in the same environment for a long period of time, relatively isolated from the outside.

"c. Shared delusion is usually kept within the limits of possibility and may be based upon past events of certain common expectations.

"4. The observations and conditions relating to this disease are very similar in character wherever they are found.

"5. This type of psychosis is found more frequently among women."

I don't need to mention to you that in the family situation at the ranch the women always dominated usually at a ratio of 15 or 16 to one.

Q When you say dominated, you mean dominated in terms of numbers?

18-2

1 A Numbers.

2 Q They didn't dominate the men?

3 A Excuse me, in numbers.

4 Q Of course, you found the opposite to be true?

5 A Yes.

6 Q That the men dominated the women?

7 A In this case certainly the inducing person was
8 a male and his substitute figure was also a male to some extent.

9 "6. Heredity may be predisposing cause,
10 particularly where two persons in the same family
11 are concerned.

12 "7. The main therapeutic indication is
13 to separate the two patients, in which case the
14 second one may recover once he is cut off from the
15 source of delusions.

16 "8. The second patient is usually not so
17 deeply affected as the first.

18 "9. In some cases the pressure of the
19 psychotic person may be extended to a third individual
20 or even more persons in the environment. However,
21 it is usually sufficient to isolate only the actively
22 psychotic person from the sphere of influence."

23 Going on;

24 "Folie a deux is a rare condition but
25 common enough for most psychiatrists to encounter
26 one or several instances of it in their own clinical
27 experience. It occurs more frequently in women,
28 but the phenomenon has also been observed in man,

18-3

1 It usually flourishes in the soil of property and
2 economic distress. The property of the individuals
3 involved is probably often the result of their
4 illness rather than a causative factor.

5 "(In the case of the Manson family, we can
6 say that this is especially obvious. The neurotic
7 illnesses or ego deficiencies of those involved
8 resulted in their dropping out into a nomadic,
9 impoverished existence.) There seems to be no
10 cultural barrier to its incidence, and the
11 condition probably occurs in all ethnic and cultural
12 groups."

18A

18A

1 Q Based on what you have indicated thus far, I take
2 it that you feel that Mr. Watson and the other members of the
3 family, the parties to this folie familia were also psychotic.

4 A At the time of this particularly aberrant behavior
5 it became I think apparent at that time.

6 Q I take it you also feel that neither Manson nor
7 Atkins, nor Krenwinkel, nor Van Houton naturely and meaningfully
8 reflected upon the gravity of these killings either.

9 A Yes, I would have to agree with that.

10 MR. BUGLIOSI: Thank you. No further questions.

11
12 CROSS-EXAMINATION

13 BY MR. RUBRICK:

14 Q Do I understand that a good part of the conclusions
15 you reached was as a result of reading the Kasabian and Atkins
16 testimony?

17 A Yes; and Mr. Watson's testimony, plus all the
18 testimony that I quoted.

19 Q Well, but you, for example, enumerated the fact
20 that some of the things you were impressed with was the fact
21 that Mr. Watson drove to the house and he carried some rope
22 and that he stopped the Parent boy in the car and moved that
23 car, that he cut the telephone wires and cut the screens and
24 things of that nature?

25 A Yes.

26 Q And these are the things that lead you to believe
27 that what? That he couldn't deliberate?

28 A Those specific incidents were in response to a

18A-2

1 question about premeditate. So far as deliberate or reach
2 goal ideas, and be responsible for his thinking, I relied on
3 a good number of other examples including the testimony of
4 his behavior in confronting Mr. Weber.

5 Q Where he said he was drinking water?

6 A Yes. That as I recall -- I will have to paraphrase
7 that -- they were just getting a drink of water and they were
8 sorry, or something to that effect.

9 Q Assuming that they were in fact drinking water
10 at that time, wouldn't that have been a normal response?

11 A Yes. That was the point. His response was normal.

12 Q Is it your opinion, or do you have an opinion,
13 generally, on whether mentally ill people are also stupid?

14 A No, I don't think that my point has anything to
15 do with intelligence. My point has to do with whether or not
16 the individual is coping with stress or reality in an
17 appropriate fashion, whether his thought is organized and he
18 is reaching goal ideas appropriately and effectively, whether
19 he communicates to others effectively and in a normal manner,
20 and that is the basis upon which I make my decision.

21 Q Supposing Mr. Watson at the time all of this
22 happened was just carrying out orders that he had been told
23 to do.

24 A I don't understand the question. Supposing then
25 what?

26 Q Well, would this have been unusual in light of the
27 fact that he had been told what to do?

28 A No, not at all. My only conclusion would have been

18A-3

1 that whether he were doing it on his own initiative or whether
2 he was doing it at the behest of someone else, that his behavior
3 was rather appropriate, reaching goal ideas appropriately and
4 effectively, communicating efficiently, not disturbed, and
5 all the other points.

6 Q Therefore you say that this was within the field
7 and the realm of his ability to premeditate?

8 A Yes.

9 Q Even though he was merely carrying out orders that
10 had been given to him earlier that evening?

11 A Premeditation is really -- if I may answer --
12 premeditation in my mind deals with the thought process and
13 when it occurs it -- it isn't much altered by what factors
14 went into determining that thought process.

15 If someone suggests to me, to give you an
16 example, if someone suggests to me: "Why don't you meet me at
17 a restaurant at 5:00 o'clock --" that is at 1:00 o'clock.

18 And at 5:00 o'clock if I am on my way to the
19 restaurant, then the question of premeditation, or my
20 deliberation occurs. The suggestion that I come was only one
21 factor hours in antecedence.

22 The process itself, the thinking process, the
23 premeditating or meditating is really somewhat independent of
24 what factor is stimulated or entered into the process of
25 decision.

26 Q So that even if the premeditation is Manson's, and
27 the meditation thereafter is Watson's, you feel that is not
28 significant in terms of his subsequent behavior?

18A-4

1 A Well, I think that it is definitely significant
2 in terms of -- it is a factor, and as I mentioned in the
3 report, his willingness to exceed normal social behavior,
4 or even his own social expectations and bias and beliefs, his
5 willingness to do that reflected in my mind a psychotic
6 proportion concordant or sharing of Manson's delusional world.

7 This is the core of the folie a deux or folie
8 familia, but the process itself of thinking the crazy thing --
9 if I may use the term -- was the delusional state, the world
10 of helter skelter, believing that this was going to happen --
11 needing emotionally to relate to Manson, continue the
12 relationship. That is the psychotic aspect of it.

13 The thinking process to drive here, turn here,
14 brake here, stop at this stop light is really independent of
15 the delusional state. It is the hand maiden to the beliefs
16 or values around which he is behaving.

18b

18BR-1

1 Q How would you define psychotic as you are using
2 it?

3 A Well, I will give you a definition from the
4 American Psychiatric Association:

5 "From a broader perspective, in modern
6 contemporary psychiatry, insanity in this
7 instance consists of suffering from a mental
8 state designated as a 'psychosis.' As defined
9 by the American Psychiatric Association, a
10 psychosis is 'a severe emotional illness in
11 which there is a departure from normal patterns
12 of thinking, feeling, and acting; commonly
13 characterized by loss of contact with reality,
14 distortion of perception, regressive behavior
15 and attitudes, diminished control of elementary
16 impulses and desires, abnormal mental content
17 including delusions and hallucinations.'"

18 It is this latter aspect that qualifies this as
19 a psychosis, that the delusional state was of psychotic pro-
20 portions.

21 Q Do you feel that Watson at this time was also out
22 of contact with reality?

23 A No. This is the point. You see you can be
24 psychotic in your delusional state, but your reality testing
25 can be very good.

26 Adolph Hitler was probably psychotic in that sense.
27 He could manage very effectively in the realm of reality, but
28 his delusional state or his world view was psychotic, aberrant..

1 bizarre.

2 Q I take it then that because of that, you feel that
3 psychiatrically, at least, Watson could not meaningfully and
4 maturely reflect on the consequences of his act?

5 A Yes, I do.

6 Q You mean --

7 A Yes, I do agree with that, that he could not.

8 Q You agree with me that he could not meaningfully
9 and maturely reflect on the consequences of his act?

10 A Yes.

11 Q Now, do you recall your examination of the girls
12 in the last case, Doctor?

13 A Yes.

14 Q And the role that Mr. Manson is alleged to have
15 played, to you recall that?

16 A Yes.

19f.

19R-1

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

4 A Well, yes, I think that Mr. Watson was serving as
5 Manson's field agent, if I can say it that way.

6 He was emotionally a substitute for Manson, on the
7 spot. I think that, in fact, some of his emotional need that
8 he do that, identify with Manson and be his alter ego, in a
9 sense.

10 I think that, therefore, Watson was very definitely
11 functioning in this role at the time of the murders, for the
12 girls. He was the substitute figure for Manson, but, on the
13 spot.

14 Q Well, didn't you in the last trial say that, as a
15 psychological --

16 MR. BUGLIOSI: Wait a minute, your Honor; I don't know
17 if we are going to get into the testimony at the last trial.

18 I have no objection to it, but if we are going to
19 do this, I think we better approach the bench. I have no
20 objection to getting into all the testimony --

21 MR. BUBRICK: Oh, no.

22 MR. BUGLIOSI: -- but, if it is at random, I think --

23 THE COURT: I take it you either want to impeach him by
24 his former testimony -- is that it?

25 MR. BUBRICK: Yes.

26 THE COURT: May I see what that is?

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

19-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: Page 26,213; is that it?

MR. HUBBICK: Right.

THE COURT: Beginning Line 4 or 5.

What does that mean? Have you read that?

MR. BUGLIOSI: Let me see that.

THE COURT: Start with Line 4.

MR. KAY: I don't see where that is impeaching.

THE COURT: Having read that, tell me, first, what that means.

MR. BUGLIOSI: I don't know what it means.

THE COURT: Now, tell me second, what are you objecting to?

MR. BUGLIOSI: I didn't know; I said, if we are going to bring in testimony of the last trial, I think we should approach the bench, because I don't know what he was going to bring out.

THE COURT: Now that you know --

MR. KEITH: Here is what Mr. Hubrick is talking about on Line 26; "There is a kind of indifference to him."

MR. BUGLIOSI: Not so loud. My wife can hear you at home --

This is the area you were talking about here?

MR. HUBBICK: Yes, that page.

MR. BUGLIOSI: I have no objection to his going into this, but I think what he was referring to here is that Watson was a relatively insignificant person to these three girls.

I don't think he is talking about on the nights of these murders, however; he's talking about generally

1 speaking, Manson was the dominant figure, not Tex Watson.

2 MR. KAY: He is talking about his interviews with them.

3 MR. BUGLIOSI: I think if you look at it in that context,
4 this really is not impeachment, because he is not talking here
5 about the nights of these murders. He is not talking --

6 THE COURT: Mr. Rubrick, instead of referring to that,
7 can't you say, "Did you not feel as follows" --

8 MR. RUBRICK: All right, I will do it that way.

9 THE COURT: -- so now you are avoiding reading from the
10 transcript and impeaching him from reading from the transcript.

11 But, frankly, that is the kind of double talk that
12 I was referring to the other day; but Mr. Bugliosi feels he
13 understands it, so that's enough. I don't.

14 MR. BUGLIOSI: Well, the context in which this came up
15 was the whole life at Spahn Ranch was centered around Manson,
16 not Watson, whereas he has testified --

17 THE COURT: I think everybody has so testified.

18 MR. BUGLIOSI: -- he is testifying now not about that
19 but about these two nights of murder when Manson was not present,
20 when Watson was the substitute on these two nights.

21 THE COURT: Yes.

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

24 Q BY MR. RUBRICK: Doctor, isn't it true that as a
25 result of your discussions with the girls in connection with
26 the information that you had received by way of background
27 material in this case, that you concluded that the girls were
28 kind of indifferent to the presence of Watson on the nights of

1 these murders?

2 A I think that the point we were addressing at that
3 time was from a psychiatric point of view, how would I under-
4 stand what they did.

5 The question was what was the factor, what was the
6 weight of the factor of Manson and Watson, I suppose, in this
7 instance.

8 Q Watson?

9 A By substitution. I would say this, as I did at
10 that time, but ultimately the decision to do and act, to commit
11 an act in an ultimate sense, is a radically free willed
12 decision; no one makes it but you. But the factors which go
13 into that are many, and you can often, in fact, most of us are
14 often unaware of what the factors and the weight of the factors
15 are in our making a decision, so I would say that in the case
16 of the girls, they made the decisions, no one else put their
17 hand on a knife; but the factors which went into making that
18 decision were very, very important, then as now, and in the
19 reflection of this case, I would say that the factors include
20 participation to a psychotic degree in the delusional world of
21 the family.

22 Q Well, do you think that they really knew why they
23 were going out, on a conscious level, as opposed to an uncon-
24 scious level?

25 A I think they had explained to them as much as it
26 was available consciously, they were committing an act in
27 service to this world of helter-skelter to which they belonged.
28 I think they were largely unaware of why they belonged to it

1 or what membership in that world was serving them, how it was
2 serving them emotionally.

3 Q And by their standards, this was the right thing
4 to do?

5 A Within that delusional world, it was.

6 Q They thought there was nothing wrong in killing?

7 A I think that I wouldn't agree with that. I would
8 say that the rightness of the act within that delusional world
9 outweighed the wrongness of the acts in the normal world in
10 which they had grown up and still participated to some degree.

11 Q But so far as their frame of reference was con-
12 cerned, this world that you are talking about, they thought it
13 was right?

14 A The rightness of it dominated the wrongness of it
15 in their minds at the time of the acts.

16
17
18
19
20
21
22
23
24
25
26
27
28
19af.

19AR-1

1 Q And Watson is also included within that realm that
2 we are talking about, is he not?

3 A If I can quote on the subject: Watson, therefore,
4 was suffering from an incompetent and immature sense of self,
5 psychiatrically speaking. In behaving as he did, he demon-
6 strated prima facie evidence of a defect in his reasoning.
7 He knew right from wrong; no man doesn't in some degree, unless
8 he is suffering from intellectual insufficiency or physical-
9 neurological incompetence. In Mr. Watson's case, it appears
10 clear from the testimony of Mrs. Kasabian and Miss Atkins, and
11 others, subsequent to the murders, that his behavior revealed
12 that he was aware of the "wrongness" of his actions. Indeed,
13 he took precautions to prevent, and was concerned with,
14 apprehension. However, essentially, he was participating in
15 a folie a deux or folie a familia, induced, psychotic, delusional
16 state. A delusion is defined as a false belief or opinion,
17 or false, persistent belief, not substantiated by reality.
18 In this state, Mr. Watson was committed to the values, views
19 and opinions of Mr. Manson's "helter-skelter" world. The
20 rightness of this world, in Mr. Watson's mind, dominated the
21 co-existing wrongness in his mind of his actions. In this
22 psychotically intense delusional state, he committed acts
23 which ignored his original values and beliefs in service to
24 his delusional beliefs. Mechanically, his thought processes
25 were not apparently disrupted. He could contemplate, abstract
26 and reach goal ideas, and act upon them without disruption.
27 However, his values and beliefs and view of the world, the
28 machinery within which the gears of abstraction and thinking

1 turned, were psychotic in form.

2 Therefore, in my opinion, this constituted a
3 defect of reason, sufficient to obscure his understanding of
4 the nature and quality of his actions --

5 MR. BUGLIOSI: Well, wait a while; wait a while, Doctor.
6 You can't just read on.

7 THE WITNESS: I had almost finished.

8 MR. BUGLIOSI: I believe you are going into an area
9 there that you have been instructed by the Court and the
10 defense attorneys and the prosecution to stay out of, so I
11 will object on that ground.

12 Q BY MR. BUBRICK: What page are you reading from?

13 A Page 17, bottom of the page.

14 MR. BUGLIOSI: He is getting into an area that I think,
15 your Honor, where he has been instructed to stay out of; so
16 I would object on that ground.

17 MR. BUBRICK: I would agree. He ought to be able to
18 read just to the last word of that sentence, beginning with
19 "therefore."

20 MR. BUGLIOSI: He has read to that point.

21 Q BY MR. BUBRICK: "Quality of his actions," and
22 then period.

23 THE WITNESS: The only thing I was going to say had
24 nothing to do with the other. I would say it constitutes
25 psychiatric psychosis, as far as I was concerned.

26 Q BY MR. BUBRICK: So, I take it from all that you
27 find, Watson was operating within the same delusional world
28 that the girls were at that time?

1 A Unquestionably, in my mind.

2 Q You felt that Mr. Manson was the dominant force
3 on Watson, as he was on the girls, too?

4 A I think he represents a classic example of the
5 induced psychotic personality, in this case uniquely augmented
6 by psychedelic drugs.

7 Q Did you feel that the drugs did play an important
8 part in these events?

9 A I think that the drugs unquestionably were very
10 influential in the process of induction of this value system
11 in the others and their entering into his world.

12 I think that the deconditioning effect of the
13 drug was instrumental; not sufficient, but instrumental.

14 Q Well, there was a destruction of his original
15 value system, whatever that may have been --

16 A A suspension, not a destruction.

17 Q Well, at least, the conscious value system was
18 that of Manson's?

19 A As far as we can infer, yes.

20 Q That he was operating by Manson's or with Manson's
21 degree of delusion?

22 A I don't know if it is the exact same degree; I
23 would certainly say he was a member, an active member of that
24 delusional world, helter-skelter world.

25 Q And from all you can determine, he really believed,
26 sincerely believed, in that helter-skelter world?

27 A Well, they say that actions speak louder than
28 words; and I would have to say on that basis, yes.

Q He stayed with it?

A Yes, and the girls, to this day, still do.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

19BR-1

1 Q I think you also used some terminology in the last
2 trial such as "primitive thinking."

3 Can you define primitive thinking for us, Dr.
4 Hochman?

5 A Well, by primitive, I was extrapolating on the
6 process of primary process thinking; primary process thinking
7 is the kind of thinking you would get in a dream state in
8 which there are no rules of logic, anything can happen in
9 dreams. That's the kind of primary or primitive level think-
10 ing. It is also the kind of thinking we infer occur in
11 children before they reach the age of rationality or intellect,
12 capacity to reflect.

13 Q Do you find within your experience that adults,
14 or young adults, can indulge in that kind of thinking while
15 under the influence of drugs?

16 A Oh, I think that all of us can experience that.
17 When people get drunk on alcohol, you frequently see examples
18 of primary process thinking. In fact, it is a very common
19 experience, I am sure, in all of our lives, to have witnessed --

20 Q I'm sorry?

21 A -- to have witnessed that under the influence of
22 a drug, alcohol most commonly --

23 Q How about LSD, do you think that occurs --

24 A I think it unquestionably occurs under the
25 influence of LSD.

26 Q So that Watson could have been undergoing some
27 primitive thinking at the time of these events?

28 A It is only a question now, Mr. Bubrick, of the

1 degree of primary process. We all are doing it at all times
2 -- our second level, our emotions, represses that which doesn't
3 fit.

4 I am thinking right now that -- I am probably
5 thinking that this is a hard chair, but I didn't pay any atten-
6 tion to that until a few minutes ago. The primary process
7 thinking was the chair is hard; when I become aware of it
8 consciously, it becomes secondary; so the degree of that present
9 under the influence of a drug, there is a massive infusion of
10 this kind of thinking, particularly under the influence of LSD.

11 Q So that it is possible under the influence of LSD
12 that the secondary thinking might not be as effective as other-
13 wise?

14 A Yes; in fact, a characteristic of LSD intoxication,
15 and a much less extent, marijuana intoxication, is that the
16 individual's thinking direction is hard to follow. He makes
17 sense in what he says, but you don't get the connection because
18 he's almost preassociating and that's largely some primary
19 process thinking which is not being constrained by ordinary
20 malfunction.

21 Q Wouldn't you say, Doctor, as a result of everything
22 you learned that the girls and Watson considered Mr. Manson
23 to be the real leader of this helter-skelter world and this --

24 A Yes, and that gets to the point you asked me a
25 while ago about my previous testimony on this, and I would
26 say that consciously they might have -- rephrase this --
27 obviously, in their awareness, Manson was a significant figure;
28 but they were largely unaware of their own emotional needs that

1 invested him with that power to appear significant, their
2 expectations, their fantasies, their imaginations about him.
3 This was their part of the formula. Manson was just a man.
4 Thousands of individuals confronted him and encountered him
5 as he traveled up and down California; but only 30 or 40 or
6 maybe 60 selected themselves out to be a member of his family,
7 so there was Manson as a factor and their own psychodynamics
8 or emotional needs as a factor.

9 Q Now, getting, if I can just to follow that one
10 step further, can't you also tell us, though, that in the last
11 trial -- or isn't it true that -- let me strike the other
12 original phrasing.

13 Isn't it true that as a result of everything you
14 learned from the girls, you concluded that the girls felt that
15 Watson was rather indifferent, as far as they were concerned?

16 A The impression --

17 MR. BUGLIOSI: May I object on the grounds it is
18 ambiguous, indifferent with respect to their entire relation-
19 ship with him, or on these two nights of murder?

20 MR. BUBRICK: These two nights of murder.

21 Q There was a kind of indifference to him?

22 A Well, this is a little confused even in my own
23 mind, because at the point in interviewing the girls, they
24 denied that Charles Watson -- Charles Manson was in any way
25 responsible. They claimed that they were making -- it was
26 strictly their own motivation, their own decision making and
27 that everyone else was irrelevant, even the girls were irrelevant,
28 it was their own personal involvement, you see.

1 So, in that sense they said Watson was not
2 significant; but I think on an emotional sense, on the psychiatric
3 basis and understanding, I would say that wasn't really true.
4 They were unaware of the fact that Manson had, with some kind
5 of animal intuition, sent Watson along as a substitute,
6 probably out of his own awareness he was doing it; but Watson
7 was there as a symbolic representation of Charles Manson.

8 He was the screen upon which they were projecting
9 their fantasies in Manson's absence.

10 Q So that Watson, himself, could have been under
11 the influence of Manson, even though Manson was not there?

12 A Unquestionably, he was.

13 To give you an example, it is like my father is
14 with me right now on this stand, because he is a part of that
15 which I am, in terms of my identity, you see; and all of us
16 share the same phenomenon, we are a part of all that which we
17 meet, but most particularly these parent figures.

20K-1

1 Q I think you said father is with you everywhere
2 you go?

3 A Whether you are aware of it or not. In terms of
4 your speech, or your feelings, your values, your understanding
5 of life, your preceptions of reality, all of these things are
6 shaped by the influences that you meet as a child.

7 Q As I recall, Doctor, at least as of the time of
8 your last testimony, you said there had been nothing from what
9 you could conclude that LSD does in fact cause brain damage?

10 A Yes.

11 Q Since that occurred, since your last testimony,
12 have you run across any literature which might make you feel
13 otherwise?

14 A I have not encountered any literature. I have
15 encountered the reports from Dr. Suarez and Frank and Palmer
16 at UCLA that piques my curiosity, but I have seen no definitive
17 report of any variety that this is the case and I have seen
18 literally hundreds of individuals with literally thousands of
19 LSD intoxications.

20 Q I take it you do know the doctors whose names you
21 mentioned from MPI?

22 A Yes, I do.

23 Q LSD does affect the central nervous system, does
24 it not?

25 A Unquestionably.

26 Q And in the sense that the central nervous system
27 is a part of the functioning of the brain, that is there is a
28 relationship between the brain and the central nervous system,

1 LSD would then affect the brain, would it not?

2 A Sure, of course.

3 Q Is there any evidence that LSD can affect the
4 central nervous system?

5 A Yes. There is a lot of evidence that it affects
6 the central nervous system.

7 Q In what manner?

8 A Oh, in terms of alter performance of animals and
9 individuals to whom LSD has been given -- it changes in
10 electroencephalographic activity during acute intoxication.

11 There are a variety of psychological and psycholog-
12 ical and pharmacological investigations that point out the
13 central nervous system is a central site of action of the LSD.

14 Q Is there any evidence that you know of that would
15 indicate that there are actually cellular changes taking place
16 in the central nervous system as a result of LSD?

17 A No. I mean not to this point, I am not familiar
18 with any literature that says that the following changes in
19 cells occur with LSD. I know there is work going on in this
20 area but I have seen no report to demonstrate it.

21 Q Doctor, have you done much work in the field of
22 drug abuse or drug use with speed?

23 A I have seen a number of patients who have used
24 speed.

25 Q Can you tell us the effect that it has on the body?

26 A Well, there are two effects of amphetamines and
27 amphetamine like compounds: One is an immediate effect upon
28 the body and the other is a long-term effect on the body. In
which are you interested?

20A

1 Q The long-term effect?

2 A Well, there is, in fact, there are a series of
3 reports now from the medical center at the University of
4 Southern California, which has discovered a co-relation
5 between a medical physical syndrome and the chronic abuse of
6 amphetamines, and that syndrome is called polyarteritis nodosa.

7 Essentially this is an inflammatory condition of
8 the small vessels of the body and it affects, of course, all
9 the organs in which small vessels are present, the pancreas,
10 liver, brain. This condition does occur.

11 Q What is the long-term effect of that condition?

12 A Well, in those individuals who have come to the
13 attention of the physicians in these cases they have all died
14 from that condition.

15 Q You mean it is just that fatal?

16 A It is a progressive deterioration of the small
17 arteries and, of course, without small arteries none of the
18 vessels can survive. They are all fed nutritively by means
19 of the arteries.

20 So you see at the most extreme form of it death
21 from generalized polyarteritis and we would therefore have to
22 guess, by inference, that in less severe cases those who have
23 not abused as severely, you might find lessened forms of
24 penetration of the syndrome, perhaps with pancreatitis, effect
25 on the liver, or mild organic brain symptoms.

26 Q Do you think there could be a mild organic brain
27 syndrome from a long time use of something like speed or
28 methedrine?

20A-2

1 A Yes. I have seen a number of individuals about
2 whom I would say unquestionably they did suffer organic
3 brain damage from chronic abuse of amphetamines particularly
4 the intravenous injection of amphetamines.

5 Q How about the speed variety that may be adulterated
6 with various substances?

7 A You mean intravenously or oral?

8 Q No, oral.

9 A I know of at least one case of a housewife who
10 got the syndrome from using 40 milligrams a day orally for
11 purposes of weight control. So there may be some individuals
12 who may have some susceptibility to this condition.

13 Q In all probability the patient you speak of was
14 probably using chemically pure amphetamines.

15 A I don't know the details of the case enough to say
16 that but I do know that this 40 milligrams a day is what the
17 physician quoted to me.

18 Q But street speed is often adulterated with
19 substances which in and of themselves could be toxic?

20 A It occurs. I don't know how frequently it is.
21 No one has actually studied that.

22 Q How about belladonna, Doctor? Have you done any
23 work in that field?

24 A I have only seen two cases of belladonna
25 intoxication. I did a little reading in preparation for coming
26 up here but I have no extensive experience with Belladonna
27 intoxication myself. I wouldn't qualify myself as an expert on
28 it.

20A-3

1 Q Would you have an opinion of the effect of the
2 use of both LSD, belladonna, speed over a long period of time?

3 A Over a long period of time I couldn't tell you
4 what the effects of belladonna would be because no one has
5 studied that that I am aware of.

6 LSD and speed I have some opinions that I have
7 already voiced. I can quote to you what a pharmacological
8 textbook says about belladonna and its effects, acutely,
9 but the textbook doesn't describe any chronic effect or chronic
10 syndrome because that is too new a phenomenon in medicine.

11 MR. BUGLIOSI: I have no objection to his reading what
12 the book says about it.

13 THE WITNESS: First of all --

14 THE COURT:; Just a minute. Mr. Bubrick is cross-examining
15 you.

16 MR. BUBRICK: I don't see the point of that. If he wants
17 to go over it, he can, as long as we are not concerned with
18 any knowledge about long-time use.

19 Q You have also mentioned the Ganser syndrome. Can
20 you describe that for us, please?

21 A I would rather quote on that also as described by
22 Dr. Lehmann in the "Comprehensive Textbook of Psychiatry," on
23 page 1150.

24 "The Ganser syndrome is defined as a
25 'situation-specific psychotic syndrome. Its most
26 remarkable feature is the phenomenon of the patient
27 giving an entirely incorrect, or perhaps ridiculous,
28 reply to a question, although it is quite clear that

20A-4

1 he has understood the sense of the question.
2 Furthermore, although these patients, according
3 to the information they give, often appear or
4 allege to be disoriented in time and place, their
5 general behavior usually leaves no doubt that they
6 are alert and not confused in the usual sense;
7 they are capable of comprehending the meaning of
8 questions, and they behave, in areas other than
9 the verbal, like persons who are capable of
10 appreciating their environment.' This syndrome
11 is rare, but most often observed, when it occurs,
12 in prisoners. It may be thought of as a rare
13 hysterical manifestation, a disassociative state
14 in which the central phenomenon is the patient's
15 unconscious attempt to mimic the disorganized
16 behavior and thinking of a psychotic patient,
17 according to the naive and personal mental image
18 the patient has of madness.

19 "The secondary gain to the patient
20 seems to lie in the fact that he escapes a
21 threatening or frustrating reality by conveying
22 the impression of being insane to the people in
23 his environment.

24 "Most experts agree that the Ganser
25 syndrome may occur as an isolated disassociative
26 state or may occasionally be temporarily superim-
27 posed over other functional or organic mental
28 diseases. The premorbid personality of the patient

20A-5

1 is often characterized by certain hysterical
2 features.

3 "It has been pointed out that this condition
4 has never been observed in persons of superior
5 character or intelligence. Like most hysterical
6 twilight states, the Ganser syndrome is usually
7 short-lived and the patient recovers in a few
8 days or weeks."

9 Q Do I understand that it is really an unconscious
10 defense mechanism?

11 A Yes. It is a syndrome of an unconscious attempt
12 on the patient's part, or the prisoner's part most commonly
13 to escape the threatening reality in which he finds himself
14 by unconsciously beginning to mimic psychotic symptoms, as he
15 naively, as the text says, naively or personally understands
16 them to be and it most typically is manifested by verbal
17 productions that mimic insanity or change in mental state
18 such as memory loss.

19 Q While he does this, he really doesn't know why he
20 is doing it?

21 A He is largely unconscious of why he is doing it.

22 Q And do I understand that it is normally not found
23 among intelligent people?

24 A It is normally not found in the literature among
25 people of superior character or superior intelligence. It
26 is usually people that we would call with a hysterical
27 personality type, that they are very much oriented to external
28 cues and the opinions of others rather than through their own

20A-6

1 sense of integrity and internal self.

2 MR. BUBRICK: Could we have our recess?

3 THE COURT: All right. Ladies and gentlemen of the
4 jury, at this time we will have our afternoon recess.

5 Once more heed the admonition heretofore given.

6 (Recess.)

21

21R-1

1 THE COURT: People against Watson.

2 Let the record show all jurors, counsel and the
3 defendant are present.

4 Mr. Bubrick.

5 MR. BUBRICK: Thank you, your Honor.

6 Q Dr. Hochman, is there any question in your mind
7 but that the initial decision to send or to go out on this
8 killing expedition was Manson's?

9 A No, I would say that he was the first with that
10 idea, from what I know.

11 Q Yes; based on what you know in this case. And
12 do you have an opinion now or have you already stated, that
13 so far as the matter of the element of deliberation is con-
14 cerned that the defendant, Mr. Watson, made a conscious choice
15 in weighing the reasons for and against the choice of killing,
16 and then decided to go out and kill?

17 A I have absolutely no information about whether he
18 considered the rightness or wrongness of it. I do have some
19 evidence that he considered the act and what it would take to
20 do that act.

21 Now, I can only guess what was in his mind during
22 that process, as far as rightness or wrongness. I would guess,
23 though, that somewhere in his mind there was an awareness of
24 the wrongness of what he was going to do, because he had grown
25 up with the knowledge that these things were wrong.

26 Now, whether that was conscious or unconscious,
27 I have no way of saying; whether he repressed it or not, I
28 simply don't know.

1 Q You realize that under the law, and I want to read
2 just this one sentence:

3 "To constitute a deliberate and premeditated
4 killing, the slayer must weigh and consider the
5 question of killing and the reasons for and
6 against such a choice; and having in mind the
7 consequences he decides to and does kill."

8 Now, do you have an opinion as to whether or not
9 Mr. Watson was going through that thought on a conscious level?

10 A I have no evidence or basis to make that decision.

11 Q You mean it is a question you think you cannot
12 answer?

13 A I cannot answer on the basis of evidence available
14 to me, because I literally do not know what was going on in
15 his mind at that time, literally.

16 I know by his actions what it appears he was think-
17 ing about, what appeared to be in his thoughts. His actions
18 implied that he was considering what he was going to do in
19 advance and how or what he would need to do it.

20 Q What do you draw that --

21 A He told the girls, "I have been there before; I
22 know the layout of the place; do what I tell you to do."

23 Q You are assuming that those portions are true; is
24 that correct?

25 A Yes, I'm assuming, that's right.

26 Q And if they, in fact, did not happen, would that
27 alter your opinion?

28 A I would have to reconsider if that had not happened.

1 But in the case of the Weber incident, it wasn't the girls
2 who talked to Mr. Weber; it was Mr. Watson.

3 Q That's correct, but this was after the killings had
4 occurred --

5 A Yes, but I would infer from that that the pattern
6 of relationships was just that, that Watson did it, he did
7 the talking, he took the lead and initiative there.

8 I would have no reason to assume there was a change
9 in their mode of interaction, the girls and Watson, from the
10 time before or after the act to the time immediately thereafter.
11 I would assume that the same hegemony, hierarchy, was still
12 there in their interactions.

13 Q So, of course, this is an assumption on your part;
14 is that correct?

15 A Yes.

16 MR. SUBRICK: I have nothing further, your Honor.

17 MR. BUGLIOSI: A couple of more questions.
18

19 REDIRECT EXAMINATION

20 BY MR. BUGLIOSI:

21 Q Doctor, you read Susan Atkins' testimony and Linda
22 Kasabian's testimony.

23 Did you find their testimony to be in conflict with
24 Mr. Watson's testimony?

25 A Yes, I did.

26 Q Did you find their testimony to be consistent with
27 each other?
28

MR. SUBRICK: Object to that as being a conclusion.

1 THE COURT: Sustained.

2 Q BY MR. BUGLIOSI: Let me ask you this: Did you
3 believe Mr. Watson's version, or did you believe Linda
4 Kasabian's and Susan Atkins' version in forming the psychiatric
5 opinions that you have testified to?

6 A I would say that I have believed their testimony,
7 particularly when augmented with Mr. Weber's testimony and
8 certain other information.

9 Q Now, why did you believe their testimony as opposed
10 to Mr. Watson's?

11 A First of all, what they testified to was consonant
12 with that which had gone on before in the family in terms of
13 who took the active and passive role, who played what kind of
14 a role and what characterized the roles; so the behavior at
15 the Tate and La Bianca houses would be consummate with their
16 behavior and role back at the family, in which they did the
17 bidding of the men.

18 That is one thing that I would say was definitely
19 persuasive in my mind.

20 Q When you say they did the bidding of the men, you
21 don't mean just Manson, you mean all the men in the family?

22 A In general, yes.

23 2laf.
24
25
26
27
28

21A

1 Q Okay. You may continue.

2 A That is the major factor would be that one; it
3 was consonant behavior.

4 There is also the factor of coincidence. Their
5 testimony tends to be coincident in the terms of the stories
6 they tell. They are similar stories, so there is some
7 corroboration between the two of them, or among the two of
8 them, I should say --

9 Q Between the two, I think.

10 A Between, among all of them -- between the two of
11 them; so that's another factor.

12 Let's see, what else -- I'd say those are the two
13 major factors in my mind.

14 Q You were referring to a pharmacological book --

15 A Yes.

16 Q -- which had some statement about belladonna?

17 A Yes.

18 Q What does it say about belladonna?

19 A Talking about belladonna root, they made the point
20 that belladonna root actually contains three --

21 MR. BUBRICK: Your Honor, I think as long as he did
22 not consider the effects of belladonna in his opinion, I would
23 object to the reading of that.

24 THE COURT: Did you take into consideration the effects
25 of belladonna at all, Doctor?

26 THE WITNESS: I considered the possibility that he may
27 have been under the influence of belladonna, yes; but I don't
28 think I assigned a very large importance to that possible

21A-2

1 effect because -- well, I don't want to get into it. I didn't
2 sign --

3 THE COURT: All right, tell us what the pharmacological
4 effect tells us about belladonna.

5 THE WITNESS: All right.

6 Belladonna contains three things -- we are dealing
7 already with three different chemicals: Atropine, hyoscyamine
8 and scopolamine -- an effect, in general, would be achieved like
9 the effect or the releasing effect from inhibitions that you
10 get from alcohol, very similar in low doses. They specifically
11 say it is like alcohol inebriation in low doses, but with
12 increasing doses the individual becomes loquacious, restive,
13 and may experience hallucinations. At high doses you may get
14 maniacal behavior with uncontrolled motor activity.

15 MR. BUGLIOSI: Q Uncontrolled motor activity?

16 A Such as, it could even go on to a convulsive kind
17 of behavior, uncontrolled -- lower doses would be in the form
18 of pacing, inability to sit still, and this sort of thing; and
19 then at high enough doses you eventually get to a central
20 nervous deficiency, a stupor, coma, and die from respiratory
21 arrest, drug depressant arrest.

22 Q It is a very powerful drug that --

23 A Everything is in high doses.

24 THE COURT: You say it does induce a stupor?

25 THE WITNESS: It can at high doses; it can produce a
26 stupor or coma.

27 THE COURT: And what would be a high dose?

28 THE WITNESS: Well, amnesia -- scopolamine at .5

21A-3

1 milligrams, half of a milligram, is what is used in labor
2 and delivery and obstetrics to induce an amnesia from the
3 events; but I'm not in a position right now to say what the
4 average root of belladonna contains in the way of scopolamine.

5 Q BY MR. BUGLIOSI: Medically, what does the term
6 "stupor" mean?

7 A Stupor, if you will hand me that little book, I
8 will read it.

9 Give me my briefcase, please; it is beneath the
10 black one.

22 fls.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12R-1

1 A In psychiatry, a state in which the individual
2 appears to be unaware of and nonreactive to its surroundings.
3 It catatonic stupor, ever, the unawareness is more apparent
4 than real.

5 THE COURT: That is the definition of stupor?

6 THE WITNESS: Of stupor -- appears to be unaware of
7 his surroundings or how to touch with reality.

8 Q BY MR. BUGLIOSI: What would the manifestation be,
9 if a person is in a stupor?

10 A In a stupor, they don't respond to stimulus. That
11 is one of the criteria used in testing. You inflict pain on
12 a patient when he is in a stuporous condition. If he doesn't
13 respond, you say he is stuporous and if he responds, that is
14 if he responds somewhat, if he avoids the pain, that still
15 qualifies as stupor. However, if he doesn't even move and
16 you are jamming a pin on his chest, that is called coma. So
17 it is a gradient of behavior.

18 Q Is it a species of unconsciousness?

19 A Yes, it is.

20 Q Doctor, in your reading up on LSD, have you ever
21 come across any case in the literature of LSD where anyone has
22 committed a murder while under the influence of LSD?

23 A No.

24 MR. BUGLIOSI: No further questions.

25
26 RECROSS EXAMINATION

27 BY MR. BUBRICK:

28 Q Doctor, do you have any reason to believe that a

1 drug in and of itself would cause one to commit murder?

2 A In and of itself?

3 Q Yes.

4 A Well, the kids whom I have interviewed and talked
5 to over the years, who take drugs say this: They say there is
6 no such thing as a bad drug. There is a bad head.

7 This is their way of saying that if an individual
8 takes LSD and, say, he commits murder, that the reason that
9 happened is a manifestation of his emotional and psychological
10 content. The drug was a facilitator. I think that is particu-
11 larly true of LSD. The drug is only a facilitator.

12 Q In other words, the drug in and of itself might
13 not do anything, but if you were programmed over a long period
14 of time, or I think deconditioned, I think the word is you
15 used, so that your original values are replaced with a differ-
16 ent set of values, it is this entire process aided and
17 facilitated by the drug that leads to some bizarre conduct or
18 can lead to bizarre conduct?

19 A It could, yes.

20 In fact, I made that point here in the examination.
21 Essentially, I say that I believe that this whole incident with
22 the Manson family and these murders constitutes the first
23 example in medical literature of a psychedelic drug augmented,
24 induced, psychosis of the folie a famalia type.

25 Q So that aside from that transference of drugs,
26 bizarre courses of conduct from one to the other, is facilitated
27 or amplified perhaps by the LSD that was used?

28 A I think so.

1 Q Doctor, in your getting the background material
2 about this case, you read, I would assume, about creepy crawl
3 missions that the girls engaged in?

4 A Yes.

5 Q And did you understand that to be missions where
6 the girls would go through houses and take things of value?

7 A Yes.

8 Q And that was the course of conduct that the girls
9 were involved in; correct?

10 A Yes, as I recall the testimony, yes.

11 Q Would it seem strange to you then that perhaps
12 a girl could conceive of the idea of slitting the screen in
13 order to open the window to get into a house?

14 A Well, in my experience, both psychiatrically and
15 personally, nothing that a girl would do would surprise me
16 anymore than it would a man.

17 Q So the fact that you have a slit screen doesn't
18 of necessity mean that it couldn't have been done by a girl
19 who was engaged in creepy crawl missions?

20 A Of course.

21 Q And I would take it that since they are out on
22 the creepy crawl missions, and their object is to steal, and
23 the girl were doing that, she might be well concerned with
24 avoiding detection?

25 A At the time, of course.

26 Q Yes. And perhaps wearing dark clothes again?

27 A Yes.

28 Q As an aid in avoiding detection?

1 A And a girl doing that, in that kind of an affair,
2 might do a lot of independent thinking on her own, would she
3 not?

4 A She might.

5 Q At least, it is conceivable that she would do a
6 lot of independent thinking about how they were going to
7 accomplish their mission, avoid detection, avoid getting
8 caught and fulfill her goal?

9 A Yes, she might.

10 Q One last question: Doctor, do you have any idea
11 what the effect of belladonna and speed would be? Which one
12 would be paramount?

13 A It would be dose related. I would have to know
14 the doses consumed to give you an opinion on that.

15 MR. BUBRICK: I have nothing further.

16 MR. BUGLIOSI: No further questions.

17 THE COURT: Thank you, Doctor. You may be excused.

18 MR. BUGLIOSI: Your Honor, I have here what appears to
19 be a driver's license of Charles Tex Watson covering the period
20 1968 through 1970. May it be marked People's next in order.

21 THE COURT: 310.

22 MR. BUGLIOSI: The People would move that the additional
23 exhibits be received in evidence, your Honor. We have no
24 further witnesses.

25 THE COURT: Let me see. We have Exhibit 308, three
26 drawings. Am I correct?

27 MR. BUGLIOSI: Yes.

28 THE COURT: Any objection?

1 If there is no objection, they will be received.

2 MR. BUBRICK: No objection.

3 THE COURT: 309 is the Bender Gestalt drawing, that
4 will be received.

5 310 is the driver's license. That will be received.

6 MR. BUGLIOSI: The People rest, your Honor.

7 THE COURT: 307 is Dr. Palmer's I.Q., Watson's 88 reading.
8 Any objection to that being received?

9 MR. BUBRICK: No, your Honor.

10 MR. BUGLIOSI: No objection.

11 THE COURT: 307 will be received.

12 I take it the People rest?

13 MR. BUGLIOSI: The People rest.

14 THE COURT: Is that correct?

15 MR. BUGLIOSI: I believe they have some surrebuttal.

16 THE COURT: You are not prepared to proceed with that
17 today, are you, Mr. Bubrick?

18 MR. KEITH: I could proceed.

19 MR. BUBRICK: Mr. Keith says he can proceed with some of
20 it this afternoon, your Honor.

21 THE COURT: You may proceed.

22
23 S U R R E B U T T A L

24
25 MR. KEITH: Mr. Bubrick.

26 THE CLERK: You do solemnly swear that the testimony
27 you may give in the cause now pending before this court shall
28 be the truth, the whole truth, and nothing but the truth, so

1 help you God?

2 THE WITNESS: I do.

3
4 SAM BUBRICK,

5 called as a witness by the defendant, in surrebuttal, testified
6 as follows:

7 THE CLERK: Take the stand and be seated. Would you
8 state and spell your name, please?

9 THE WITNESS: My name is Sam Bubrick, B-u-b-r-i-c-k.

10
11 DIRECT EXAMINATION

12 BY MR. KEITH:

13 Q Mr. Bubrick, you are a lawyer licensed to practice
14 in the State of California?

15 A Yes.

16 Q In the courts?

17 A Yes.

18 Q You were appointed to represent Mr. Watson in this
19 case?

20 A I was.

21 Q What was the approximate date of your appointment,
22 if you recall?

23 A I think as a matter of record it is October 7,
24 1970, I believe.

25 Q And you are aware, of course, that Mr. Watson was
26 admitted to the Atascadero State Hospital as a patient sometime
27 toward the end of October, or the early part of November -- I
28 believe October 30th, 1970?

1 A I was.

2 Q Did you have occasion to see Mr. Watson in the
3 Los Angeles County Jail infirmary section from the time you
4 were appointed to the time he went to Atascadero?

5 A I started to see Mr. Watson before the date of my
6 appointment.

7 I think I saw him somewhere in the later part of
8 September 1970 for the first time. My appointment was origin-
9 ally conditional and I saw him a number of times before I was
10 officially appointed on October 7th.

11 Q Would you describe Mr. Watson's actions or reactions
12 or behavior during the time you saw him, without going into
13 any conversation you may have had with him?

14 A Well, I found Mr. Watson to be very suspicious.
15 He was reluctant to talk to me. He thought --

16 MR. BUGLIOSI: Your Honor, I think we should approach
17 the bench. May we approach the bench?

18 THE COURT: Yes.

19

20

21

22

23

24

25

26

27

28

22af.

22A

(Whereupon the following proceedings took place at the bench outside the hearing of the jury.)

THE COURT: Mr. Bubrick, make an offer of proof of what you are going to testify to.

MR. KEITH: I will make an offer of proof that he is going to testify to how Mr. Watson appeared to him. That is what Mr. Bubrick began to say, that he was suspicious. He was noncommunicative.

THE COURT: Suspicious would be a conclusion.

MR. KEITH: Noncommunicative.

THE COURT: He would not respond to any questions. He can testify to that.

MR. KEITH: Yes; and that he on occasions thought that the jailers were spying on him, that the jailers could come in and out the jail doors without opening them.

He thought there was television cameras trained on him in the jail, and things of that nature, very bizarre conduct.

This is all I am seeking to elicit from Mr. Bubrick, although I think we can stipulate to this that Mr. Bubrick, when Mr. Watson was sent to the Atascadero hospital, told Mr. Watson not to converse with any of the people at Atascadero concerning the facts and circumstances surrounding the homicides.

MR. BUGLIOSI: You weren't his lawyer at the time.

MR. BUBRICK: Sure I was. I was appointed his lawyer on October the 7th and he was sent to Atascadero on October the 30th.

22A-2

1 MR. BUGLIOSI: I thought you said the first time you saw
2 him was --

3 MR. BUBRICK: In September.

4 MR. BUGLIOSI: The first time you saw him was November
5 19th? That is at Atascadero?

6 MR. BUBRICK: November 19th.

7 MR. KEITH: I wasn't going into any interviews at
8 Atascadero, simply what Mr. Bubrick saw.

9 MR. BUBRICK: I wanted to state that he was suspicious,
10 that as a result of my conversation with him I had to go back
11 and get a big certified copy of an order showing my name.

12 I brought a driver's license with my picture on
13 it. I brought a state bar card showing my name and state
14 bar number and I had to lay all of this out before he would
15 even say hello or goodbye to me.

16 THE COURT: That doesn't sound like a crazy man to me,
17 if you want to testify to that.

18 MR. KAY: Go ahead. Be our guest.

19 THE COURT: I don't know if it will do him any good,
20 Mr. Bubrick.

21 MR. KEITH: I was more interested not in any suspicion,
22 but conversation where Mr. Watson indicated that he thought
23 people were spying on him.

24 MR. BUBRICK: He thought I was a policeman. He said
25 people were coming in and out of his cell, walking right
26 through the bars.

27 MR. KEITH: Without opening the door.

28 MR. BUBRICK: And with a television camera trained on

22A-3

1 him and if I was his lawyer I ought to do something about his
2 being served coffee with drugs in it and things like that.

3 That is why I used to run to Judge Dell a couple
4 of times a week. I told the judge, you know, I thought he
5 ought to get some doctors appointed, ^{that} there was no point in
6 waiting until the end of October and that is why this was.

7 THE COURT: When you argue this case, you are not to
8 argue your own testimony.

9 MR. BUBRICK: Of course not.

10 MR. KEITH: I wouldn't argue for it either. I don't
11 think it would help to have me argue his testimony.

12 MR. BUGLIOSI: If it is confined to this area, I think
13 he can testify to that. I didn't know what else he was going
14 to testify to. That is why I objected. I had no idea of what
15 he was going to say next.

16 THE COURT: Very well.

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

18 Q BY MR. KEITH: Mr. Bubrick, before Mr. Watson went
19 to Atascadero, did you attempt to have conversations with him
20 in the county jail?

21 A I did.

22 Q Did these conversations take place in the infirmary
23 part of the county jail or in a regular cell or was it in the
24 attorneys' room?

25 A I think there were a few conversations down in
26 the attorney room, but most of them were up in the infirmary
27 section where we spoke over the telephone because there was,
28 you know, the glass partition and he and I on opposite

22A-4

1 sides using the phone.

2 Q Very well.

3 Was the subject of deputy sheriffs going in and
4 out of the jail doors discussed at all?

5 A It was.

6 Q And what did Mr. Watson say on that subject in
7 substance or effect?

8 A Mr. Watson kept insisting that deputy sheriffs or
9 police officers were going to his cell by moving through the
10 door grating, by moving through the bars in an effort to spy
11 on him or to engage him in conversation.

12 Q Did Mr. Watson indicate this was without opening
13 the jail door?

14 A Yes. He said they were coming right through the
15 bars.

16 Q Did you have any conversation with Mr. Watson on
17 the subject of a television camera or cameras in the cell
18 where he was located?

19 A I did.

20 Q And what was the nature of that conversation?

21 A On a number of interviews he kept insisting that
22 there was a television camera trained on him recording his
23 every move in the cell.

24 Q Did you determine whether or not there was a
25 television camera in fact or from your own common knowledge of
26 the jail system did it indicate something else?

27 A From my knowledge of the jail system, it led me
28 to believe that there were no television cameras trained on

22A-5

1 individuals in cells. I think I also discussed this with
2 one of the jailers.

3 Q Mr. Bubrick, did you ever have a conversation or
4 conversations with Mr. Watson on the subject of drugs being
5 given him in the jail?

6 A Yes.

7 MR. BUGLIOSI: Your Honor, this is getting to be a
8 well-worn path to the bench, but I think we had better approach
9 the bench again on a separate point concerning his testimony.

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

11 MR. BUGLIOSI: He is going into areas now of conversa-
12 tions. Is it necessary to get a waiver from Watson on the
13 attorney-client privilege? I don't know. Who has a right to
14 give up the privilege? It seems to me only Watson.

15 THE COURT: Only Watson can give up that privilege.

16 MR. KEITH: I wasn't going to go into --

17 MR. BUGLIOSI: You are talking to him about drugs now.

18 MR. KEITH: This isn't about his use of LSD.

19 THE COURT: I don't think this pertains to any legal
20 advice given or legal questions being asked by Watson. I
21 think this merely goes to his physical being at the time, his
22 mental state at the time, but I don't think he is revealing
23 any confidences in his conversation at all.

24 MR. BUGLIOSI: Now he is exposing himself to cross-
25 examination.

26 THE COURT: He sure is.

27 MR. BUGLIOSI: Do you think just to play it safe it
28 might be advisable to bring Mr. Watson up here and ask Mr.

22A-6

1 Watson on the record if he has any objection?

2 THE COURT: I wouldn't want to do that in front of the
3 jury.

4 MR. BUGLIOSI: No. Ask him if he has any objection of
5 Mr. Bubrick's discussing these things. It is a small point.

6 MR. BUBRICK: I might state for the record it is the same
7 thing I told Dr. Pollock -- we waived the need to even record
8 it until such time as Dr. Pollock felt, you know, had a chance
9 to record it.

10 He talked to me by telephone. I told him we
11 would waive the requirement, to the privilege, and have them
12 call their result in to Judge Dell. At the time they were
13 trying to decide what to do with him and it is the same thing
14 I stated to him at that time.

15 MR. BUGLIOSI: If, in fact, you are saying anything which
16 could be used against him, it seems to me that he and only he
17 can give up that privilege.

18 THE COURT: I don't think Mr. Bubrick has testified to
19 anything.

20 MR. BUGLIOSI: You don't know.

21 MR. KEITH: If you want it, it is all right with me, if
22 we get it later.

#23

#23
1 (The following proceedings were had in open court.)

2 THE COURT: Did he answer the last question?

3 MR. KEITH: Just started to, I believe.

4 I will rephrase it.

5 Q Mr. Bubrick, did the subject of --

6 THE COURT: Drugs.

7 Q BY MR. KEITH: -- drugs come up in the county
8 jail in connection with his fare at the county jail?

9 A It did,

10 Q What did Mr. Watson say in substance or effect
11 on that issue?

12 A He kept insisting that they were putting drugs in
13 his coffee, in his liquids.

14 Q Did you find any evidence that there was actually
15 drugs being infused into his liquids or coffee?

16 A No, never.

17 MR. BUGLIOSI: Move to strike the "never." He seems to --
18 I will withdraw that objection, your Honor.

19 Q BY MR. KEITH: Did you observe any other conduct
20 on the part of Mr. Watson that, during this period of time
21 from late September 1970 to the time that Mr. Watson went to
22 Atascadero, that you would describe as bizarre?

23 A Yes, on a number of occasions, particularly with
24 reference to this business of drugs in his liquids, he would
25 hold up his hand and say, "You see, if you were really my
26 lawyer you would see the veins sticking out of my skin; I am
27 red," or, "I'm a bright red," or that "they are giving me
28 belladonna and that's one of the symptoms of belladonna," this

1 red glow that he spoke about.

2 Q Did you observe a red glow?

3 A No.

4 Q Anything else on the subject of bizarre conduct
5 that you observed during this period of time we have been
6 discussing?

7 A Nothing other than it became more and more
8 difficult to carry on any sort of a conversation. They would
9 just sort of lapse off into really nothings, where he would
10 come out, take a look at me, and just come out and go back in,
11 or he just didn't want to come out any more.

12 Q All right.

13 Now, at or about the time Mr. Watson went to
14 Atascadero did you communicate to him some instructions with
15 regard to his stay at Atascadero?

16 A I gave him such instructions, Mr. Keith, but I
17 gave it to him long before he ever went to Atascadero.

18 Q All right, tell us approximately when you gave him
19 the instructions you are about to relate.

20 A As I started to say, from the time I first started
21 to make an effort to interview Mr. Watson, I found him very
22 uncommunicative and I found him very unreceptive to me; and I
23 really didn't know whether I could continue to be his lawyer
24 or whether I could be his lawyer at all, and so I think, perhaps
25 the second or third time I may have seen him, I told Mr. Watson
26 that he may not want me to be his lawyer, I may not be his --
27 and I may not be his lawyer; but I told him, "No matter what
28 is done, until such time as something is very definite, you

1 ought to make a very concerted effort not to talk to anybody
2 in this institution about the facts surrounding this murder
3 and not to talk to anybody at any time anywhere about all the
4 facts surrounding this murder until you have had a chance
5 to talk with a lawyer about it."

6 I had been unsuccessful in reaching him on that
7 subject matter.

23A

23A- 1 Q By the time Mr. Watson went to Atascadero, had
2 he ever discussed with you the subject of these homicides?

3 A He had not.

4 Q When was the first time he started to discuss with
5 you the subject of these homicides?

6 A After his return from Atascadero.

7 Q Would that be shortly afterwards or sometime after?

8 A No, at some time afterwards. I can tell you why,
9 if you want to know.

10 Q All right. You're the boss, I will ask you why.

11 A Well, I had talked with a psychiatrist about the
12 problem I was having talking to Mr. Watson, and I wanted to be
13 sure that when Mr. Watson did talk to anybody about the facts
14 of the murders, he was going to tell them what he knew or what
15 he remembered of the murders, unfluenced by any outside source;
16 and because I was having so much difficulty talking to Mr.
17 Watson, I decided that I would not question him at all about
18 these things, because I didn't want to say or suggest anything
19 by the nature of my question which might give him a clue to
20 what he thinks, you know, is going on or what I think is going
21 on or what somebody else thought was going on.

22 So, I made a very conscious effort of never talking
23 to him about this, never suggesting anything to him about the
24 murders until such time as I thought he might be mentally
25 alert enough to do it; and it wasn't until after he was returned
26 from Atascadero that I, for the first time -- well, I'm sorry --
27 that I talked to him about talking to doctors; and it wasn't
28 until after he got through with his original interviews at

1 MPI that I, for the first time, sat down and started taking
2 extensive notes about what had happened.

3 I just wanted to make sure that there was some
4 recordation of what he though had happened before there was
5 any influence, at least by me, because I didn't want to say or
6 suggest anything that might indoctrinate him in any degree at
7 all.

8 MR. KEITH: I have no further questions.

10 CROSS-EXAMINATION

11 BY MR. BUGLIOSI:

12 Q You say Mr. Watson was suspicious of you at the
13 very beginning?

14 A Yes, he was.

15 Q Did he tell you why he was suspicious of you?

16 A No, he just thought I was a policeman when I first
17 went up to see him.

18 Q And he didn't want to talk to a police officer;
19 right?

20 A I didn't ask him that.

21 Q Well, how do you know he thought you were a police
22 officer?

23 A He said, "You look like a policeman."

24 Q And is this the reason he gave you for not talking
25 to you?

26 A That's the only thing he said at that time.

27 Q In fact, you had to go back to your office or drove
28 back home and come back with an identification that you were

1 not a police officer before he would talk to you; isn't that
2 right?

3 A Eventually I did that, yes.

4 Q What did you show Mr. Watson?

5 A It seems to me I got a copy of a Certified Court
6 Order, my driver's license with my picture on it and a State
7 Bar card, and I think I had some miscellaneous credit cards.

8 Q So, only after you showed Mr. Watson all these
9 documents, would he agree to talk to you; is that correct?

10 A Yes, he agreed to talk to me within the realm that
11 he did, or within the scope that he did.

12 Q Would you say you had a rather bad rapport with
13 Mr. Watson down here in Los Angeles, before he went to Atascadero?

14 A No, I wouldn't say it was a bad rapport, Mr.
15 Bugliosi, because I think that implies that I felt that he was
16 just trying to do something; and as I say, I have no background
17 in this material. All I know is that I couldn't get across
18 to him, for whatever reasons, you know, affecting him --

19 Q Isn't it true, Mr. Rubrick, that at the times you
20 went up to Atascadero to see Mr. Watson, he didn't even want
21 to talk to you; isn't that true?

22 A No, that is not true.

23 Q He willingly talked to you?

24 A Well, I don't know whether he knew I was coming.
25 I got there, I think I called the day before I made arrangements,
26 I was met by Dr. Eklund, as the doctor testified.

27 He took me through some mental detecting apparatus,
28 then I finally got back into this security center and he left

1 me there with a male nurse, who brought Mr. Watson up.

2 Q So you had no trouble, as far as Mr. Watson was
3 concerned, talking to him?

4 A Well, the quality of the conversation was nothing;
5 we sat on a chair for about an hour.

6 Q Before he went up to Atascadero, you told him not
7 to discuss these murders with anyone; is that correct?

8 A That's correct.

9 Q You did not tell him not to discuss other things
10 with the authorities up at Atascadero, did you?

11 A No, I just told him not to discuss any of the
12 factors surrounding the murders.

13 Q You limited it to murders?

14 A Yes.

15 MR. BUGLIOSI: No further questions.

16 MR. KEITH: I have nothing further.

17 THE COURT: Do you really think you look like a police-
18 man?

19 THE WITNESS: I don't know, your Honor; I wasn't wearing
20 a sign. They tell me you can't tell one from the other.

21 THE COURT: All right, ladies and gentlemen of the jury,
22 we will recess at this time until 9:30 tomorrow morning. Once,
23 again, do not form or express any opinion in this case; do
24 not discuss it among yourselves or with anybody else. Keep
25 your minds open and please remember what I told you about the
26 news media.

27 Now, for your information, I understand we expect
28 the defense will conclude all evidence tomorrow. Wednesday we

1 will be dark and Thursday we will start argument in this case.

2 Wednesday we will be dark.

3 Tomorrow morning at 9:30.

4 (An adjournment was taken at 4:00 p.m., until
5 Tuesday, September 28, 1971, at 9:30 a.m.)

6

7

--oOo--

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

#1

LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 28, 1971; 10:25 A.M.

THE COURT: Good morning.

THE JURORS: Good morning.

THE COURT: Gentlemen.

Let the record show all jurors are present; all counsel, defendant present.

Ladies and gentlemen of the jury, we are getting a rather late start this morning, but we were not twiddling our thumbs. We were discussing matters of law in chambers, so we were busy.

Mr. Bubrick, are you ready to proceed?

MR. BUBRICK: I am, your Honor.

Mr. Watson, would you resume the stand, please.

THE CLERK: Retake the stand, please. You have been previously sworn.

CHARLES WATSON,
the defendant herein, called as a witness in his own behalf in surrebuttal, having been previously duly sworn, testified as follows:

THE CLERK: Would you restate your name for the record?

THE WITNESS: Charles Watson, W-a-t-s-o-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. BUBRICK:

Q Mr. Watson, I think you told us at the time you originally testified that you were back home in Texas during the month of October 1969; is that correct?

A That's correct.

Q Did you see any of your friends during that time?

A No, not during that time.

Q Do you know Denise Mallett?

A Yes.

Q Did you see her when you were home in Texas?

A Not until a little before I went to jail, about a week before I went to jail.

Q What month of the year would ^{that} have been?

A In November.

Q That is when you saw Denise?

A Yes.

Q You say about a week before you went to jail?

A I'm not -- somewhere in that period.

Q Can you tell us whether it was before or after, say, Thanksgiving of 1969, which occurs in November?

A It was before, I believe.

#2

1 Q And do you remember how you happened to see her
2 for the first time?

3 A She called up on the phone and I was at home.

4 Q Were you in Copeville?

5 A Yes. And I talked to her on the phone. She said
6 that she was at her grandmother's house in Farmersville and
7 wanted to know if I could come up or something to that effect.

8 Q Up until the time that you heard from Denise and
9 she came over, had you seen any of your other friends in
10 Farmersville or Copeville or the area that you lived in?

11 A No.

12 Q Had any of your old friends been over to visit you?

13 A No.

14 Q Had you seen any of them?

15 A No.

16 Q Then Denise did however come to your home in
17 Copeville, did she?

18 A Yes, the following day.

19 Q Did she drive?

20 A Yes.

21 Q She came in her own car?

22 A Yes.

23 Q Did you go out with her that day?

24 A Yes, in her car, went to Denton.

25 Q Do you remember how you were dressed?

26 A No, I don't remember how I was dressed. I know I
27 had a couple of new pair of Levis and a couple of new shirts
28 that my brother bought me.

1 Q About how many times would you say you saw
2 Denise when you were in Texas in the month of November 1969?

3 A About five times.

4 Q What did you talk about? Do you remember?

5 A I was mostly talking about the end of the world
6 coming and things to that effect.

7 Q Did you talk about California?

8 A Yes. I said something that I wanted to get back
9 to California where it would be safe to be in the desert
10 when the world came to an end or something like that.

11 Q Did Denise say anything about coming to California?

12 A She told me that she had been out one time. Yes,
13 she wanted to come and live in California or something. She
14 was up in the air about California, you know, she just liked
15 California she said.

16 Q Was there ever a discussion between yourself and
17 Denise about a leader in California, being a leader of some
18 girls or anything of that nature?

19 A I talked about, when I told her when I left the
20 desert that it was just another guy and I in the desert with
21 a bunch of girls.

22 Q Did you ever mention his name?

23 A No, I don't believe so.

24 Q Did you tell her that the other boy and you were
25 the leaders of this group?

26 A No. I just said that when I left the desert
27 that there was just a couple of guys there, me and another guy
28 there with a bunch of girls.

R-1

1 Q Do you remember generally what your mood was while
2 you were with Denise?

3 A Not really; kind of -- it kind of ranged, you
4 know, from different moods, I think; and around her, though,
5 I was nice, I guess, you know.

6 Q She was an old girl friend, was she?

7 A Yes.

8 Q Somebody you had known before you had come to
9 California?

10 A Yes.

11 Q All right. Do you remember being confined in the
12 jail at McKinney?

13 A Yes.

14 Q And were you being visited regularly by your folks
15 or on any sort of a regular basis by your folks?

16 A My mother and my father would come every other
17 day and then on weekends my sister or my brother would come.

18 Q How were you treated by the jailers there?

19 A Very nice. I never did see much of them, really.
20 You know, my cell was always locked and didn't have bars on
21 the front of the door like most jails. It was just kind of a
22 closed iron room, you know, and nobody never saw in or I never
23 saw out, really.

24 Q Did you have any food problems while you were
25 there?

26 A No, my mother and father brought me food every
27 other day when they would come. They would bring me stuff that
28 I could eat, you know.

1 Q How about this spitting, was this a problem with
2 you there in Texas?

3 A Not that much. I did a little bit, but getting
4 the right food that I could eat, you know, and I could keep it
5 down pretty good and I didn't have that problem.

6 Q What kind of food did you eat in Texas?

7 A Juices and dry fruits, fresh fruits and honey and
8 some pickled foods, you know.

9 Q What sort of foods have you been eating here in
10 the jail since this trial started?

11 A Since the trial started, I have been eating that
12 same kind of stuff there; they are feeding me that kind of
13 stuff now, fresh vegetables and fruit and a lot of juices and
14 dried fruits.

15 Q Eating any meat?

16 A No.

17 Q Potatoes?

18 A No.

19 Q Bread?

20 A No.

21 Q Butter or fat of any sort?

22 A No.

23 Q Oils of any sort?

24 A No.

25 Q Now, when you left McKinney -- strike that,

26 While you were in McKinney did you see a lawyer
27 in McKinney?

28 A Yes, I had a lawyer there.

1 Q And when you left McKinney did he give you any
2 instructions? Don't tell us what they were, just yes or no.

3 A Yes, he did.

4 Q Now, do you remember coming here to California,
5 being in jail here in Los Angeles County?

6 A Huh?

7 Q Do you remember being brought here?

8 A Yes.

9 Q Do you remember being weighed in at the County
10 Jail?

11 A Yes.

12 Q Do you remember what you weighed when they brought
13 you here from Texas?

14 A 118.

15 Q Do you know how much you weigh today?

16 A 121-1/2; I weighed this morning.

17 Q Did you ever weigh anything over the range between
18 118, 120, or thereabouts since you have been in the Los Angeles
19 County --

20 A I believe I weighed up to 124 before.

21 Q Did you ever weigh in the neighborhood of 160
22 when you were in the Los Angeles County Jail?

23 A No, I didn't.

24 Q What sort of treatment did you get while you were
25 in the Los Angeles County Jail?

26 A Well, when I first got out here, everybody was
27 calling me Manson.

28 Q When you say everybody, who do you mean?

1 A The deputies and everybody around my cell was
2 hollering at me, and things like that.

3 Q What sort of food were you getting when they first
4 brought you?

5 A Oh, meat and potatoes and bread and stuff like
6 that.

7 Q Could you eat that?

8 A No.

9 Q Did you tell them you couldn't eat it?

10 A Yes.

11 Q Were you getting any special diets at that time?

12 A No.

13 Q Were you spitting up?

14 A Yes.

15 Q Was this part of an act on your part, Mr. Watson?

16 A No.

17 Q Were you trying to fool these doctors?

18 A No.

19 Q Trying to deceive them?

20 A No.

21 Q Were you trying to make them think you were sick
22 when you weren't?

23 A No.

24 Q Did you want help when you first got here to this
25 County Jail?

26 A Yes.

27

28

4R-1

1 Q Do you remember much about the events leading up
2 to your being sent to Atascadero?

3 A Not much. I know I was strapped to a bed in the
4 jail.

5 Q Do you remember doctors coming and talking with
6 you before you went to Atascadero?

7 A Yes.

8 Q Then do you remember being sent to Atascadero?

9 A Yes.

10 Q And do you remember how you were treated when you
11 first got to Atascadero? That is what your sleeping arrange-
12 ments or accommodations were? Things of that nature.

13 A Strapped into a bed again.

14 Q For how long? Do you remember?

15 A Three days, I believe.

16 Q When you say to a bed, did you actually sleep on
17 some kind of a bed?

18 A I was strapped to a bed, but after they take you
19 off the bed, I slept on a mat on the floor.

20 Q After you were unstrapped from the bed, did you
21 ever have a bed again?

22 A No.

23 Q How did you sleep all the time you were at
24 Atascadero?

25 A At first they had me in wrist restraints with my
26 arms tied around my waist and that is the way I would sleep.

27 Q On what? On a cot?

28 A No; on the floor,

1 Q How long did that last?

2 A All the time I was there.

3 Q You mean all the period you were at Atascadero you

4 never had a bed after you were initially untied from it?

5 A No.

6 Q Did you sleep by yourself or in a ward room?

7 A Slept in a room by myself.

8 Q For how long?

9 A All the time I was there.

10 Q When you were first taken to Atascadero, you said

11 you were tied to a bed; is that correct?

12 A That is correct.

13 Q How long did that last, if you can remember?

14 A About three days, I believe, or four days.

15 Q When you were released from there, do you remember

16 where you went?

17 A When I was released from Atascadero?

18 Q No, no. When you were released from the bed or

19 from the room where you were tied to the bed?

20 A I went to a room right across the hall and it was

21 in the same place as where the bed was in the back part of the

22 isolation or seclusion, they call it, I believe.

23 Q Is this also part of an isolation ward?

24 A Yes.

25 Q What sort of accommodation did you have in that

26 room, if you remember?

27 A It was just a bare room with a hole in the floor

28 to use the bathroom in.

1 Q And what else -- what did you sleep on there?

2 A The floor.

3 Q On some sort of a cot or I mean on a pad or some-
4 thing?

5 A Yes, a little pad.

6 Q Now, you say there was a hole in the floor. Do
7 you mean you had no lavatory facilities?

8 A Right. There was just a hole in the floor and a
9 bare room.

10 Q How long did you stay in that room?

11 A I don't know. It seems like it was about two or
12 three weeks, maybe,

13 Q After you left that room, what sort of room did you
14 go to?

15 A A room, same kind of a room with a mat and had a
16 commode and a lavatory.

17 Q And was it also in the isolation area, if you
18 remember?

19 A No. It was out on the ward, which was, you know,
20 locked. That is the only place you could go but --

21 Q Do you remember what sort of food you got when you
22 first got there?

23 A When I was tied to the bed?

24 Q Yes,

25 A They fed me some chocolate milk stuff and then I
26 was spoon fed. My hands were strapped to the bed, you know,
27 and they were feeding me, spoon feeding me.

28 Q That wen on for three days?

1 A Yes.

2 Q Were you given any medication, as you recall?

3 A No.

4 Q When you were sleeping in this room that you said
5 had the hole in the floor, were you still in restraints?

6 A Yes.

7 Q When you were removed from that room into the room
8 where you had some sort of lavatory facilities, were you still
9 in restraints?

10 A Yes.

11 Q Will you describe the restraints that you were in?

12 A They have a piece of leather around each arm and
13 then a belt running to those and then they are tied down to
14 your waist, around your waist, and your arms are hooked down
15 here, so when you eat, you have to go something like this,
16 you know.

17 Q Was there a time when the belt was removed from
18 your waist?

19 A I don't know how long it stayed on but they removed
20 it after a while, after, I don't know, I guess maybe a month.
21 I don't know, really.

22 Q What sort of treatment would you say you received
23 at the hands of the attendants there, the technicians? How
24 did you get along with them?

25 A I got along fine with them but for a couple of
26 times, I guess, you would say.

27 Q What happened on those occasions?

28 A I wouldn't eat some of the stuff that was on the

1 tray and then when I wouldn't do that, one time they took me
2 back in the back and karate chopped me, you know.

3 Q Karate chopped you where?

4 A Started here and then they --

5 THE COURT: The throat?

6 THE WITNESS: Yes, Hitting like this, then they went
7 all the way down to here and they were kneeling with their
8 knee. They would knee me in the mid-section and choke me
9 until they brought me to with oxygen.

10 Q BY MR. BUBRICK: Where did this occur?

11 A In the back room, in the back part.

12 Q Do you remember who this was that did this to you?

13 A It was my sponsors.

14 Q Would you say his name or their names?

15 A Barnett was one of them, one was Weems, and there
16 was two more but I can't remember their names.

17 Q Did you do anything at or about the time you
18 received this treatment other than not eat?

19 A One time I gave away some food and that was against
20 the rules and I had to write down the rule 100 times.

#5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q What was the rule?

A Something about not supposed to trade or give away food.

Q Who made you do that?

A Mr. Williams.

Q Do you remember anything else that was done about the food problem?

A They did give me, after, they did give me some peanut butter after a while, you know.

Q I'm sorry; I meant by way of disciplinary action. Did they ask you to do anything else because of some violations of the rule by you?

A I had to stand up against the wall with a dot -- there is a dot on the wall and I had to put my nose to it and stand there. I was on medication and I couldn't stand there, so when I couldn't stand there, when I would fall to the floor, that's another time they took me back in the back and kind of banged me around a little bit.

Q Did you ever bang any of the attendants around?

A No, I never did do anything.

Q Did these events occur while you were still in restraints?

A I'm not for sure.

Q Were you trying to deceive the technicians or the doctors at Atascadero?

A No, not at all.

Q Were you trying to act as if there was something wrong with you?

5-2

1 A No.

2 Q Did you do this, did you act at Atascadero in a
3 conscious manner; were you consciously trying to do these
4 things?

5 A No, I was just myself when I was there.

6 Q You weren't trying to act crazy, were you?

7 A No.

8 Q Incidentally, was there some incident where you
9 told Dr. Owre something about, "I could kill you now," or,
10 "I could kill you easily," or something of that nature?

11 MR. BUGLIOSI: This has already been gone into, your
12 Honor; repetitive.

13 THE COURT: I think we have covered that once before.

14 MR. BUBRICK: Yes, I think I led into that initially,
15 your Honor.

16 MR. BUGLIOSI: He testified to it, his version of what
17 happened.

18 MR. BUBRICK: I don't know whether he elaborated on it
19 at the time, your Honor.

20 THE COURT: I will permit him to answer it.

21 Q BY MR. BUBRICK: Do you know when that occurred,
22 Mr. Watson?

23 A I believe it was close to right before they sent
24 me back here.

25 Q Do you remember where it was in the hospital that
26 this occurred?

27 A It was in the back part, the same part as where
28 they would take you, you know.

5-3

1 Q Who was in the room other than yourself and Dr.
2 Owre?

3 A That other doctor that gave me the tests.

4 Q Bramwell?

5 A I never did know his name.

6 Q A psychologist?

7 A He gave me those tests.

8 Q All right.

9 A And two of the technicians, Barnett and Weems; and
10 another guy that had a beard, I remember.

11 Q Do you remember what Dr. Owre said to you just
12 before you made that statement to him?

13 A No, I can't remember. I know he just said -- they
14 kept calling me Manson, and there wasn't never any -- there
15 never was -- they never raised their voices or anything, it
16 was just that I told him that when I was with Manson and all
17 of them that I guess I could have killed anybody, you know,
18 like if they were at the house that night.

19 Q How long would you say you were in this room with
20 Dr. Owre?

21 A About -- just an interview, like, not too long.

22 Q When you responded to Dr. Owre, did you scream or
23 yell?

24 A No, never. I never raised my voice to any of
25 them.

26 Q When you said, "I could kill you easily," or
27 "kill you now," what was your tone of voice?

28 A It was just a conversation, you know; it wasn't

5-4

1 any madness or anything, neither one of us.

2 Q Were you trying to deceive Dr. Owre at that time?

3 A No, I was talking to him just like anybody else.

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

5
6 CROSS-EXAMINATION

7 BY MR. BUGLIOSI:

8 Q When you went to Denton with Denise the first time
9 you smoked some marijuana with her?

10 A Yes, that's correct.

11 Q Where did you get the marijuana?

12 A She had some friends in Denton and took me by her
13 friends and they sold us some marijuana.

14 Q Did you tell Denise that you wanted to come out
15 to northern California?

16 A No, I can't remember that. We did have some
17 conversation about coming to California but I can't remember --
18 maybe to the desert, is about what I think I said; I'm not
19 for sure, though.

20 Q Is it your understanding that the desert in
21 California is in northern California?

22 A I don't think so.

23 Q So you don't believe you spoke about northern
24 California, then?

25 A I can't recall it at all, northern California,
26 saying northern California,

27 Q And you don't recall telling Denise that you and
28 another man were the leaders of this group?

5-5

1 A No, the only thing I do recall is saying that when
2 I left the desert that there was two of us in the desert and
3 with a bunch of girls.

4 Q There was more than two of you, wasn't there?
5 There was Bruce Davis, Danny DeCarlo, Clem Tufts?

6 A No, they weren't there. Charlie left me off at
7 the ranch house and all the rest of them, I believe, was in
8 L.A.; and Charlie left me off at the ranch house there.

9 Q So there was just you and Charlie, then?

10 A That's correct.

11 Q For what period of time?

12 A I believe just for about a day.

13 Q So when you were talking to Denise about your
14 experiences in California with this group you lived with,
15 you only told her about this one day?

16 A No, I don't believe so. I told her some more
17 things about California, I believe.

18 Q But you only told her about this one day that you
19 and this other man were the only men in the family; that's
20 the only day you told her that?

21 A I don't understand what you are saying now.

22 Q You indicated that you told Denise that there was
23 only you and this other man and the girls.

24 A This is when I left the desert, I believe.

25 Q That only existed for one day; so when you told
26 her that, you were only talking about the one day period that
27 you and this man were together?

28 A I guess so, yeah, I guess; I'm not for sure what
you are asking there.

#6

6R-1

1 Q I believe you testified, Tex, that you told Denise
2 that you and another man and several girls were in this group;
3 is that correct?

4 A Right. That is what I told her. That is the only
5 thing I was talking about, I guess, at that time.

6 Q And you never told her that you and this other man
7 were the leaders of this group?

8 A No, I didn't.

9 Q It is your testimony now that when you referred to
10 the fact that you and this other man were with a bunch of
11 girls, you were only talking about this one day that you and
12 this other man were with a bunch of girls?

13 A I said when I left the desert, another man and I,
14 or there was two of us and a bunch of girls, another man and I
15 and a bunch of girls.

16 Q That only occurred during one day, the one day that
17 you were with another man with the girls?

18 A Yes.

19 Q What about all the months and months and months
20 when you -- when there were other men in the family besides you
21 and this other man?

22 A I don't know if I talked to her about that or not.

23 Q So you were just referring to this one day?

24 A I believe so.

25 Q Why did this one day stick in your mind so much
26 that you spoke about it to the exclusion of the other months
27 that you were in California with the group?

28 A I don't know. I guess I was just trying to say

1 that I had a bunch of girls out here or something.

2 Q You had sexual intercourse with Denise?

3 A Yes, I did.

4 Q This was at the Holiday Inn?

5 A Yes.

6 Q In Denton?

7 A Yes.

8 Q You got along fairly well when you were incarcerated
9 in McKinney?

10 A Yes.

11 Q And the sheriff of McKinney is who?

12 A It is my uncle.

13 Q And you ate all right there at the jail?

14 A I ate what my mother brought me.

15 Q When you were brought back to Los Angeles from
16 McKinney, when you were at the jail here in Los Angeles, you
17 wouldn't eat, is that correct? They had to tube feed you?

18 A That was just, I believe, at the end, I ate what
19 I could on the plates but I would spit most of it up.

20 Q You didn't do too much talking when you were out
21 here, did you, to anyone?

22 A No, I didn't.

23 Q You had a lot of physical problems; is that correct?

24 A When I left Texas I felt fine.

25 Q Right. When you got out here you had some physical
26 problems?

27 A Yes. I had physical problems.

28 Q You were even relieving yourself on the floor;

1 right?

2 A I was tied to the bed, I couldn't get up and go
3 to the bathroom.

4 Q You mean the sheriff's office here at the Los
5 Angeles County Jail, Tex, never permitted you to go to the
6 bathroom; is that what you are telling us?

7 MR. BUBRICK: That is not what he said.

8 THE WITNESS: I was tied to the bed when I went to the
9 bathroom.

10 Q BY MR. BUGLIOSI: When you got up to Atascadero,
11 you were not tube fed up there, were you?

12 A No. I was spoon fed.

13 Q And you talked to people up there, didn't you?

14 A A little bit.

15 Q You wouldn't lay in bed and remain mute for several
16 days, would you, like you did here at the Los Angeles County
17 Jail?

18 A No. They just kept me down for three days and let
19 me up.

20 Q But you got along much better at Atascadero than
21 you did down here at the Los Angeles County Jail?

22 A Yes, uh-huh.

23 Q In fact, you put on 14 pounds up there; right?

24 A I believe I did get up to 124 one time up there.

25 Q Before you were incarcerated in McKinney, when
26 you were with Denise and your mother, this was before incarcera-
27 tion, you ate at your mother's house; right?

28 A Yes, I did.

1 Q And you dressed yourself; is that correct?

2 A Yes, I did.

3 Q And you would drive the car around town in Cope-
4 ville; is that correct?

5 A Yes.

6 Q Is that correct?

7 A Not in Copeville I didn't.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

6A

1 Q Well, in Denton and Dallas.

2 A At Richardson I went to see Denise a couple of
3 times.

4 Q You would go to a bar and have a beer and things
5 like that; is that right?

6 A Denise and I went to a grocery store one time
7 and got a beer, no bars.

8 Q You communicated with people. You wouldn't be
9 mute and refuse to talk, would you?

10 A No.

11 Q Do you have any explanation, Tex, why you got
12 along fairly well before you were arrested and you got along
13 fairly well in the jail in McKinney and also up at Atascadero,
14 but here at the Los Angeles County jail you did all types of
15 things?

16 Do you have any explanation for that?

17 A I guess just the treatment I was getting at the
18 jail.

19 Q Where at? The Los Angeles County jail?

20 A The people hollering at me and officers were
21 telling me that why didn't I kill myself and I would save the
22 state a lot of money. They told me that a bunch of times.

23 Q So when you refused to eat and you refused to talk
24 and lost all this weight here at the Los Angeles County jail,
25 that was in direct response to the way they were treating you
26 at the L.A. County jail. That is the only reason; is that
27 correct?

28 A I didn't lose a lot of weight at the county jail.

1 I weighed in at 118 I believe.

2 Q When you were sent to Atascadero you weighed
3 111, so you had lost 7 pounds; is that correct?

4 A Yes, 7 pounds.

5 Q But I take it that your conduct at the Los Angeles
6 County jail when you wouldn't talk to anyone or you wouldn't
7 eat, you had to be tube fed, when you relieved yourself on
8 the floor and things like that, this was in direct response to
9 the way they were treating you here at the Los Angeles County
10 jail?

11 A I believe so, yes.

12 Q There was no other reason, was there?

13 MR. BUBRICK: Your Honor, I don't know whether he would
14 know if there was any other reason. I think it calls for a
15 conclusion on his part.

16 THE COURT: If you know of any other reason.

17 THE WITNESS: I know I just flipped out in my cell and
18 felt like a monkey and they tied me to the bed.

19 Q BY MR. BUGLIOSI: When you flipped out like a
20 monkey, what did you do?

21 A I remember I got up on the bars and started shaking
22 the bars and I just felt like a monkey, you know. I felt I
23 just, you know, I don't know how I felt. I just know I was
24 kind of -- I don't know.

25 Q Climbing up and down the bars like a monkey?

26 A Uh-huh.

27 Q Were you incoherent?

28 MR. BUBRICK: I think that would be a conclusion. I

1 don't know whether he would know.

2 MR. BUGLIOSI: Who can describe a man's state of mind
3 better than himself?

4 THE COURT: That is not a very logical question at all.

5 When you flipped out and felt like a monkey,
6 do you recall what you did?

7 THE WITNESS: Not that much.

8 Q BY MR. BUGLIOSI: Other than trying to climb the
9 bars, or what have you, did you say anything? Did you do
10 anything else?

11 A Well, I was laughing and jumping around. That is
12 about all I remember about that.

R-1

1 Q So as soon as you got better treatment, then, up
2 at Atascadero, then there was no need to tube feed you anymore;
3 is that correct?

4 A No.

5 Q Is it correct what I said?

6 A What did you say, again?

7 Q Well, you had been being tube fed down here in
8 Los Angeles County, then you got better treatment up in
9 Atascadero; then there was no need to tube feed you anymore;
10 is that correct?

11 A I know before I left Los Angeles I was drinking
12 out of -- they wouldn't take my tube out of my nose; I don't
13 know why they wouldn't take it out of my nose. They wouldn't
14 take it out and it was hurting.

15 Q You claim that some of the technicians up at
16 Atascadero hit you some karate blows and knocked you out?

17 A Yes.

18 Q You didn't like what they did to you?

19 A I didn't -- I didn't talk about it; I didn't voice
20 any opinion about it.

21 Q But you didn't like it, did you?

22 A I couldn't say that. It seems like I did kind
23 of like it.

24 Q You did like it?

25 A I don't know.

26 Q Do you feel that you are a masochist?

27 A What is that?

28 MR. BUBRICK: I don't know if he knows what that means,

1 I think it calls for a conclusion.

2 Q BY MR. BUGLIOSI: Well, why did you like it? Do
3 you like it when people beat you up?

4 A I don't really know. Sometimes I do, sometimes
5 I don't.

6 Q Who else was beating you up, other than the
7 technicians at Atascadero, whom you claim beat you up? Who
8 else beat you up?

9 A Just them, as much as I can think of; just them.

10 Q And you say now that you enjoyed it?

11 A Well, I can't say I enjoyed it, but I didn't go
12 against it any or I didn't go with it, you know. I was just
13 there.

14 Q Why didn't you fight back?

15 A I didn't have any reason to fight back.

16 Q When you left Atascadero, like all the patients
17 leaving Atascadero, you were asked to sign a waiver of a
18 complaint against the institution; isn't that correct?

19 A They put a sheet of paper in front of me and asked
20 me if I had any broken bones or something, and I signed it,
21 yes.

22 Q You signed the paper that said you didn't have
23 any broken bones?

24 A I guess I did.

25 Q Did you read the document?

26 A No, I didn't read the document; I just left.

27 Q So you had no idea what you were signing?

28 A No, I don't look at much what I sign, I just sign

1 it,

2 Q You thought maybe you were signing a broken bone
3 document; is that it?

4 A No, it didn't make any difference what I was sign-
5 ing, I just signed what they put in front of me all the time,

6 Q But you did sign a waiver of complaint when you
7 left Atascadero; is that correct?

8 A Yes, I believe that's what I understood it to be.

9 Q When you were brought back to Los Angeles from
10 Texas and incarcerated here at the Los Angeles County Jail,
11 was there any tension or any fear or anxiety in your mind over
12 the fact that you were being brought back for trial?

13 A No, everything was pretty good until, you know,
14 until the guys started walking by my cell and people started
15 hollering me about stuff, you know; seemed like I was in kind
16 of two worlds and I had brought back into my mother's and
17 father's things, but I still had Manson's thing in me and then
18 everybody started hollering at me about Manson and people
19 started trying to visit me from Manson's group and stuff and
20 I wouldn't visit them; and I just kind of went back into
21 Manson's thing.

22 Q And they called you Manson when you got out here,
23 the deputies and co-inmates?

24 A Yeah, they were always putting the Manson thing
25 on me.

26 Q That you were Manson?

27 A That I was Manson and that -- all this kind of
28 stuff.

1 Q And you say that when you got up to Atascadero
2 that the doctors up there, the psychiatrists who were charged
3 with the responsibility of treating you, you say that they
4 also called you Charles Manson?

5 A What they would do, they'd be talking to me and
6 they'd say -- they'd say, "Mr. Manson," and then, like they'd
7 say, "I'm sorry, I meant Mr. Watson"; that's the way they would
8 do that.

9 Q In other words, they were looking at you and they
10 thought maybe that you were Charles Manson; then they caught
11 themselves and said, "Sorry" --

12 A No, that's just what they did several times. I
13 don't know, you know, what -- I know they would just -- it
14 could just be a mistake, you know; they would say, "Mr. Manson,"
15 then they would say, "I am sorry, I meant Mr. Watson."

16 Q Who did this, Dr. Owre?

17 A Dr. Owre, I believe, yeah, in some interviews,
18 Then the technicians would do it. I remember one
19 time the technicians do things like that when they would put
20 me to bed at night.

21 MR. BUGLIOSI: No further questions.

7af,

7A

REDIRECT EXAMINATION

BY MR. BUBRICK:

Q Charles, when you came here from McKinney did Mr. Boyd give you anything aside from instructions?

A He told me not to talk to anyone until I saw my attorney out here.

Q Did he give you anything in writing?

A No, he just gave me a business card with the name of who I was supposed to call when I got out here.

Q Was there anything on the back of the card, if you remember?

A Yeah, Mr. -- I believe his name is Ransom.

Q Karl Ransom?

A Yeah, I was supposed to call him when I got here.

Q As a matter of fact, did he talk with you a number of times after you got here to California?

A Two times, I believe.

Q Mr. Ransom did?

A Yes.

Q And then you followed his instructions, did you not?

A Mr. Ransom's?

Q Yes, and Mr. Boyd.

A Yes.

Q And, thereafter, mine?

A Yes.

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

7A-2

RE-CROSS-EXAMINATION

1
2 BY MR. BUGLIOSI:

3 Q The first day you arrived at Atascadero you
4 drank liquids and you had a regular meal; is that correct?

5 A They brought me, I think, first -- I don't believe
6 that they didn't bring me any meat at first, I don't think;
7 and then they started.

8 Q I didn't mean any meat, but a regular meal of
9 solids?

10 A Right; they just gave me a lot of chocolate milk,
11 I know, a lot of it.

12 Q So you drank liquid and ate solid food the first
13 day you arrived at Atascadero; is that correct?

14 A I don't know about the first day. It might have
15 been the second day on the solid foods, but I drank a lot of
16 stuff on the first day and I might have ate, I'm not sure.

17 Q You weren't eating down here at the Los Angeles
18 County jail before they sent you up to Atascadero, Tex. How
19 did it happen that as soon as you arrived up at Atascadero
20 you started drinking and eating; what is your explanation
21 for that?

22 A I have no explanation for it.

23 Q Was it because you had gotten away from Los
24 Angeles and you had achieved something in your mind?

25 A No, I don't know, I just didn't -- I don't know.
26 I didn't have any thoughts about anything then.

27 Q How do you explain not eating down here and eating
28 as soon as you get up there?

1 A I know down here I eat until about the last day,
2 a little bit on my tray until they put the tube in there; then
3 they took me up there right away. I ate the vegetables and
4 stuff off my tray.

5 Q You were near death down here, weren't you?

6 MR. BUBRICK: I don't know if he knows that, your Honor.

7 THE COURT: Do you know that?

8 THE WITNESS: I didn't have any feelings of anything
9 then.

10 Q BY MR. BUGLIOSI: You were being tube fed down here
11 the last day before they sent you up to Atascadero; isn't that
12 right?

13 A Yes, I had a tube in my nose.

14 Q Why wasn't it necessary to ^{tube} feed you up at
15 Atascadero, Tex; what is your explanation for that?

16 A Like I said before, I would have drank stuff here
17 in this jail. I know when one of the psychiatrists came he
18 gave me stuff to drink and I had the tube in my nose, but they
19 wouldn't give me anything to drink like that here. They wanted
20 to use the tube and the tube was hurting me.

21 Q So they preferred to feed you by tube rather than
22 through your mouth; is that correct?

23 A That's correct.

24 MR. BUGLIOSI: No further questions.

25
26 REDIRECT EXAMINATION

27 BY MR. BUBRICK:

28 Q Tex, do you remember the name of the doctor that

1 came to see you just before you left for Atascadero?

2 A No, I don't know which one it was.

3 Q Did one of them, however, give you something to
4 drink by mouth?

5 A Yes, before --

6 Q That was while you still had the tube in you?

7 A Yes, right.

8 Q That was the day before you came -- or, went to
9 Atascadero, was it not?

10 A It was when he examined me; he gave me stuff to
11 drink and I was drinking.

8 fls.

8R-1

1 Q You took it by mouth?

2 A Right. And when I would swallow, it would hurt,
3 because the tube was going from my nose to my stomach.

4 Q As a matter of fact, you only had the tube in you
5 one day, did you not?

6 A I believe so, one day.

7 Q And up until the time they put the tube in you,
8 you ate whatever you could or whatever you wanted to off the
9 tray by mouth?

10 A Yes.

11 Q And they only fed you by tube that one day?

12 A That is right.

13 MR. BUBRICK: I have nothing further.

14 MR. BUGLIOSI: Nothing further.

15 THE COURT: You may step down.

16 MR. BUBRICK: Your Honor, apparently our last witness
17 is not yet here. I would have hoped that I would have had word
18 by him. I have been told that he will probably be here at
19 1:30. It is Dr. Abe.

20 THE COURT: He will be here at 1:30?

21 MR. BUBRICK: Yes. He told me that he had been subpoenaed
22 elsewhere but that he felt that in all probability he would
23 be through in time to be here at 1:30 and he will be our last
24 witness.

25 THE COURT: All right. Ladies and gentlemen of the
26 jury. We will have our recess at this time until 1:30.

27 Once again, heed the usual admonition, please.

28 (A luncheon recess was taken until 1:30 p.m.
of the same day.)

9R-1

1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 28, 1971, 1:45 PM

2 --oOo--

3 THE COURT: People against Watson.

4 Let the record show all jurors are present, defen-
5 dant present, defense counsel present and Mr. Bugliosi present.

6 Are you prepared to proceed, Mr. Bugliosi, without --

7 MR. BUGLIOSI: Yes, your Honor, but the next witness is
8 the defense --

9 THE COURT: Yes, but missing Mr. Kay?

10 MR. BUGLIOSI: Correct.

11 MR. KEITH: Dr. Abe, please.

12 THE CLERK: Raise your right hand, please.

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

17 THE WITNESS: I do.

18
19 GEORGE Y. ABE,
20 called as a witness by the defendant, in surrebuttal, testified
21 as follows:

22 THE CLERK: Thank you. Take the stand and be seated;
23 and will you state and spell your name, please?

24 THE WITNESS: George Y. Abe, A-b-e, M.D.

25 THE CLERK: Thank you.
26
27
28

DIRECT EXAMINATION

BY MR. KEITH:

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

A Yes, I am.

Q And do you specialize in psychiatry?

A Yes, I do.

Q What is your present position, sir?

A Presently I'm a senior psychiatrist on the staff of the Metropolitan State Hospital.

Q What is the Metropolitan State Hospital?

A It is a hospital for mentally ill people.

Q Doctor, could you tell us about your training and experience in the field of medicine and psychiatry?

A I graduated from the University of Cincinnati Medical School in 1941.

I had a year of internship at Wayne County General Hospital, a year and three months of residency in pathology at the Cincinnati General Hospital, where I was also teaching a system in pathology.

Subsequently, I entered the service and studied my, shall I say career in psychiatry while in the service.

Q What years were these?

A While in the service, it was from '44 to '48. I went to Longview Hospital in Cincinnati for my continuation of residency training in psychiatry.

In 1953 I passed my American Board of Psychiatry and neurology in psychiatry.

1 I have been with the Metropolitan State Hospital
2 since 1948.

3 At one time I was -- until recently I was the
4 medical director, but I voluntarily demoted to take the half-
5 time senior psychiatric position, due to a heart condition.

6 THE COURT: Doctor, would you try to keep your voice up?

7 Of.

10R-1

1 Q At one time did you say you were the chief of
2 staff at Metropolitan?

3 A Yes. I was medical director of the Metropolitan
4 State Hospital until recently when I voluntarily was demoted
5 to senior psychiatric position.

6 Q Was this because of a physical problem?

7 A Yes. I had an open heart surgery and I decided
8 to.

9 Q Take it easier?

10 A That is right, and not work as hard.

11 Q How long were you the chief medical director at
12 Metropolitan?

13 A Eleven years.

14 Q Where is Metropolitan located?

15 A In Norwalk.

16 Q Norwalk, California?

17 A Yes, it is.

18 Q Doctor, in the course of your duties or functions
19 at Metropolitan since 1948, I take it you have observed
20 hundreds and hundreds of people who are mentally ill?

21 A Yes.

22 Q And this is mental illness ranging from the most
23 severe to the milder type; isn't that correct?

24 A That is correct.

25 Q And have you also testified as an expert in
26 psychiatry in the Superior and Municipal Courts of this county
27 and perhaps other counties of this state?

28 A Yes, I have.

1 Q Many, many times?

2 A Yes. I have been on the panel for about 10 or 11
3 years.

4 Q When you say been on the panel, to what do you
5 refer?

6 A The psychiatric panel of the Superior Court of
7 Los Angeles County.

8 Q How many times would you estimate you have testi-
9 fied as to the mental status of a defendant in a criminal case?

10 A Well, actual testimony I can't say definitely. I
11 would estimate at least 100 or more times.

12 Q And other than testifying, you have been appointed
13 by the Court to write reports where you weren't required to
14 testify in many, many instances; isn't that correct?

15 A Yes.

16 Q And with respect to your functions at Metropolitan
17 State over these many years, have you in addition to observing
18 mentally ill patients, have you personally be engaged in
19 examining and diagnosing and treating such patients?

20 A Well, in the past 10 or 11 years I have examined
21 and diagnosed. I have not done too much treating because my
22 work was primarily administrative.

23 Q Administrative?

24 A Yes.

25 Q Since you, as you put it, demoted yourself because
26 of your heart condition, have you again taken up treating of
27 patients or is your function still primarily examining and
28 diagnosing?

1 A It has continued along the examination and
2 diagnosis. I have not gone into treatment per se as yet.

3 Q Doctor, were you requested by the Superior Court
4 of this county to examine the defendant in this case, Charles
5 Watson?

6 A Yes.

7 Q And do you remember or do your records reflect
8 when you were requested by the court to examine Mr. Watson?

9 A The Court Order is dated October 7, 1970.

10 Q Incidentally, that wasn't Judge Alexander, was it,
11 that made that order?

12 A No. It was Judge Dell.

13 Q He is also a judge of the Superior Court; is that
14 correct?

15 A Yes.

16 Q And pursuant to that Court Order did you have
17 occasion to examine Mr. Watson?

18 A Yes, I did.

19 Q And the purpose of your examination, however, was
20 not to diagnose Mr. Watson's mental condition at the time of
21 the Tate-La Bianca homicides, was it?

22 A According to the order, I was asked about that but
23 also his present mental condition, too.

24 Q Were you primarily concerned as a result of that
25 order that was submitted to you to examine Mr. Watson as to
26 his present mental state rather than his past mental state?

27 A Well, there is a section checked here that has
28 to do with his mental condition at the time of the offense.

1 Q All right. You did have occasion to examine
2 Mr. Watson, however, pursuant to that order?

3 A Yes, I did.

4 Q And when did that examination take place?

5 A October 29, 1970.

6 Q How long did it take?

7 A Actually, it took about 5 or 10 minutes. Since
8 he was not talking to me, there was no communication that
9 could be established.

10 Q So you did not report back to the Court as to his
11 mental state at the time of the Tate-La Bianca homicides; is
12 that correct?

13 A Yes. I had no basis to make an opinion.

14 Q And I suppose the reason for that was that he was
15 noncommunicative?

16 A Yes.

17 Q Did you also in addition to observing Mr. Watson
18 on October 29th have the benefit of any other information
19 concerning him?

20 A Yes, I did.

21 Q Did this include the jail infirmary record?

22 A Yes.

23 Q And did you, having been furnished those records,
24 read and consider them?

25 A Yes, I did.

26 Q Was there any other information that you had?

27 A Yes. I had gone over the Grand Jury transcript.

28 Q And did you discuss Mr. Watson's condition or

1 Mr. Watson's predicament, you might say, before examining him
2 with anybody else?

3 A No, I did not.

4 Q So the extent of your information regarding him at
5 the time you made your examination were the infirmary records
6 and the Grand Jury transcript; is that correct?

7 A Yes, and what I had perceived.

8 Q Can you tell us what you observed at the time you
9 saw Mr. Watson?

10 A At that time, I found Mr. Watson was in bed and
11 apparently strapped in bed, because he would not keep a nasal
12 tube in. In other words, he would pull it out and apparently
13 the doctor and nurses felt that he should be tube fed.

14 I tried to communicate with him but there was no
15 communication at all. He would just look at me and that was
16 it.

17 I also noted that all around his bed there were
18 expectorations where he had spit and that was the extent of
19 it. I couldn't reach him in one way or another.

20 Q Did you try to make conversation with him or did
21 you just look at him?

22 A No, I tried to make conversation with him.

11f.

#11

1 Q Did he act hostile toward you or just made no
2 show of reaction whatsoever?

3 A No, he was what I would consider flat, no
4 emotions at all.

5 Q And subsequent to your examination did you write
6 a report that you submitted to the court?

7 A Yes, I did.

8 Q And which you also submitted to Mr. Bubrick, his
9 attorney?

10 A Yes.

11 Q And what was your evaluation of Mr. Watson as a
12 result of your observations of him and of the material that
13 you received about him?

14 A Well, at the time that I saw Mr. Watson, based
15 upon what I saw of him plus what was in the infirmary's
16 notes, I thought he was mentally ill.

17 Q Can you break that down for us, inasmuch as there
18 are many kinds of mental illness?

19 A Well, in terms of a diagnosis, he appeared to
20 me to be schizophrenic of a type of catatonic nature, meaning
21 that he was essentially mute, noncommunicative, without any
22 show of emotion, flat, so forth.

23 Q Now, what is a catatonic type of mental illness?

24 A That is a situation in which the individual is
25 mute, doesn't communicate, doesn't eat, tends to lie like a
26 vegetable, in a sense.

27 Q And you have also told us that, in your opinion,
28 he was suffering from a schizophrenic reaction.

11-2

1 Is this a part of the catatonia or something
2 separate and apart --

3 A Schizophrenia is the main diagnosis; catatonia is
4 a type of schizophrenia.

5 Q Schizophrenia, briefly, Doctor, is a severe mental
6 illness; is that correct?

7 A Yes, it is.

8 Q And perhaps you could describe generally what you
9 mean by schizophrenia.

10 A Well, I think there are two things, generally,
11 in schizophrenia. There are two main things: There is the
12 emotional flattening, meaning that the person does not feel,
13 manifest happiness when he is happy or manifest sadness when
14 he is sad; or this particular emotional conduct can be
15 inappropriate, meaning that he may talk about sad things and
16 laugh about it, for example. This is known as inappropriate
17 affect.

18 Affective inappropriateness, is what I am getting
19 at as being important.

20 No. 2, generally speaking, in a schizophrenic there
21 is a thought content disorder in terms of either hallucination,
22 delusion or perhaps no communication at all. Those are the
23 two main things that are generally present in a schizophrenic.

24 Q This was the catatonic type of schizophrenia; is
25 that correct?

26 A Yes.

27 Q Schizophrenic is the general term and catatonic is
28 the specific?

11-3

1 A It is a type of schizophrenia.

2 Q And did you form an opinion that Mr. Watson needed
3 immediate care to save his life?

4 A Yes; and the basis for my feeling that was my
5 understanding he had lost at least a pound a day since he had
6 arrived in jail, meaning about 30 or 40 pounds; he wasn't
7 eating and I felt that if he were to receive treatment and
8 if he were to be the schizophrenic catatonic type he could
9 respond very quickly.

10 Q Doctor, did you read the nurse's notes at or before
11 the time you examined Mr. Watson?

12 A I read the nurse's notes, yes, at the time I
13 examined him.

14 Q And by nurse's notes we are talking about the
15 nurse's notes prepared by male nurses, presumably, in the
16 county jail.

17 A Yes.

18 Q And did those notes indicate that this condition
19 that you observed in Mr. Watson had been continuing for some
20 period of time?

21 A Yes.

22 Q And, in other words, this mute, uncommunicative
23 sort of catatonia, as you have described it, did not come
24 about for the first time when you saw him?

25 A No, my understanding was that this had been at
26 least a month that he was in this state.

27 Q Did he make any sounds at all when you saw him?

28 A No, not when I saw him.

11-4

1 Q Did you tell him who you were?

2 A Yes.

3 Q He didn't react in any manner whatsoever?

4 A No, I couldn't reach him in any way, shape or form.

5 Q Now, incidentally, Doctor, according to your report,
6 you have it that he lost about 50 pounds.

7 Do you see that?

8 A Oh, yes; I think it is because I had received the
9 communication he weighed 160 pounds and he was 110 pounds.

10 Q Let's assume -- did you ascertain when Mr. Watson
11 arrived at the county jail from Texas?

12 A Oh, I think I had that information, most likely
13 in the nurse's notes; at least, the time he entered the county
14 hospital. I don't have it recorded here, I don't think, but
15 I remember it was in the neighborhood of a month or more.

16 Q I am looking, if you will excuse me a moment --
17 it would have been on or about September 26, 1970 --

18 THE COURT: September 11th.

19 MR. KEITH: September 12, excuse me.

20 Q Doctor, assuming that on September 12, 1970, when
21 Mr. Watson was admitted to the county jail hospital that he
22 weighed 118 pounds and was down to 110 when you saw him, would
23 that change your opinion any as to his schizophrenic
24 reaction, catatonic type?

25 In other words, he hadn't lost 50 pounds at that
26 time, during that month, but only 8 pounds.

27 A Well, I would have more wonderment about the weight
28 loss, because it would only be 8 pounds; and I would wonder,

11-5

1 but, however, in terms of his size and so forth I would
2 probably recommend that he get some medical treatment.

3 Q Regardless of how much weight he had lost; is that
4 correct?

5 A I mean if he is down to 110, he's a six foot
6 individual, 110 pounds is rather underweight.

7 Q Doctor, did you consider at all the question of
8 whether or not during this period from September 12, 1970,
9 when Mr. Watson was admitted to the jail infirmary up until the
10 time you saw him, bearing in mind the benefit you had of the
11 hospital records at the county jail, whether or not Mr. Watson
12 was malingering during this period of time?

13 MR. BUGLIOSI: I don't know if the doctor formed that
14 opinion. He only examined him for 10 minutes on October the
15 29th.

16 THE COURT: I heard his testimony.

17 He can tell what appeared to him.

18 MR. BUGLIOSI: On that date or before he even examined
19 him?

20 THE COURT: When he examined him, he can tell us his
21 appearance.

22 MR. BUGLIOSI: The question was not that, I don't think,
23 your Honor; I think he's talking about his entire stay at the
24 county jail.

25 THE COURT: If it is the entire stay, I will sustain the
26 objection; but the appearance at the time the doctor examined
27 him, I will allow that.

28 Q BY MR. KEITH: All right, can you answer that

11-6

1 question?

2 A Would you repeat it again?

3 Q Whether or not you thought he was malingering;
4 did you consider that at the time you actually examined him?

5 A Yes, I did. I considered that, and I think that --

6 Q What was your opinion on that subject, assuming
7 you formed one?

8 A Well, I think I had some consideration of that at
9 the time. The thing that swayed me in the opinion I made was
10 not only the appearance of him but my understanding that he
11 had lost something like 50 pounds of weight, No. 1.

12 No. 2, the fact he has been mute all during this
13 time, which is rather difficult for an individual to mangle,
14 although anything can happen -- a human being could do almost
15 anything, that is true.

12

#12

1 Q Did you learn from the hospital records he wouldn't
2 eat, he would spit up a lot, that he was uncommunicative with
3 everybody?

4 A Yes.

5 Q Although you considered the possibility when
6 you saw him that he was malingering, or malingering as you put
7 it, was it your ultimate opinion that he was not malingering?

8 A I felt the preponderance of evidence was in
9 terms of illness at that time.

10 Q And did you so report to the court?

11 A Yes, I did.

12 Q And did you recommend to the court that Mr.
13 Watson be hospitalized as soon as possible?

14 A Yes, I did.

15 Q Was he being tube fed at the time you saw him?

16 A Yes.

17 Q And was this a tube that ran through his nose?

18 A Yes, a tube going through his nostril.

19 Q And where does it end up?

20 A I don't know. All I can surmise is that it ended
21 up in his stomach.

22 Q Was there a bottle attached to the tube with some
23 liquid flowing in it?

24 A This I don't remember.

25 Q Did you determine what sort of substance was being
26 fed to him through the tube?

27 A No, I did not.

28 MR. KEITH: I have nothing further at this time.

CROSS-EXAMINATION

BY MR. BUGLIOSI:

Q Do you feel, Doctor, that it is difficult to remain mute and not talk to people for, let's say, a month?

A Yes, unless there is illness it can be difficult.

Q You are aware that prior to your interviewing Mr. Watson, he did in fact talk to several people, including his lawyer, Mr. Bubrick. Are you aware of that?

A I understand from the nursing notes that he did talk on a few occasions but generally it was not -- he didn't talk very much.

Q So he wasn't completely mute or silent?

A No.

Q Prior to your meeting him.

A That is correct.

Q You could say he was selectively silent; is that correct?

A I suppose so.

Q You formed an opinion that he was ill. Was that mental illness?

A Yes.

Q Did you form any opinion as to the cause of his mental illness?

A No.

Q You have no idea why he was mentally ill?

A No, I have no basis for my opinions. I didn't see him long enough.

Q For all you know it could have been as a result

1 of his dissatisfaction with the treatment he was receiving
2 at the county jail; is that correct?

3 A That is a possibility.

4 Q You examined him then one day before he was sent
5 to Atascadero; is that correct?

6 A I don't know when he went to Atascadero.

7 Q Assuming he went there on October the 30th, you
8 examined him on October the 29th?

9 A Yes, I did.

10 Q And you examined him for 10 minutes?

11 A Yes.

12 Q That is your only contact that you had with him?

13 A That is correct.

14 Q Yet you formed the psychiatric opinion that he was
15 schizophrenic; is that correct?

16 A Yes, I did.

17 Q Is schizophrenia a psychiatric syndrome that is
18 easy to diagnose?

19 A It can be, yes.

20 Q In 10 minutes?

21 A Yes.

22 Q You are certainly not sure that he was a
23 schizophrenic -- that is basically a guess on your part.

24 A Well, at the time this was the best opinion I could
25 come up with.

26 Q All right.

27 You don't feel that strong about that opinion, do
28 you?

1 A Well, apparently after the subsequent events
2 have occurred one begins to wonder, quite frankly, but at the
3 time this was, as I said before, this is the --

4 Q Under the circumstances this is the best you could
5 do?

6 A That is correct.

7 Q With respect to those subsequent events, you did
8 learn that upon Mr. Watson's being transferred to Atascadero
9 that there was a rather rapid and marked change in his
10 condition for the better; is that correct?

11 MR. BUBRICK: Objection to that as outside the scope of
12 the direct.

13 THE COURT: I will allow it.

14 THE WITNESS: This is what I understand, yes.

15 Q BY MR. BUGLIOSI: The week prior to his being
16 sent to Atascadero, did your perusal of the medical records
17 of the Los Angeles County jail indicate that he was being
18 tube fed for almost an entire week?

19 A To the best of my recollection, yes.
20 then

21 Q And you learned that subsequent to his arrival at
22 Atascadero he immediately started to drink liquids without a
23 tube and eat solid foods. Did you learn that?

24 A This is what I found out, yes.

25 Q Did this surprise you?

26 A To some degree, yes, because catatonics don't do
27 this, but I suppose we can be constantly surprised no matter
28 how long we are in this field in terms of what human behavior
is like.

1 Q But from your experience a person who is a
2 catatonic schizophrenic does not change that dramatically and
3 rapidly merely by being transported to a different institution?

4 A Well, I think it is a possibility and whatever
5 it means to the individual I am not prepared to say, but what
6 I am getting at is this: A more dramatic sort of situation
7 is a situation I know of -- of course it may not suit this
8 particular situation -- but there is a fire on the ward and
9 a patient was catatonic and all of a sudden he was involved
10 in helping patients to leave that ward. He was trying to
11 get patients out, save them. So you see it is possible.

12 Q It is possible?

13 A Yes.

14 Q But the probabilities are against it. Would you
15 agree with that?

16 A Yes, I would say that.

17 Q Inasmuch as the probabilities are against it
18 then would you therefore draw the psychiatric conclusion that
19 he was not schizophrenic when you examined him on October the
20 29th in terms of probabilities?

21 A Well, I would have to consider that possibility
22 now more than I did then, yes.

23 Q When you learned about his somewhat rapid
24 recovery up at Atascadero, did you entertain then the thought
25 that perhaps Mr. Watson was playing games with you on October
26 the 29th?

27 A Well, that thought certainly occurred to me because
28 this is what I had thought before also.

1 Q But that thought was somewhat reinforced when you
2 learned about what happened up at Atascadero?

3 A Yes. I wondered about it. I think the only way
4 for me to resolve this question in my mind is perhaps to talk
5 with Mr. Watson again.

6 Q You have heard of the Ganser syndrome, of course?

7 A Yes.

8 Q It is a syndrome that normally occurs within
9 prisoners who are waiting trial.

10 A Yes.

11 Q Can catatonic schizophrenia result from the Ganser
12 syndrome?

13 A Yes. I haven't seen all of the Gansers, but I
14 do know the Ganser is equated toward the schizophrenic illness,
15 a schizophrenic-like illness. I suppose most anything can
16 occur, although we call it Ganser.

17 Q Did Watson's physical and emotional deterioration
18 during his stay at L.A. county jail be evidence of a Ganser
19 syndrome?

20 A Could be. That could be.

21 Q And you say you never did form any opinion as to
22 Mr. Watson's state of mind at the time of these homicides?

23 A No, I did not.

24 MR. BUGLIOSI: No further questions.
25

26 REDIRECT EXAMINATION

27 BY MR. KEITH:

28 Q Doctor, the Ganser syndrome is ordinarily, you

1 might say, not on the conscious level of the individual who
2 is suffering from that syndrome. Do you understand me?

3 A Yes, I understand you.

4 Q Is it is rather an unconscious reaction?

5 A Yes.

6 Q Instead of a conscious voluntary type of mental
7 illness?

8 A That is correct.

9 Q In other words, a person can be suffering from
10 the so-called Ganser syndrome, by being incarcerated in jail,
11 and still be suffering from mental illness not induced by
12 some voluntary feigning on his part?

13 A That is correct.

14 Q What I am saying is a person suffering from the
15 Ganser syndrome doesn't want to be suffering from the Ganser
16 syndrome by means of voluntarily feigning such a reaction to
17 incarceration.

18 A No. It is not a voluntary thing. As I said
19 before it is very much like schizophrenia.

20 Q Did you change your report or diagnosis in
21 writing when you discovered that Mr. Watson improved under
22 the environment at Atascadero?

23 A No. My report had already been submitted by that
24 time.

25 Q But --

26 A In my own mind?

27 Q Yes.

28 A Well, I wondered, as I stated before. As I said

1 before the only way I can resolve this is by talking with
2 Mr. Watson.

3 Q Have you seen many catatonics in your experience?

4 A No. Catatonics tend to be rather, shall we say,
5 rare, comparatively speaking.

6 Q Nonetheless at Norwalk no doubt you have seen a
7 number of people suffering from that?

8 A Yes.

9 Q And is this a difficult syndrome to manipulate
10 or to feign or act?

11 A Well, in one sense it might not be but to carry
12 on for a period of time it may be very difficult.

13 Q In other words, it is not difficult to remain
14 mute and not eat --

15 A No.

16 Q -- for a day or two or maybe even a few days,
17 but in your opinion is it a difficult thing to feign for a
18 period of, we will say, four to six weeks?

19 A Yes.

13R-1

1 Q And could you explain to us why this is a diffi-
2 cult syndrome to simulate?

3 A Well, I think not eating is one thing which we all
4 have difficulty in not doing.

5 I know there is fasting; I'm not talking about
6 fasting, I'm talking about a situation in which the person
7 decides not to eat, and so carrying it on for a long period
8 of time is generally a symptom of mental illness.

9 A matter of talking is also difficult for us not
10 to do. Yes, there are exceptions, and there are people we
11 have known in history, and so forth, who haven't talked for a
12 long period of time; but it is not normal.

13 What I'm getting at is the exception rather than
14 the rule, and generally you find illness associated with this
15 kind of fasting or this kind of mutism.

16 Q And have you seen catatonic patients that have
17 had to be tube fed in the manner Mr. Watson was being fed?

18 A Yes. In fact, in my prior experience, catatonic
19 patients have responded very well to treatment; and a few
20 shock treatments, as a rule, have made them respond and come
21 back to normal.

22 Q What I'm getting at, it isn't an enjoyable experience,
23 is it, to be tube fed in the manner Mr. Watson was being fed?

24 A Generally speaking, that is correct.

25 Q Is it possible, Doctor, in your opinion, for a
26 change of environment, such as Mr. Watson being transferred
27 from the County Jail to Atascadero, to produce a rather rapid
28 recovery from a catatonic state?

1 A Yes, it is possible. Why it is so, I'm not
2 prepared to say, but I think it is within the realm of possi-
3 bility, since I've seen some rather difficult to explain kinds
4 of situations occur.

5 Q Incidentally, were you aware that at Atascadero
6 Mr. Watson was placed on medication known as Thorazine for a
7 period of a couple of weeks?

8 A No, I did not know that.

9 Q Is this an antipsychotic drug?

10 A Yes, a tranquilizing drug.

11 Q In your opinion, would such a drug have a therapeutic
12 effect on someone as you diagnosed Mr. Watson to be?

13 A It could, yes.

14 Q And were you aware that at Atascadero Mr. Watson
15 continued for a period of time not to be tube fed, but to be
16 fed just liquids by a spoon -- spoon fed?

17 A No, I was not.

18 Q And would this be an indication that his condition,
19 though improved, still existed --

20 A Yes.

21 Q -- if he had to be spoon fed?

22 Were you also aware that at first at Atascadero
23 Mr. Watson was uncommunicative?

24 A No, I was not aware of that.

25 Q Would this be consistent of, in your opinion, that
26 -- by "this" I'm referring to his continuing to be uncommunica-
27 tive at Atascadero -- would be your opinion that Mr. Watson
28 was suffering from a mental illness when you saw him in the

1 County Jail infirmary?

2 MR. BUGLIOSI: I am going to object to the question; it
3 is a hypothetical, not based on the evidence, no testimony
4 that he was uncommunicative up there. He did talk to many
5 people.

6 THE COURT: Sustained.

7 Q BY MR. KEITH: Do you recall, Doctor, how long Mr.
8 Watson was being tube fed at the County Jail, according to
9 the nurse's notes?

10 A No, I don't recall definitely, but my vague memory
11 indicates at least a week before I saw him; but I'm not sure
12 about that.

13 Q Just to refresh your recollection, Doctor, I'm
14 going to show you a portion of the sheriff's department jail
15 hospital notes, which I take it you have seen before?

16 A Yes.

17 Q This is a Xerox copy of them, and directing your
18 attention to the date October 29, 1970, the nurse's notes,
19 does it indicate there that he was offered liquid by mouth and
20 that he did drink six ounces of something that I can't pronounce,
21 and also ten ounces of water?

22 A Yes.

23 Q And this was orally?

24 A Yes.

25 Q So apparently -- here I see it again, excuse me --
26 also on October 29, gevril or either --

27 A That is milk, for ulcers.

28 Q Also orally; that he nodded his head, but no

1 response verbally.

2 This was on the same day that you saw him; isn't
3 that right?

4 A Yes, he was also gavage, meaning the stomach --

5 Q What is a gavage?

6 A That is the stomach tube in and they give him
7 liquid food.

8 Q You mean the tube goes all the way down into his
9 stomach?

10 A Yes.

11 Q What is gevrial?

12 A That, I'm not familiar with.

13af.

L3AR-1

1 Q When it says in the nurse's notes, "gevrial and
2 milk and four ounces of water by gavage," that means the tube?

3 A Yes, by tube.

4 Q So, apparently he was being given liquid by tube
5 and orally, according to the nurse's notes?

6 A Yes.

7 MR. KEITH: I don't have anything further.

8 MR. BUGLIOSI: No questions.

9 THE COURT: Thank you, Doctor; you may be excused.

10 MR. BUBRICK: No further evidence on behalf of the
11 defendant, your Honor.

12 MR. BUGLIOSI: People rest, too, your Honor.

13 THE COURT: Both sides rest; is that correct, Gentlemen?

14 MR. BUGLIOSI: Yes.

15 THE COURT: All right, ladies and gentlemen of the jury,
16 we now have come to the conclusion of all the testimony in
17 this case.

18 We will now recess until Thursday morning, Septem-
19 ber 30, at 9:30 a.m.

20 Once more, do not form or express any opinion in
21 this case; do not discuss it among yourselves or with anybody
22 else and please keep your minds open.

23 Please, again, refrain from reading or watching
24 any of the news media concerning this case.

25 Thursday morning, 9:30.

26 Thank you, ladies and gentlemen.

27 (Jury excused.)

28 MR. BUBRICK: Your Honor, I think we had pending two

1 motions to strike.

2 I recall the testimony of Danny DeCarlo, and I
3 looked through my notes yesterday in an effort --

4 THE COURT: Where is Mr. Bugliosi?

5 MR. BUBRICK: I do better arguing with myself, your
6 Honor.

7 MR. BUGLIOSI: Judge, I am sorry, I didn't think the
8 Court was in session anymore.

9 THE COURT: I thought so, too, till Mr. Bubrick -- he
10 is now making a motion to strike that portion of the cross-
11 examination in which you asked Mr. Watson, "Did you not tell
12 Danny DeCarlo that he took \$70?"

13 At that time an objection was made; there could be
14 no locating DeCarlo, it was not asked in good faith -- at any
15 rate, the foundation was not completed.

16 MR. BUGLIOSI: That's right, I don't think People vs.
17 Losigno is applicable, because the question was asked in good
18 faith. We did try to locate him subsequent to that, but we
19 were unable to do that.

20 Since we can't, I think the motion should be
21 granted.

22 THE COURT: Now, we have one more reference: On the
23 cross-examination, you asked Watson whether he told Leslie --
24 I guess that's Van Houton -- to wipe off the fingerprints from
25 the knife; and again the objection was made.

26 MR. KEITH: She is an unavailable witness now, may the
27 Court please,

28 There is a very, very recent case I read in the

Metropolitan News which held a witness --

THE COURT: A witness who takes the Fifth Amendment is unavailable, yes; but, in any event, it has not been completed so there is no objection to striking that, is there?

MR. BUGLIOSI: No objection.

MR. BUBRICK: Fine, That's the only reference I can recall, your Honor.

THE COURT: That's the only notation I have, too.

All right, Gentlemen, see you Thursday morning; and as we say in Hebrew, "Shalom."

(At 2:20 p.m. an adjournment was taken until Thursday, September 30, 1971, at 9:30 a.m.)

--oOp--

1 LOS ANGELES, CALIFORNIA, THURSDAY, SEPTEMBER 30, 1971, 9:30 AM

2 --oOo--

3 (The following proceedings were had in
4 chambers:)

5 THE COURT: Let's have the stipulation.

6 MR. BUGLIOSI: May it be stipulated that neither the
7 prosecution nor the defense will interrupt or object to each
8 other's arguments and may it be stipulated that if either side
9 makes an improper argument, it would be incumbent upon the
10 judge to object himself and make a ruling, but neither side
11 will object.

12 May it be further stipulated that the defense is
13 not waiving any error in the prosecution's argument; that at
14 the termination of the prosecution's argument, at that time
15 they can state their objection for the record to protect them-
16 selves on appeal.

17 Moreover, at the end of the People's argument, if
18 the Court sustains any of the defense objections, the Court
19 at that time certainly will be able to admonish the jury to
20 disregard a particular portion of the prosecutor's argument.

21 THE COURT: Will you amend that stipulation to this
22 effect: Rather than waiting until the close of argument,
23 that at the recess, during the recess.

24 MR. BUGLIOSI: All right. During the recess. Very
25 good.

26 MR. KEITH: So stipulated.

27 MR. BUBRICK: So stipulated.

28 THE COURT: At the close, it may be too late. The jury

1 may have forgotten what you said, but at each recess the
2 defense may have that right to object.

3 MR. BUGLIOSI: Very good.

4 THE COURT: And the fact that I don't intervene and voice
5 my objection is no indication that I believe or don't believe
6 it is a proper argument, but the defense may object during the
7 recess. Is that agreeable, Gentlemen?

8 MR. BUBRICK: Yes.

9 MR. KEITH: Yes.

10 MR. BUGLIOSI: Yes.

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

13 THE COURT: Good morning.

14 Gentlemen, let the record show in People against
15 Watson all jurors are present, all counsel are present, the
16 defendant is present.

17 Ladies and gentlemen of the jury, as I have told
18 you, the introduction of evidence is now all completed and
19 counsel are now going to make what sometimes we refer to as
20 argument and sometimes we refer to it as a summation.

21 It is counsel's version of what he believes the
22 evidence shows and at time may correlate that with the law.

23 Remember this, ladies and gentlemen, that some-
24 times counsel may misstate a fact. Sometimes he may misstate
25 the law.

26 Knowing all counsel in this case, I am sure if
27 that is done, it will be completely inadvertent and should it
28 happen, we will try to correct it later on.

1 Remember what they tell you now is not evidence
2 in this case. The only evidence in the case is the evidence
3 you heard from the lips of the witnesses and the stipulations
4 entered into by counsel.

5 I guess that is about all we have to caution you
6 at this time. Remember what they say is not evidence.

7 Mr. Kay.

8 MR. KAY: Thank you, Judge.

9 May it please the Court, Mr. Bubrick, Mr. Keith,
10 Mr. Bugliosi, ladies and gentlemen of the jury: The People
11 of the State of California have not only proven that Tex
12 Watson is guilty of seven of the most vicious, brutal murders
13 in the history of American crime, but we have proven beyond
14 any reasonable doubt that those murders were willful, deliberate,
15 premeditated murders of the first degree on Mr. Watson's part.

16 Ladies and gentlemen, realistically speaking, when
17 you retire to the jury room on this case, you are not going
18 to be faced with the issue of whether or not Mr. Watson is
19 guilty or innocent of these crimes.

20 Not only has the prosecution by strong, powerful,
21 positive evidence demonstrated that Mr. Watson is guilty beyond
22 a reasonable doubt, but Mr. Watson has confessed to murdering
23 all seven of the victims in this case.

24 So in good conscience, you must convict him of
25 something. The question then becomes what must you convict
26 him of.

27 You have two choices in this case, ladies and
28 gentlemen: One reasonable and one unreasonable.

1 The reasonable choice that you have is that
2 based on the actual facts of the murders and based on Mr.
3 Watson's conduct at the time of the murders, what he did and
4 said, and his state of mind, which we can infer from what he
5 did and said. You can convict him of seven counts of first
6 degree murder and one count of conspiracy to commit murder.

7 Or the second choice is based on the speculation
8 of the defendant's mind readers, more commonly known as
9 psychiatrists, and based on Mr. Watson's false and self-
10 serving denials of the role he played on the nights of these
11 murders. You can convict him of seven counts of second degree
12 murder and one count of conspiracy to commit murder.

13 So your problem then is not whether Mr. Watson is
14 guilty or innocent, but the degree of his guilt: First degree
15 or second degree.

16 Mr. Bugliosi and I contend, and the substantial
17 evidence in this case demonstrates, that Mr. Watson is guilty
18 of seven counts of first degree murder and one count of con-
19 spiracy to commit murder.

20 You will notice to my right, ladies and gentlemen,
21 photographs of Steven Parent, Sharon Tate, Abigail Folger,
22 Wojciech Frykowski, Jay Sebring, Leno La Bianca and Rosemary
23 La Bianca.

24 Those photographs are there to remind you that
25 just as I stand before you asking for justice, they stand
26 before you asking for justice in this case.

27 Ladies and gentlemen, before we proceed any
28 further, we necessarily have to discuss this illusive concept

1 of murder and first degree, willful, deliberate and premeditated
2 murder.

3 This concept has been referred to quite often in
4 this trial, but never really adequately explained to you.

5 In order to help us all understand what murder
6 and first degree, willful, and premeditated murder is, I have
7 had these two giant size ^{charts} ~~cards~~ prepared.

8 One thing I want to caution you, so far as any
9 counsel arguing about the law, as Judge Alexander said, the
10 final instructions on the law come from the Court, not from
11 counsel.

12 If you find anything that we say, any of the
13 counsel in this case, anything we say is contrary to the
14 instructions that Judge Alexander gives you at the conclusion
15 of our argument, you should disregard what we say on that
16 particular point.

17 However, knowing counsel in this case, I am sure
18 you are not going to be misled at all on the law.

19 What is murder? Murder is the unlawful killing
20 of a human being with malice aforethought.

21 Do we have unlawful killing here? We have seven
22 unlawful killings.

23 The lawful killing would be something like self-
24 defense. Obviously, there is absolutely nothing like that in
25 this case.

26 We have seven human beings in this case that were
27 viciously murdered with malice aforethought.

28 Okay. That is our first problem. What does

malice aforethought mean?

What is malice aforethought? Take the first word: malice may be either express or implied.

Now, in this case we are not dealing with implied malice. I am not even going to discuss that.

We are dealing with express malice in this case. Malice is express when the defendant displays an intention to kill his victim.

The mental state constituting malice aforethought does not require any illwill or hatred of the person killed.

You remember in this case there is no evidence that Mr. Watson knew these victims. That is not important. That is not required.

He doesn't have to have any hatred against these victims. All he has to have is the intent to kill.

Aforethought: The intent to kill must precede rather than follow the act of killing. So what you have to determine to decide whether there is malice aforethought: Did Mr. Watson intend to kill these people before he killed them.

Well, I don't think that that is going to tax anybody's brain in this case too hard to find out that Mr. Watson intended to kill the victims before he did it.

One of the greatest examples of his intent is the fact that there are seven people murdered. If it was one person and you wanted to talk about "Well, gee, did he intend to kill this one person --" but there are seven people.

Not only is there that but Mr. Watson under Mr. Bugliosi's cross-examination admitted that it was his state of

1 mind that after Manson gave him the order to kill, that his
2 state of mind was that he was going to kill everybody who was
3 in the Tate house.

4 And we know from what he knew the first night that
5 took place -- in other words, he murdered five people and when
6 he went out the second night he knew again, by the time he
7 left Spahn Ranch, that it was going to be another night of
8 murder and he willingly went in and killed Leno and Rosemary
9 La Bianca. It is clear that he had the intent to kill all of
10 his victims before he killed them.

11 Now, just down to here (indicating) is second
12 degree murder. If you find that he had the intention to kill
13 the victims before he killed them, you don't have to talk
14 about deliberation, premeditation, mature and meaningful
15 reflection on the gravity of his act. That is all -- the
16 unlawful killing of a human being with malice aforethought.
17 Nothing more. That is second degree murder.

18 Now, we get into what this trial has been all
19 about. What is the difference between first degree murder and
20 second degree murder. More specifically, what is first degree
21 murder? What is deliberate, premeditated murder of the first
22 degree?

23 All murder which is perpetuated by any kind of
24 willful, deliberate and premeditated killing, with malice
25 aforethought -- we have discussed malice aforethought over
26 there -- is murder of the first degree.

27 Willful; Implies simply a purpose or a willing-
28 ness to commit an act.

1 Was Mr. Watson willing to commit these acts? I
2 think it would be a great understatement to say that he was
3 more than willing to commit these acts of murder.

4 Deliberate: Implies thought and calculation on
5 the part of the defendant. The duration of the calculation
6 is not a crucial factor.

7 In other words, on his way, for instance, on his
8 way over to the Tate house, was he thinking about what he was
9 going to do once he got there, or did he just have no thoughts
10 in his head at all and just go and commit these acts without
11 thinking anything about what he was going to do once he got
12 there?

13 Premeditated: Means considered beforehand. This
14 is to differentiate from a random act.

15 Now, a rash,unconsidered act would be something
16 like if a husband came home and found his wife in bed with
17 her lover and he just went berserk and shot both of them
18 without really thinking about it, just went berserk. That
19 would certainly not be a premeditated act.

20 So you have to determine: Did Mr. Watson consider
21 what he was going to do. Did he think about it before he did
22 it.

23 Also, you have to determine whether or not Mr.
24 Watson maturely and meaningfully deliberated, premeditated,
25 and reflected on the gravity of his contemplated acts of
26 murder. In other words, did he know what he was doing.

27 Did he realize the consequence of what he was
28 doing, what consequences would be for his victims and did he

1 realize what the consequences would be for himself, if he
2 got caught.

3 In other words, did he do anything to try and
4 prevent getting caught. If you find that the killing was
5 preceded and accompanied by a clear, deliberate intent on the
6 part of the defendant to kill, which was the result of delibera-
7 tion and premeditation, it is murder of the first degree.

8 Before we go any further, unfortunately courtroom
9 procedure is such that you are not supposed to see pictures,
10 a lot of pictures in the case that People have been talking
11 about until the time of argument or until you are in the jury
12 room.

13 So I am sure that you have been kind of upset with
14 us, that there are a lot of pictures just shown to witnesses
15 and you don't get to see and you probably wonder what they
16 look like.

17 Well, in case you have forgotten from the last
18 trial, there is Charles Manson. That is what Charles Manson
19 looks like.

20 Leslie Van Houton, an accomplice of Mr. Watson on
21 the night of the La Bianca murders, not on the Tate murders.

22 Looks like a nice hometown girl.

23 Patricia Krenwinkel, on both the Tate and La
24 Bianca murders.

25 Susan Atkins, on both the Tate and La Bianca
26 murders, although she didn't go in the house on the night of
27 the La Bianca murders.

28 At the recess and when you go home at night you

1 remember that the judge admonished you not to form an opinion,
2 in other words, wait until the evidence is in.

3 Well, there is a good reason for this and I am
4 going to show you three photographs here that I am sure are
5 going to shock you because you are not going to think that this
6 is the way the evidence was.

7 I am going to show you three pictures of Charles
8 Tex Watson and you see if you think that from what you heard
9 from some of his friends and his mother, if this is the way
10 that Mr. Watson, that they described Mr. Watson.

11 Now, the first one here is a certified copy of
12 Mr. Watson's driver's license which he obtained here on July
13 19, 1968.

14 I am going to let you pass this around so you can
15 hold it in your hand and see it. This is what the All American
16 Boy looked like on July 19th, 1968. This is, of course,
17 before he met Charles Manson.

18 Let me show it to the two alternates. Pass it to
19 the back row.

20 Ladies and gentlemen, I am going to show you a
21 photograph of the way Mr. Watson looked at the time of these
22 murders -- the last sight that these seven victims saw, and
23 you decide from looking at the picture whether you think that
24 this is a mindless robot or if he looks like a vicious murderer.

25 As usual, Tex is there with his arm around some
26 girl. It looks like Tex always has some girl around.

27 Now, what effect did Mr. Manson have on this
28 defendant over here. Well, you heard his mother testify when

1 he got back home, back to Texas, that he was in such bad
2 condition that she hardly recognized him, that he just laid
3 around the house and he didn't eat and he was so skinny and
4 just beat up looking.

5 Well, I suppose if I was on trial for my life and
6 my defense was that I was as loony as a Jaybird, I would want
7 my mother to make me out to be as loony as a Jaybird.

8 Remember Mrs. Watson testified that Tex didn't
9 change in appearance from October 30th until the time he got
10 arrested. Here is a photograph of Mr. Watson two days after
11 he was arrested. You just see what you think for yourself.
12 I'll bet you will be surprised.

13 I think if you haven't got the point already, that
14 you are beginning to see, it is beginning to be a lot clearer
15 to you now that whatever mental and physical problems Charles
16 Tex Watson had are the result of his incarceration, not his
17 stay with the Manson family.

18 Ladies and gentlemen, let's go through some of the
19 testimony of the witnesses in this case and see exactly where
20 it puts us on these charts, so far as whether or not Charles
21 Watson deliberated and premeditated these murders, whether or
22 not he knew what he was doing at the time of the murders, or
23 was just a mindless robot who had such a severe state of
24 diminished mental capacity that he couldn't deliberate and
25 premeditate.

26 Linda Kasabian is telling the truth! Linda
27 Kasabian is probably the most brutally frank and forthright
28 witness that you will ever see on a witness stand in a court

1 of law.

2 She told you about her sexual promiscuity. She
3 told you about her drug taking. She told you about her
4 relationship with her husband.

5 She told you about stealing. She told you about
6 her life with the Manson family. She told you about her
7 participation in these murders.

8 She told you about her private thoughts on these
9 nights of the murders. She hid nothing from you -- absolutely
10 nothing!

11 Linda Kasabian is not of the same mold as Tex
12 Watson or the hard core members of the family. She could not
13 kill anybody. She told Manson that and she would not kill
14 anybody.

15 She is a hippie, yes. She takes drugs. She is
16 sexually promiscuous and she steals -- three things that
17 hippies certainly are somewhat noted for, but she is not a
18 killer.

19 I don't expect you to applaud Linda^h Kasabian's
20 actions on these two nights of murders, because she doesn't
21 deserve applause, but each one of you knows in ^{your} his heart and
22 in your mind that as ugly as the truth may be in this case --
23 and it is ugly -- Linda Kasabian told you the truth, the whole
24 truth, and nothing but the truth.

25 Linda Kasabian doesn't have any bone to pick with
26 Mr. Watson. If she did, she could have said, "Oh, what a
27 mean man he was," and this, that, and the other thing.

28 She liked the guy. She didn't have any bone to

1 pick with him. She wasn't trying to make him out to be
2 something he wasn't.

3 She just called ^{them} ~~him~~ as she saw ^{them} ~~him~~ on those two
4 nights of murder and you don't think for one minute that
5 without her brutally frank and forthright testimony that you
6 would have ever seen Charles Tex Watson on this witness stand.

7 You don't think you would have seen him on this
8 witness stand to make those false self-serving denials that
9 he made about his role, the role he played in these two nights
10 of murder.

11 But wait a minute, what is the D.A. saying? Didn't
12 Mr. Watson take the witness stand and bare his soul to us
13 and tell us that he slaughtered seven people, that he murdered
14 seven people?

15 What more could we want? We all want the truth!
16 You don't think for one minute that Tex Watson is going to
17 get up on this witness stand and tell you that he murdered
18 seven people, if he thought for one moment that you were going
19 to convict him of seven counts of first degree murder. Not
20 on your life.

21 If he thought that, he would have pled guilty and
22 saved us all a lot of trouble.

23 If he didn't take the witness stand, based on the
24 evidence and the law, you would have convicted him of first
25 degree murder.

26 Now, wait a minute. You say well, wait, didn't
27 he confess to, say, like killing Leno and Rosemary La Bianca
28 and Linda Kasabian when she left the house, in front of the

1 house said that Tex and Leslie and Katie were just standing
2 outside. She didn't testify to seeing anybody kill anybody.

3 Now, didn't he tell us that? Wasn't that more
4 than the prosecution showed?

5 The law of conspiracy says that when two people
6 form an agreement, two or more people form an agreement, as
7 it was in this case -- the order by Mr. Manson, the acceptance
8 of it by Mr. Watson and the conspiracy was to commit murder --
9 when two or more people form an agreement, all members of that
10 conspiracy, everyone who has joined in that conspiracy, are
11 bound by all the actions of the other members of the conspiracy
12 that are done in furtherance of the conspiracy.

13 We didn't need any more than that. Tex Watson
14 could have stayed outside the house and he would still have
15 been guilty of killing Leno and Rosemary La Bianca.

16 What about Charles Manson? Charles Manson didn't
17 kill anybody in this case and yet you all know that he is
18 guilty of all of these murders and Susan Atkins, what did
19 Susan Atkins do on the night of the LaBianca murder?

20 She was out in the car, but she is guilty of the
21 murders of Leno and Rosemary La Bianca.

22 If he took the stand and denied the murders, you
23 wouldn't have believed him. I mean his fingerprints on the
24 front door of the Tate residence and the evidence is too strong
25 against him. You just wouldn't have believed him.

26 The fact that he admitted these murders really
27 adds nothing to this case except, I guess you can say that
28 instead of Mr. Watson being guilty of murders beyond a

1 reasonable doubt, he is guilty beyond all doubt, But what did
2 he admit besides the actual mechanical acts of murder? Almost
3 nothing!

4 Almost everything the prosecution witnesses had
5 to say about what Watson did before, during and after the
6 murders he denied. ~~Saves~~ This is a giant conspiracy against
7 little Charlie Watson and everybody is coming into court
8 telling a lot of lies about Charlie, about what Charlie did
9 before, during and after the murders.

10 Poor little Charlie Watson didn't have a thought
11 in his head on these nights of murder. Well, for somebody
12 that didn't have any thoughts in his head, he sure has a darn
13 good memory for what he didn't do.

14 If you believe Watson's version of what happened
15 on these nights of murder, I guess you would believe that the
16 moon is made out of cream cheese. Although maybe I shouldn't
17 use that example because I suspect he could probably get a
18 psychiatrist to come in and testify that it is made out of
19 cream cheese.

20 Linda Kasabian has been granted immunity in this
21 case from prosecution for these murders. She has not been
22 granted immunity from perjury.

23 Mr. Watson has no such restraint on him. He is
24 fighting for his very life in this case and he knows that
25 unless he can sell you folks a bill of goods about what his
26 mental state was on the nights of these murders, that he is
27 going to have to face the sword of justice and pay for his
28 crimes.

1 With this in mind, ladies and gentlemen, let's look
2 at some of the ^{testimony} evidence of Linda Kasabian concerning the night,
3 first, of the Tate murders.

4 Linda testified that when she approached the car,
5 the car that was taken, the Johnny Swartz car -- remember we
6 stipulated to Johnny Swartz testimony that he said this car
7 GYY 435 was his car -- She said when she approached the car,
8 that Manson was talking to Watson and outside the car.

9 Manson then told Linda to go with Tex and do what
10 Tex told her to do.

11 What inferences can we draw from what Manson told
12 Linda Kasabian?

13 The most reasonable inferences from the evidence
14 that has come out in this case, and from what Manson told
15 Linda Kasabian, is that Charles Manson was to act -- Charles
16 Watson was to act as Manson's chief lieutenant on the night
17 of the Tate murders.

18 Manson needed a trusted male to lead this foray.
19 Watson was that trusted male.

20 You remember he told Dr. Tweed that he was Manson's
21 favorite and he told Denise Mallett that he and Manson were
22 the main guys in this group.

23 Watson totally accepted the philosophy of helter-
24 skelter. He accepted the way of life of the family. He was
25 loyal to Manson.

26 Manson knew this and Watson was the man to lead
27 this foray.

28 So from the conversation that Charles Manson had

1 with Linda Kasabian, we know that Tex Watson was to be the
2 leader.

3 The interesting thing is that although Manson told
4 Watson to go and kill these people, there is no real substan-
5 tial evidence that he told Watson how to do it or that he gave
6 him any specific instruction.

7 I am sure that those of you who were really on
8 your toes when Tex testified caught this point, but Tex messed
9 up when he was on the witness stand.

10 You see Tex has had a long time to think about the
11 story that he was going to give the psychiatrists and you folks
12 here in the courtroom.

13 He has had about two years to think about this
14 since the time of the murders, what story he was going to give.

15 Tex wanted to do certain things. No. 1, he wanted
16 to convince you and the psychiatrists that he was out of his
17 mind on drugs on the night of the Tate murder. That is No. 1.

18 No. 2, he wanted to convince you and the psychiatrists
19 that Manson just programmed him, gave him all the specific
20 orders, and that he had no thoughts in his head.

21 No. 3, he wanted to convince you that the girls
22 that were with him on the nights of the murder gave him order
23 and direction.

24 He messed up. You see what he said, he said that
25 Manson pulled him aside and gave him a gun and a knife and
26 told him to go up to the Tate residence and, you know, murder
27 these people as gruesome as possible and gave him some other
28 instructions.

1 But then he said that he was walking down to
2 the car with Manson and he said well, he couldn't really under-
3 stand or remember what Manson told him and he turned to Manson
4 and said, "Well, what did you say?"

5 And Manson said, "Don't worry. The girls know
6 what to do. You just make sure that everybody is dead as
7 gruesome as possible."

8 And then you remember Tex said he got in the car
9 and he went to sleep and they got to the Tate house and one
10 of the girls, I think Krenwinkel, had to tell him to go up and
11 cut the wires.

12 So here just a couple of minutes after Manson gave
13 him the orders, he said that he forgot them, that he couldn't
14 understand them and he had to be reminded once he got to the
15 Tate residence what he was supposed to do.

16 You see where he messes up. Two years later he
17 comes into the courtroom and says, "Oh, well, Manson told me
18 to cut high wires at the Tate residence. He told me to climb
19 over the fence. He told me to get rid of the weapons. He
20 told me to get rid of the clothes. He told me to wash the
21 blood off after we committed the murders."

22 He messed up. He told us that he didn't remember
23 this stuff just a little while after Manson told him but now
24 when he understands about things like deliberation and pre-
25 meditation and diminished capacity, oh, it is all crystal
26 clear. It is all crystal clear.

27 The evidence in this case is that Tex Watson was
28 the one familiar with the Tate residence, not Charles Manson.

1 The only time in evidence that Charles Manson ever
2 went there was ^{when} he was in the back seat of a car when they
3 were dropping Terry Melcher off and Manson was playing his
4 guitar.

5 They went up on the driveway, turned around and
6 went right out. Melcher testified that Watson was there at
7 least six times.

8 Tex Watson was the one that knew the layout of that
9 place and he was the one that came up with what was going to
10 be done on the way there and once he got there. It wasn't
11 Charles Manson.

12 You couldn't even see from the telephone pole
13 where the wires went. You couldn't see that they went to the
14 Tate house, but who immediately went up the pole and knew
15 the right wires to cut? Tex Watson.

16 I will have something to say a little ways on from
17 now about whether or not Charles Manson would have sent Tex
18 Watson out in the drug crazed condition that Mr. Watson claims
19 he was in on the nights of the murders.

20 After Manson gave the order to kill, Watson was
21 more than willing, more than willing to kill. He made his
22 own decision to kill.

23 He made his own decision and as he admitted to
24 Mr. Bugliosi, his intent was to kill everybody who was in the
25 Tate house -- everybody.

26 It just so happens that Sharon Tate, Abigail
27 Folger, Wojciech Frykowski and Jay Sebring were in the Tate
28 residence.

1 Now, Steven Parent is another thing and we are
2 going to get to him. He wasn't in the Tate residence.

3 Linda Kasabian testified that Tex drove directly
4 to the Tate house from the Spahn Ranch.

5 Well, this shows driving directly there, he is a
6 man with a purpose. He is resolute, no wavering, no turning
7 back. He is going straight there.

8 He knows what he is going to do and he went
9 straight there.

10 Linda testified that the trip from Spahn Ranch to
11 the Tate house took about an hour. This, ladies and gentlemen,
12 makes it all the more aggravated.

13 Duration of time is not a crucial factor but here
14 we have one hour, an hour from the time you leave Spahn Ranch
15 until you get to the Tate house.

16 What did he do during that hour? Thought, he
17 planned, he deliberated and he premeditated.

18 On his way to the Tate house, Charles Watson had
19 one thing on his mind: How to successfully complete the
20 mission of murder.

21 This is demonstrated from everything he did and
22 said on the way there.

23 Oh, he had another purpose, too. That is not to
24 get caught, because he knew it was wrong.

25 Linda testified that during the trip Tex said that
26 they were going to a house that he had been to before, that
27 he knew the layout of the house and for those of us in the
28 car to do what he told us to do.

1 Well, there is our mindless wonder, giving orders
2 to the girls. The fact that he is talking to them about the
3 fact that he knows the layout of the place shows that he is
4 thinking about the layout of a place.

5 He is thinking about what is going to happen once
6 he gets there. "Now, you girls do what I tell you to do. I
7 know the layout of that place." Clearly deliberating and
8 premeditating, clearly!

9 Hanson had already told Linda to do what Tex said
10 and he probably told Katie and Sadie that also but Tex was
11 going to make sure that all the girls knew that he was the
12 boss, that they were to do what he said to do, because he knew
13 the layout. He knew what had to be done.

14 Does your Honor want to take the recess now, or
15 should we go on for 10 minutes?

16 THE COURT: If you want to.

17 MR. KAY: Ten minutes more. All right.

18 Linda testified that on the way to the Tate house,
19 Tex was wearing Levis and a black turtle neck. Well, you saw
20 that in evidence. It is kind of a velour, black velour turtle
21 neck.

22 What is the most reasonable interpretation of the
23 fact that he was wearing dark clothes? Well, they were all
24 wearing dark clothes.

25 Why were they wearing dark clothes? Because they
26 didn't want to be seen. They wanted to blend in with the
27 night, so that nobody at the Tate house would see them and be
28 alarmed.

1 Of course, this plan was foiled when Steven Parent
2 drove down the driveway and shined his headlights on Mr. Watson.

3 We don't know whether or not he saw the girls, but
4 he certainly saw Mr. Watson, much to his detriment.

5 Tex also had a change of clothing with him. Well,
6 now, it is entirely possible that Manson gave him the change of
7 clothing, but from what we know about what Mr. Watson knew was
8 going to happen this night, he knew the minute he left the Spahn
9 Ranch that this was a mission of murder.

10 It would be unreasonable for you to believe that he
11 didn't know what purpose this change of clothes was to serve.

12 No. 1, since he knew he was going to be murdering
13 people from the time he left the Spahn Ranch, he knew that
14 there was a possibility that he might get covered with blood,
15 which is what in actuality happened. So he had to have a
16 change of clothes.

17 So he wouldn't get questioned if he got stopped by
18 a police officer -- you see criminals are always afraid of
19 getting stopped by police officers and the police officer
20 discovering something else.

21 Well, he wanted to be prepared. Linda testified
22 that there were three knives and a gun in the car.

23 She observed Tex to put the gun into the glove
24 compartment.

25 Well, gee, why would Tex want to put this gun in
26 the glove compartment? Did he have a guilty conscience? Was
27 he afraid that if he got stopped by a police officer that he
28 might have a hard time explaining what that gun was doing there?

1 A loaded gun, mind you.

2 And, of course, Tex knew it was loaded. He didn't
3 go up to Steven Parent and point it at him and, you know,
4 pull the trigger thinking that it was an unloaded gun. He
5 knew it was loaded.

6 He was thinking, always trying to stay one step
7 ahead of the game, but that wasn't good enough for him. So
8 then he told Linda to wrap the gun and the knives up, so in
9 case they were stopped by a police officer, she could ditch
10 it out the window.

11 Remember this was some point after they had
12 started on the trip and you say, and even Dr. Tweed said that
13 this is the kind of a crazy thing about throwing it out the
14 window, but you remember that the Tate residence was in the
15 hills.

16 They could throw it over a cliff there. It is
17 not like you were on the Santa Monica Freeway and throw a
18 package with three knives and a gun out of the car. It could
19 be done. It could be done.

20 Certainly being armed with these weapons, knowing
21 what he knew, Mr. Watson certainly demonstrated an intention
22 to kill.

23 He knew what he was carrying those weapons up to
24 the Tate house for.

25 Upon arriving at the Tate house, Tex first parked
26 the car by a telephone pole. This is Linda's testimony. He
27 then climbed the pole and cut the telephone wires.

28 On the way to the Tate house, just to digress a

1 minute, if Mr. Watson was talking about the cow jumping over
2 the moon or something like that, you certainly could infer
3 that, you know, gee, maybe this guy really was loony. Maybe
4 he did have diminished capacity.

5 He wasn't talking about the cow jumping over the
6 moon. He didn't want to get caught and he was planning about
7 what was going to happen once he got there. He wasn't loony.

8 Why did he cut the telephone wires? This mindless
9 wonder. Why did he cut the telephone wires?

10 Because he didn't want anybody to interrupt what
11 he had planned for the people that were in the Tate house.
12 He didn't want them calling the police.

13 Of course, the psychiatrists now say, "Oh, well,
14 Mr. Watson has got such poor coordination."

15 This telephone pole, the first rung was six to
16 eight feet off the ground. The telephone pole was 20 to 30
17 feet high.

18 He carried these up there and cut four telephone
19 wires. I want you to pass this around and see what kind of
20 coordination he had. It is pretty heavy, isn't it?

21 I'll tell you I wouldn't try to climb a telephone
22 pole with that or without it. You know the telephone workers
23 when they work up on top usually have a strap or something to
24 work with, but there is certainly no evidence that Watson had
25 that.

26 He was so well coordinated that he could balance
27 himself on the pole and cut the four high wires.

28 Then what did Tex do after he cut the wires -- and

(about
cutter)

1 of course these were the wires that went to the Tate house,
2 you know. He wasn't so loony that he cut some wires that went
3 to some other house.

4 They were all the wires that went into the Tate
5 house, even though you couldn't see the Tate house from the
6 telephone poles or where the wires went.

7 What did he do? Did he do something that a person
8 with diminished capacity would do?

9 No. He knew they had an old junker that night,
10 that Ford, and that was, you know, a pretty high class
11 neighborhood up there and he knew that car would be out of
12 place there.

13 Do you remember that James ^{Asin} ~~Aberson~~ came in and
14 testified that there were houses across the street from where
15 the pole was. There weren't houses, I guess, on the side that
16 the pole was ^{or} the various telephone poles ^{were on}, but there were
17 houses across the street.

18 So what did Tex do? He drove the car back down ^{to}
19 the bottom of the hill, parked it around the corner, so people
20 wouldn't see it, they wouldn't be suspicious, you know.

21 You know when people, when they see strange cars
22 in the neighborhood and, probably, especially in a neighbor-
23 hood like this, would tend to call police and say, "hey,
24 there's a strange car outside. Maybe there's a burglary. You
25 had better come and investigate."

26 Tex was one step ahead of the ballgame, again. ^{He drove}
27 The car down the hill and around the corner so you can't see
28 it.

1 Tex, Linda, Sadie and Katie then started walking
2 up the hill.

3 Now, we know what Mr. Watson was thinking when he
4 was walking up the hill. He was thinking about murder, about
5 how he could successfully complete this mission of murder.

6 We know what Linda was thinking. Linda thought
7 that they were going to burglarize this house.

8 We don't know what Katie and Sadie were thinking.
9 Of course, it is an interesting thing that old Tex over there
10 told Dr. Frank that just he and Katie and Sadie went over the
11 fence and that Linda stayed by the car.

12 I doubt it. I doubt Linda is going to say that
13 she went over the fence and went all the way up there, if she
14 was really just staying by the car.

15 Of course, that is the only psychiatrist that Mr.
16 Watson told that to. I guess he straightened that out after
17 a while in his mind.

18 Linda noticed when they were walking up the hill
19 that Tex was carrying some rope.

20 Officer Granada testified that it wasn't some rope
21 -- it was 43 feet of rope.

22 Do you think he was taking that up there to rope
23 steers? No, he had something in mind.

24 What did he have in mind? Remember he had been
25 inside the Tate residence before. Remember this rope was
26 hung over the rafters.

27 Well, who else knew that there were rafters there
28 to hang it over except for Tex Watson? Who else in the Manson

1 family knew that?

2 Of course, Mr. Watson said, "Well, gee, I didn't
3 see any rope there that night."

4 Of course he didn't, he wants to tell you that he
5 didn't see any rope there because of what the rope was used
6 for -- to hang Sharon Tate, a mother that was eight months
7 pregnant. That is not very good for him.

8 So he doesn't want to have anything to do with that
9 rope.

10 Would this be a good point, your Honor.

11 THE COURT: Very well. Ladies and gentlemen of the
12 jury, we will have our morning recess at this time. Once more,
13 heed the usual admonition.

14 (Recess.)

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

17 You may proceed, Mr. Kay.

18 MR. KAY: Thank you, your Honor.

19 Linda Kasabian testified that after the four had
20 climbed over the front fence, they proceeded up the driveway
21 and noticed headlights of a car to be coming toward them.

22 Tex then told the three girls to get back by the
23 bushes.

24 He then proceeded toward the car and pointed a gun
25 at Steven Parent's head.

26 Parent begged him not to use it. He said he would
27 not tell the police.

28 Watson then shot him four times. Watson reached

1 in and turned off the ignition to Parent's car and pushed
2 Parent's car back several feet.

3 Several things I want to mention about this. Tex
4 had been to the Tate residence about six times. He was very
5 familiar that the way to get in was to press the button on the
6 front gate.

7 Why did he climb over the fence? I'll tell you
8 why.

9 Do you remember Bill Garretson, the caretaker, who
10 testified, he testified that there was a bell on the back of
11 the gate and after the gate opened, you know, it stayed open
12 a few seconds, enough time for a car to get through or for
13 people to walk in from where the gate was.

14 After it was opened, it would close and when it
15 closed, the bell would ring.

16 On the big diagram, People's 8 for identification
17 -- I don't have room for it here but you will have it in the
18 jury room -- you can see in the diagram that there is a bell.

19 It is not an electric bell; it is just a regular
20 bell, cowbell type of thing -- not exactly cowbell, but a
21 miniature Liberty bell or something like that.

22 So old Tex didn't want to alert anybody in the
23 Tate house as to the presence of himself and the three girls.
24 So that is why they climbed around the fence.

25 Steven Parent was the first unexpected situation
26 that Watson had to face.

27 It was purely coincidence that Parent was driving
28 down the driveway at that time. Watson had no way of knowing

1 that that was going to happen.

2 What did he do when he saw Parent driving down the
3 driveway? What did this mindless wonder do?

4 Told the girls to get back by the bushes. He knew
5 that there was going to be trouble. He had a gun and a knife
6 on him.

7 He knew what he had in store for whoever was in
8 that car. He didn't know whether it was just the driver or
9 who was in there.

10 He took command of the situation. Tex said to the
11 girls to get back by the bushes. The three girls got back by
12 the bushes.

13 Watson then proceeded up to Steven Parent and
14 although Parent begged for his life, Watson pointed this at
15 him and let him have it four times at close range.

16 You say, well, if Mr. Watson didn't have diminished
17 capacity and if he was meticulously executing this mission of
18 murder, why did he shoot Steven Parent in the driveway?

19 No. 1, he had to kill Steven Parent sometime. He
20 wasn't going to let Steven Parent go, say, "Okay, fellow, you
21 won't tell the police so you go right on out and don't say
22 anything to anybody."

23 He was going to have to kill Steven Parent some-
24 time. Tex knew that if he didn't kill Steven Parent then, he
25 would have to have one of the girls stand guard over him with
26 a weapon. They had one gun and three knives.

27 So if he didn't kill Parent, then they would have
28 one gun and two knives and two girls. Well, you say, "Well,

1 gee, if he didn't want to alert the people in the Tate house,
2 why did he shoot him in the driveway? Somebody might have
3 heard it."

4 Well, you remember that we have had testimony from
5 both Barbara Hoyt and Juan Flynn that Tex Watson fired that
6 gun out at Spahn Ranch. He was familiar with it.

7 He knew it was a .22 and he knew how much noise it
8 would make. Also, remember Garretson said he never heard any
9 of the shots. He was in the caretaker's house and he didn't
10 hear any of the shots.

11 The engine on Steven Parent's car was running. So
12 he shot Parent because he was going to have to kill him some-
13 time and that was as good a time as any -- made things a lot
14 easier for him.

15 Now, what did this allegedly mindless wonder do
16 after he killed Steven Parent?

17 Did he do a voodoo dance? Did he howl at the moon?
18 No, he reached in the car and he turned off the ignition and
19 then he pushed the car back.

20 No, 1, he turned off the ignition so it wouldn't
21 disturb anybody in the house. They wouldn't wonder what is
22 that car doing with the engine running outside? Maybe something
23 is wrong. Who is out there?

24 He turned it off. Why did he push it back? There
25 is Parent's car. There is the garage. This picture doesn't
26 show everything, you will have to look at the diagram on
27 People's 8, but Linda Kasabian testified that when Tex shot
28 Parent, he was down by a little cement gate, not the main gate

1 to the house, but there is a little kind of a wall that juts
2 out a couple of feet on either side several feet from here.
3 That is where they met Parent. That is where Tex shot Parent.

4 Now, Tex pushed Parent's car back. Why did he
5 push it back? This is the garage. Now, if you look from that
6 house down to where Parent was shot, you could see the car.
7 So old Tex pushed the car back here, in case anybody looked out
8 and in case anybody had heard any noise that they just wouldn't
9 see anything, because you cannot see the car from the main house,
10 the way it is situated beyond the garage here.

11 Some diminished capacity. Diminished respect for
12 the rights of these victims to live, but not diminished capacity.

13 So what does he do right after this? There should
14 be no doubt in your mind as to what Watson's intent was, that
15 he was going to kill everybody.

16 He goes up to the Tate house, still in command of
17 the situation, sends Linda Kasabian around to the side of the
18 house to look for any open windows or doors.

19 She does that. She comes back and said there is
20 no open doors or windows.

21 So what does old Tex do then? Cuts a perfectly
22 straight line where you see this red line, perfectly straight
23 slit in the screen, takes the screen off, opens the window and
24 then Linda says he tells Linda to go down by Parent's car and
25 she seems to remember that he said to listen for sounds. In
26 other words, be a lookout.

27 Old Tex is still covering every base. Doesn't want
28 to get interrupted. Doesn't want to get caught. Go down and

1 listen for sounds.

2 Ladies and gentlemen, the motive for these murders
3 is certainly bizarre but Charles Watson's execution of this
4 mission of murder was cold, calculated and cunning.

5 There is nothing in the law that says that the
6 motive for the murder cannot be bizarre. It doesn't say that
7 you can't deliberate if you have a bizarre motive for the
8 murder.

9 It doesn't say that you can't premeditate if you
10 have a bizarre motive for the murder. There is nothing in the
11 law that says that you can't have a bizarre motive.

12 In the framework of his motive, he was cold and
13 calculated and cunning and executed those murders as a cold and
14 clever killer.

15 Can you, ladies and gentlemen, honestly say that
16 up to this point that Watson has done one thing which is
17 inconsistent with him being a cold and clever killer?

18 Linda then testified that she went back by Steven
19 Parent's car and that shortly thereafter Patricia Krenwinkel
20 came down there and asked her for the knife she had.

21 She gave Krenwinkel the knife. Then a short time
22 after that she heard people screaming horrible screams. When
23 Linda heard the screams she ran toward the house. When Linda
24 ran up to the house, she saw Wojciech Frykowski exiting
25 through the door.

26 He had blood all over his face and was standing by
27 a post. Moments later she saw Tex on top of Wojciech Frykowski
28 hitting him on the head with the revolver and stabbing him

1 repeatedly.

2 Linda then turned and ran to the bottom of the hill.
3 It should be noted at the same time when she saw Tex stabbing
4 and beating Wojciech Frykowski, that she saw Patricia
5 Krenwinkel chasing Abigail Folger with an upraised knife in the
6 background.

7 To digress a minute, let's exclude Mr. Watson's
8 testimony about what he did here. What can we say about who
9 killed these victims?

10 No. 1, we know that Tex killed Steven Parent. No
11 question about that. He killed him with the gun.

12 Tex was in control of that gun all night, so we
13 know he shot Jay Sebring and Wojciech Frykowski.

14 Sebring was shot once. Frykowski was shot twice.
15 He confessed to murdering Sharon Tate, so we know he murdered
16 Sharon Tate.

17 He confessed this to Dianne Lake and, of course,
18 an interesting thing -- you remember that murder school Tex
19 held out at the Myers and Barker Ranch where he said that the
20 way to kill them is to put the knife in and then push up.

21 Do you remember Dr. Noguchi testified that Sharon
22 Tate's heart had two wounds in it where the knife went in and
23 up?

24 A coincidence, isn't it? We know that Tex killed
25 Wojciech, Linda saw him stabbing him, hitting him over the
26 head. He was shot.

27 Sebring was shot and you know Tex did that. Sharon
28 Tate, he confessed to and she was hung with his rope and, of

1 course, Juan Flynn, you remember testified about that he
2 recognized the rope and how he and Mr. Watson tied things up
3 and how good Watson was at tying up dune buggies to trucks and
4 how many things they tied up with it. Old Tex was pretty good
5 at tying knots, especially when they were around an eight-month
6 pregnant woman.

7 So the only thing we don't know ^{other than} from what Tex has
8 told us is whether or not he killed Abigail Folger and the
9 only evidence we have as to that is that Krenwinkel was chasing
10 Abigail Folger with an upraised knife.

11 Certainly Tex, Katie, and Sadie all participated
12 in these murders but, an interesting thing, the chair inside
13 the Tate residence with Susan Atkins' knife and no blood.

14 When they got back to the car, Linda testified that
15 all three of them were covered with blood, so they all par-
16 ticipated in it. There is no question about that. Whether
17 Atkins did any of the actual stabbing, her knife has no blood
18 on it.

19 We know that Watson had a knife and a gun and
20 Krenwinkel had a knife. Now, remember this, ladies and gentle-
21 ment, that you are primarily concerned in determining whether or
22 not Mr. Watson is guilty of first degree, deliberate, pre-
23 meditated murder,

24 ~~You are concerned~~ with his state of mind shortly
25 before and at the time of the murders.

26 However, you can give strong weight and considera-
27 tion to his actions after the murders to see what his state of
28 mind was before.

1 In other words, if you think that his actions
2 after the murders have some relevance as to what his state of
3 mind was at the actual time of the murders, you can give con-
4 siderable weight to this.

5 Let's pick up Tex right after the murders and see
6 what he was thinking. When he got back to the car, what did
7 he do?

8 Was he crowing again at the moon or doing something
9 like that? No!

10 He bawled Susan Atkins out for losing her knife.
11 Susan lost her knife in the Tate residence. Of course, Tex
12 was worried about this. He didn't want, you know, to have the
13 police be able to tie any of them in with this murder -- this
14 dumb broad who left her knife in the house. Old Tex was not
15 too happy with her.

16 And then the other dumb broad that was down there,
17 Linda Kasabian, ran out on her assignment. She was supposed to
18 stay down by Steven Parent's car and listen for sounds, but she
19 was so horrified at what was happening, she ran all the way
20 back to where the murder car was parked, the car they took to
21 the Tate house -- this weak-kneed girl ran out on her assign-
22 ment, so Tex was mad at her, too. A bunch of foolish girls
23 that don't know their jobs, that run out when the going gets
24 tough.

25 What did these sweet, young things talk about after
26 they got in the car? Katie said that her hands hurt from
27 stabbing people through their bones.

28 Sadie said her head hurt because a person we

1 determined to be Frykowski hit her and someone pulled her hair.

2 And Tex said that his gun guard broke from hitting
3 Wojciech over the head. The nerve of these people -- disburb-
4 ing our poor young things like that. The nerve of them.
5 Don't you feel sorry for them?

6 Oh, and Tex said later in the courtroom that he
7 cut his hand -- tak, tak.

8 Tex then drove and he admitted to Dr. Bailey that
9 he drove -- he drove to Rudolf Weber's house. He said, of
10 course, in the courtroom, "Oh, no, I didn't drive," but he
11 admitted to Dr. Bailey that he was the one that drove.

12 This incident at Rudolf Weber's house is crucial.
13 If you have any doubt whatsoever as to whether or not Linda
14 Kasabian was telling the truth, this incident and Mr. Weber's
15 testimony should be erased from your mind. Mr. Weber corrob-
16 orates Linda Kasabian to a "T".

17 Rudolf Weber is the only independent witness to
18 the first night of murder and I think that you will all admit
19 that he was pretty darn lucky to be here to testify.

20 Can you imagine what would have happened when he
21 reached in to pull those car keys out, if he had grabbed those
22 car keys. We might have had another picture up there.

23 I certainly hope that none of you would do what
24 Mr. Weber ^{did} ~~does~~. It is great to have Mr. Weber's testimony in
25 court here, but that was pretty foolish, to go in, and not
26 knowing who these people were, to try and reach in and grab
27 the keys to their car. Don't ever do anything like that.

28 Little did he know who was in that car! What does

1 Mr. Weber have to say about our sweet little boy from Texas?
2 Our alleged mindless robot, and what does he have to say about
3 those strong-willed girls that Tex said were just telling him
4 everything to do on this night of murder.

5 Well, let's just see. When Mr. and Mrs. Weber heard
6 someone using their water, they came outside. Mrs. Weber got
7 pretty emotional and Mr. Weber got pretty angry. Mr. Weber
8 said, "What the hell do you think you're doing there?"

9 Oh, but our mindless wonder over here, old Tex,
10 said, "We are getting a drink of water. I am sorry to have to
11 disturb you."

12 And then Mr. Weber asked them about the car -- you
13 know, "Is that your car?"

14 "Oh, no, we are just out for a walk," pointing to
15 the car they used to drive to the Tate residence -- "No, we
16 are just going for a walk."

17 Everything that Tex Watson did and said is com-
18 pletely consistent with a man that knew exactly what he was
19 doing at all times -- ^{Tex} said, "We were just getting a drink of
20 water."

21 Baloney. They are just getting a drink of water --
22 he is washing the blood off.

23 And what did these girls say, these girls that
24 were giving Tex orders and direction? Zero.

25 I think that categorizes the girls in the Manson
26 family -- zero. They are all zeroes. Atkins, Krenwinkel,
27 Van Houton, they are all zeroes and, of course, who was it that
28 got behind the wheel and drove off?

1 Why, the man that told you from the witness stand
2 that he hadn't done any driving that night. You don't really
3 think that in a situation like this that old Tex was going to
4 let one of the girls drive.

5 This was a threat. This was the closest thing
6 that they had to being caught the whole night.

7 Old Tex got in there and he jammed the motor and
8 he took off in a blaze of speed and the girls, where were the
9 strong-willed girls? They all got into the back seat.

10 As usual, ladies and gentlemen, Tex Watson was
11 very much in command of the situation.

12 Rudolf Weber had great observation on this. His
13 observation was so good that he even got the license number
14 GYY 435 and told the police about it and, of course, we
15 stipulated to Johnny Swartz' testimony that that was the license
16 number of his car, the car that was used on both of these nights
17 of murder, GYY 435.

18 And Mr. Weber also got the height of Watson. He
19 described him as six-foot-one. Then you saw when Watson came
20 up here and they stood next to each other and Weber said he
21 is six-one and they are both just about the same height, and
22 he described one of the girls as being short. Well, you could
23 see Linda is about five-feet.

24 Now, another important point about this hosing
25 incident is the fact that Tex drove there at all. I mean, if
26 he had diminished capacity, why would he even bother wanting
27 to wash the blood off of his skin?

28 He changed his shirt. Linda steered for him

1 while he changed his shirt, but why he wanted to go and wash
2 the blood off?

3 Because he knew what he did was wrong and he did
4 not want to get caught. He was clearly thinking.

5 Do you remember Linda testified that at first he
6 was talking about finding a trash can, a garbage can to burn
7 the clothes and then, of course, he didn't want to have to
8 explain to any police officer, if the police officer stopped
9 him, why he had blood on his skin. He didn't have it on his
10 clothes, because he changed his clothes.

11 Linda testified that shortly after they left the
12 Weber residence that Tex stopped the car and told her to throw
13 the bloody clothes out of the car over the hill.

14 Well, of course, he didn't want to have these
15 bloody clothes in the car, in case they got stopped. Here are
16 a bunch of hippies out at a late hour -- well, actually an
17 early hour of the morning, a bunch of hippies driving around.

18 Old Tex certainly felt that they were liable to get
19 stopped and maybe the police would check them to see if they
20 had any pot or anything. He didn't want to have to explain
21 what these blood-drenched clothes were.

22 You remember that Officer Granada, or Agent Granada
23 now, he is with the FBI, testified that the velour velvet shirt,
24 the black one that Tex wore, was saturated with blood.

25 So they threw the clothes over the hill. You
26 remember King Baggett was in here. He is the cameraman from
27 ABC and he testified to finding these clothes in December 1969.

28 From this point where the clothes were thrown over,

1 they drove for away and Tex told Linda to wipe the prints off
2 the two knives that they had -- remember Sadie had lost her
3 knife, so they had two knives.

4 Linda complied. She wiped the fingerprints off.
5 This shows again that Tex is still clearly thinking -- murder
6 weapons, fingerprints, wipe the fingerprints off the knives.

7 Tex certainly realized the value of a fingerprint.
8 Little did he know that his fingerprint was left on the front
9 door of the Tate residence and that would be the beginning and
10 the ending of the old ball game so far as Tex was concerned.

11 Tex then told Linda to throw the two remaining
12 knives out of the car. Linda complied.

13 Get rid of those murder weapons -- get rid of them.
14 We don't want them in the car, in case we have to explain any-
15 thing about why these weapons are here. We don't want anybody
16 to tie us in with measuring the dimensions of the knives, like
17 Dr. Noguchi did in the victim's body. We don't want any of
18 that to happen. Get rid of those knives.

19 Of course, another interesting feature, here is
20 Tex giving orders to the girls. It is not the girls telling
21 Linda to do this; it is Tex telling Linda to do this.

22 Now, you remember that Tex was generally in control
23 of this gun all night. Linda said she got rid of the knives
24 and the clothes, but it is certainly conceivable that Tex
25 threw the gun out, the gun that ends up on Steven Weiss' back
26 hill.

27 Shortly after this they stopped at a gas station
28 and Tex bought \$2 worth of gas and Tex and the girls cleaned

1 up further at the rest room.

2 At the gas station that they stopped at, Linda
3 recalls Tex telling her that he had taken \$70 from someone in
4 the house. Well, Tex, I guess, wanted a little extra spending
5 money.

6 Make no mistake about that. Robbery, burglary,
7 these weren't the motives for these murders. Helter-skelter
8 was the motive for the murders, starting helter-skelter, but
9 Tex wanted a little something extra.

10 He wasn't satisfied to just complete the mission
11 of murder. He wanted a little spending money, so he got \$70
12 from one of the victims.

13 From this point, Tex was a little worn out -- under-
14 standably so, from all of his physical exertion. And so Linda
15 drove from the gas station back to the ranch. Once they got
16 to the ranch, Tex reported to Manson that in the Tate house
17 there was a lot of panic and that it was real messy and bodies
18 were laying all over the place, but they were all dead.

19 Manson asked if they had any remorse and Tex, Sadie,
20 Katie and Linda all said, "No."

21 You remember Tex also said to Manson that he had
22 told the victims in the place, in the Tate house, "I am the
23 devil here to do the devil's work."

24 Well, certainly if there is a devil, he has never
25 had two more loyal devoted followers than Charles Manson and
26 Tex Watson and make no doubt about it. There is no doubt as
27 to what Mr. Manson conceived to be the devil's work -- murder!

28 When he reported back to Manson, it is just

1 "mission accomplished, sir. The task is completed."

2 Of course, you remember up on the witness stand
3 that old Tex told you he never talked to Manson at all about
4 these murders, never said anything to him about either night
5 of murder.

6 He went out and killed all of these people. Manson
7 never talked to him and he never talked to Manson. Come on.

8 Of course, Dr. Fort, with his understanding and
9 his ability to relate to hippies in general got old Tex to
10 relate that he did report to Manson and that after he reported
11 to Manson, he went to bed with Patricia Krenwinkel.

12 What did Linda have to tell us about Tex and the
13 La Bianca murders?

14 Linda testified that the night after the Tate mur-
15 ders, all of the defendants were in the bunkhouse, all of the
16 defendants and that includes Tex.

17 Manson said that they were going to go out again
18 tonight. Last night was too messy and that he was going to
19 show them how to do it.

20 The old commander in chief himself was going to
21 go out and show the underlings how to do it, show his lieutenant
22 and the privates how the job should be done.

23 From this moment, Tex Watson was put on notice
24 that there was to be another night of murder and what did Tex
25 Watson do?

26 He was so violently opposed to all of this, what
27 did he say? In response to this, Tex said, quote, "we need
28 better weapons. The weapons we took last night were not

1 effective. They weren't good enough. //

2 He is really adverse to going out again, isn't he,
3 folks? All he wanted was better weapons.

4 I mean, is that too much to ask? It took a lot
5 of physical exertion to kill these people the night before.
6 He wanted better weapons.

7 Old Tex is speaking up, the old mindless wonder
8 that just doesn't have any thoughts in his head -- didn't have
9 anything to say, just goes to sleep in cars going to the scene
10 of murders.

11 Old Tex was more than willing to go. He didn't
12 say, "Hey, Charlie, I've been taking so many drugs and I'm
13 just bombed. I can't even see straight or think or anything,
14 why don't you get one of the other guys?"

15 No -- "We need better weapons." Clearly, Tex knew
16 from the time that they left the ranch that night, that there
17 were to be more murders. Clearly he knew this.

18 And yet he nevertheless willingly went and he had
19 the intent to kill whoever they decided to kill from the
20 moment he left that ranch on the night of the La Bianca murders.

21 Don't you think that during this seemingly aimless
22 trip that Linda described, ^{where} that Manson and Steve Grogan and
23 Tex Watson and Patricia Krenwinkel and Susan Atkins and her-
24 self ^{drove} ~~hied~~ around the city looking for people to murder -- it
25 could have been you, it could have been me and it turned out to
26 be the La Biancas -- don't you think that Tex Watson's desire
27 to kill was strongly reinforced?

28 Well, at one point in the murders, during this trip

1 Linda says that Tex was feeling a little sleepy. Of course, he
2 had had so much activity the night before, there is no wonder
3 about that, but he was feeling so sleepy that he took a tablet
4 of something, that looked like speed, to wake himself up.

5 He wanted to be alert, ready to participate in these
6 murders that were to come.

7 When they got to the La Bianca house, Manson went
8 inside, tied the La Biancas up, came back outside and said
9 things to Tex and Leslie and Katie -- "Don't let them know that
10 you're going to kill them. Don't cause fear and panic in these
11 people."

12 In other words, do a better job than you did last
13 night. Then Manson, Grogan, Atkins and Kasabian left. When
14 they left, Watson, Krenwinkel and Van Houton were standing out-
15 side.

16 Those three then proceeded to go in and mercilessly
17 butcher Leno and Rosemary La Bianca.

18 Even though Linda wasn't there at the time of the
19 actual murders, we know from her testimony, No. 1, that
20 Watson had the intent to kill from the moment he left Spahn
21 Ranch -- malice aforethought.

22 That he was more than willing to go on these nice
23 murders. We can infer that he deliberated these murders from
24 his statement at Spahn Ranch that then needed more effective
25 weapons and he knew what had happened last night.

26 He knew that he had killed these people last night,
27 clearly knowing what was to happen, he willingly participated
28 and he realized what he was going to do and Manson even outside

1 told him that there was a man and woman inside and he went from
2 that point in and killed the man and woman.

3 It is very hard to separate, as I am sure you have
4 learned by now, it is very hard to separate deliberation and
5 premeditation, because you have to use a lot of the same factors
6 in making this determination.

7 But again, we can infer premeditation from the
8 statement he made at Spahn Ranch about they needed more effec-
9 tive weapons, knowing that the mission was to be murder, will-
10 ingly participating and knowing what he had done the night
11 before, he nevertheless went ahead into the La Bianca house
12 with the intent to murder a man and woman that he knew to be
13 inside.

14 Ladies and gentlemen, from what you know the facts
15 to be of these murders and from what you know Mr. Watson knew
16 the facts to be on these two nights of murder, you have to admit
17 that he committed seven willful, deliberate, premeditated first
18 degree murders and he joined in a conspiracy with Manson,
19 Atkins, Krenwinkel, Van Houten to murder human beings to start
20 this race war.

21 Now, other than these two nights of murder, what
22 does Linda have to say about what kind of person Tex Watson is.
23 Was Tex Watson a mere robot of Charles Manson, incapable of
24 acting on his own. No, sir.

25 Who was it that talked Linda Kasabian in to steal-
26 ing the \$5,000 when she joined the family? Who was the big
27 shot the first time he met her, he walked up and put his arms
28 around her and led her into the bunk house and made love to her?

1 It seems like the two things that Tex Watson does
2 best, from the evidence in this case, is make love and murder
3 people. He is real proficient, it seems, in both of those
4 aspects.

5 And, of course, he was just, you know, was a slave
6 to the girls around there. That is why he threatened to kill
7 Kathy Gillis, one of the family members by telling her that
8 her life meant nothing to him, just because she went to the
9 beach in the afternoon and wasn't home, wasn't at the ranch to
10 do the chores that he had arranged for her. Life meant nothing
11 to him.

12 Whose life does mean anything to this man? Cer-
13 tainly not these people. *(indicating photographs of victims)*

14 Now, let's look for a moment and see what Tex was
15 like on the nights of the Tate-La Bianca murders, according to
16 the testimony of Linda Kasabian.

17 I think from her testimony she has taken about
18 every drug in the book. I think that her testimony would cer-
19 tainly negate the fact that Tex Watson was under the influence
20 of drugs on these two nights of murder.

21 At a later time, I am going to mention Dr. Frank
22 and Dr. Fort's testimony which, of course, erases any doubt
23 about this.

24 Linda testified that Tex did not seem dizzy. He
25 didn't stagger when he walked. He never stumbled or fell down.
26 He didn't repeat things. His speech was not slurred in any
27 fashion. He spoke coherently. He made sense when he talked.

28 He didn't act differently on the nights of the Tate

1 and La Bianca murders except for stabbing Wojciech Frykowski
2 than he acted in the previous month that she knew him.

3 Now, Linda testified again about Tex Watson taking
4 what appeared to be speed on the night of the La Bianca mur-
5 ders, but did this send Tex Watson's mind up in the clouds?

6 We know from Paul Watkins' testimony and from Linda's
7 testimony that speed tends to act on the -- if you just took
8 one tablet of speed, it just acts on the central nervous
9 system, to wake up and that is what Tex took it for when he
10 was in the car. He said he felt sleepy and took the speed to
11 wake himself up.

12 Questions of Linda:

13 "What effect does speed normally have on a
14 person?

15 "A Well, it speeds up the nervous system.

16 "Q It tends to keep you awake?

17 "A Yes."

18 Of course, remember that on the night of the La
19 Bianca murders that Tex had already decided to kill long before
20 he took the speed. He decided that back at Spahn Ranch when
21 he told Charles Manson that all they needed was better weapons.

22 Linda continues about Watson's appearance on the
23 nights of the murders:

24 "Q Did he appear to be in control of him-
25 self on both nights?

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

27 "Q Why do you say very much so?

28 "A Well, he is -- especially at the

1 water hose, just after all that had happened and,
2 I don't know, he just so calmly said, well, he
3 was getting a drink of water and just seemed
4 very quiet and, I don't know, very much under
5 control."

6 Well, her testimony is certainly much more valuable
7 than any of these psychiatrists, because they weren't with Tex
8 Watson on the nights of these murders. Linda Kasabian was.

9 Now, ladies and gentlemen, in this case you are
10 going to be instructed by Judge Alexander that Linda Kasabian
11 is an accomplice as a matter of law of Tex Watson on both of
12 these nights of murder.

13 This basically means that before you can consider
14 her testimony, you have to look at the other evidence in the
15 case and see whether there is any other evidence that would,
16 independent of Linda Kasabian's testimony, tie Tex Watson into
17 these murders.

18 Let me say this about corroborative evidence: It
19 need only be slight. It doesn't have to tie Tex Watson into
20 the crimes beyond a reasonable doubt.

21 Its main purpose is to convince you from other
22 evidence, apart from Linda's testimony, that Linda was telling
23 the truth. It only goes to the commission of the crimes them-
24 selves. It doesn't go to anything like deliberation and pre-
25 meditation.

26 The fact that Tex and Linda disagreed on what Tex
27 did so far as deliberation and premeditation is insignificant
28 so far as corroboration is concerned. It is only did Tex

1 participate in the murders.

2 This presents absolutely no problem in this case,
3 because of the fact that Tex Watson has confessed to participat-
4 ing in all seven of the murders.

5 So, therefore, Linda Kasabian's testimony tying
6 Tex Watson into these murders is corroborated beyond any real
7 doubt by Tex Watson's own admission that he participated in
8 all of these murders.

9 Let's look for a moment and see what Tex Watson
10 was like immediately after these two nights of murder. Remember
11 Barbara Hoyt, she testified that on the morning of the La
12 Bianca murders, you know, the La Biancas were probably murdered
13 around, say, 2:00 or 3:00 o'clock in the morning -- later on
14 that same morning after it was light, both Barbara Hoyt and
15 Dianne Lake testified about Leslie Van Houton hiding under the
16 covers from some man who had given her a ride back from Griffith
17 Park.

18 You will also remember that the La Bianca residence
19 is about two blocks from Griffith Park. Leslie was under the
20 covers hiding for about 15 minutes. Well, this seemed to
21 trouble Barbara so she went out and told Tex that Leslie Van
22 Houton was hiding under the covers from some man that had given
23 her a ride from Griffith Park.

24 Well, of course, we know that they all hitchhiked
25 back from Griffith Park together. Tex smelled trouble. So
26 what did he say? Did he know what he had done was wrong at
27 the time of the La Bianca murders?

28 He said to Barbara, "Don't say anything about

1 Griffith Park to anyone."

2 And Barbara kind of did a quizzical double-take
3 and he said, "Oh, we were at a love-in, some love-in." Some
4 love-in. He told her not to tell.

5 He obviously realized -- I mean here was even a
6 family member, he wouldn't tell her, he didn't want anybody to
7 know, anybody that could tie Tex Watson in with these murders.

8 Then what is the next thing that Barbara has to
9 tell us about Tex Watson? Up in Olancho in August, around the
10 22nd, 23rd, 24th, 25th, Barbara got a little upset with Tex
11 because they didn't have any money for food and old Tex would
12 go and buy newspapers.

13 Of course, you all know about what publicity the
14 Tate case was getting around that time. You don't think that
15 Mr. Watson was buying these papers to read about what happened
16 on the nights of the murders. He already knew what happened.
17 He was there.

18 The most logical inference of why he bought these
19 newspapers was to find out what the police knew about these
20 murders. Did the police know about Charles Tex Watson or about
21 Charles Manson or about Susan Atkins or Patricia Krenwinkel or
22 Leslie Van Houton and Linda Kasabian.

23 Even though they had nothing to eat, he bought the
24 newspapers so he could read his press clippings.

25 He knew what he did was wrong. Then old robot Tex
26 that couldn't do anything without Charles Manson there, what
27 did he do between Barker and Myers Ranch?

28 He ^{was} so proficient in his trade that he wanted to show

1 the other members of the family how to do it. So he showed
2 some of the girls how to stab somebody, how to kill them.

3 You stick it in and then you twist it up, because
4 you cut up more stuff.

5 Manson wasn't even around there. Tex was the only
6 male and he was boastful, showing these girls how the old pro
7 did it.

8 Dianne Lake was Tex's girl friend around this time.
9 This was the current flame that Tex was going to bed with at
10 that time.

11 Dianne testified that while in Olancho that they
12 were out in front of this ranch house and she was reading a
13 paper that had something ~~to do~~ ^{to do} in it with the Tate murders.
14 This was around the 17th of August, about a week after the La
15 Bianca murders. That she and Tex were alone there at the
16 time and that probably developed into a conversation about an
17 article of the Tate murder. She wasn't exactly sure how the
18 conversation started. She just remembered the conversation.

19 Tex told Dianne that he had murdered Sharon Tate
20 and that Sharon had pleaded for her life and Tex told Dianne
21 that they had written "Pig" on the front door, or not on the
22 front door, on the door, and, of course, we know from the
23 evidence that "Pig" was written on the door -- Tex said that it
24 was fun and that Charlie sent us.

25 Tex Watson still thinks that it was fun. You know
26 what he told Dr. Fort. He was describing how the victims were
27 trying to get away, when they were running around like chickens
28 with their heads cut off and he smiled. He still thinks it is

1 funny.

2 Well, rejoice, Tex, they didn't get away.

3 Barbara Hoyt is an independent witness. She has
4 nothing to gain or lose by testifying in this case. She had
5 nothing to do with the Tate and La Bianca murders. Neither
6 does Dianne Lake.

7 Dianne Lake has more to lose by testifying here
8 because by testifying in this courtroom she has to admit that
9 she lied to the Grand Jury about what she knew about this case.
10 Neither one of these girls has any bone to pick with Tex Watson.

11 Dianne was his girl friend. She likes the guy.
12 Isn't it interesting that Watson never mentioned anything to
13 you ladies and gentlemen about killing Sharon Tate?

14 It was not until Mr. Bugliosi brought out on cross-
15 examination from him that he killed Sharon Tate. He didn't say
16 anything about that on direct, about killing Sharon Tate.

17 You see, it is just like the rope incident. He
18 doesn't want to have anything to do with Sharon Tate, because
19 he knows how repulsive it is to you, when you have to think
20 about a woman that was eight months pregnant, getting viciously
21 murdered by him.

22 Now, the Dennis Cox incident. Mr. Watson's relation
23 of this is hilarious. I mean that is the only way I can
24 describe it.

25 Old Tex said that the reason that he got up and
26 bolted from the thing, he was lying on, he just had to go to
27 the bathroom at that time.

28 It just happened when Deputy Cox was walking by,

1 after Deputy Cox had had the conversation with Dianne Lake and
2 the juvenile, while Dianne was down there skinny dipping, or
3 whatever she was doing in the creek there, they mentioned "Oh,
4 that is Tex over there."

5 And then it just so happens that here this deputy,
6 in full uniform, walks by taking Dianne and the juvenile back
7 to his marked police car and Tex just all of a sudden has to
8 go to the bathroom.

9 So he jumps up and runs into the bushes and he is
10 there for five minutes. Of course, Tex probably thought better
11 of himself -- well, gee, now, the newspapers they don't have
12 any information that they know who Tex Watson is. Maybe I just
13 better go back.

14 So, of course, remember he told you, Tex told you
15 the reason that he went into the bushes is because he had to
16 go to the bathroom, but when he goes back and talks to Deputy
17 Cox, Deputy Cox testified that he asked Watson, "Why did you
18 run into the bushes?"

19 And Watson -- excuse me, Montgomery -- Mr.
20 Montgomery said that he was scared.

21 He didn't say anything about having to go to the
22 bathroom. Of course, I wonder what Mr. Keith is going to have
23 to say to you, ladies and gentlemen, about this incident,
24 because he is the one in his opening statement who said that
25 Mr. Watson did nothing to cover up his identity after the
26 murders, did nothing to hide himself.

27 Well, maybe he was talking about Mr. Montgomery.
28 I don't know.

end 3

1 Ladies and gentlemen, let's take a few minutes to
2 look at the scientific evidence in this case. Now, the reason
3 that we are going to take a few minutes to look at the scientific
4 evidence is because I don't want you to forget, when you get
5 back in the jury room, just how strong a case the prosecution
6 has and why it is that Mr. Watson took the stand and confessed
7 to the mechanical acts of murder in this case.

8 Winifred Chapman was the caretaker, the maid --
9 she wasn't the caretaker -- she was the maid at the Tate house.
10 She testified that she recalled washing the front door of the
11 Tate house about 11:30 a.m., on August the 8th, 1969.

12 Now, here is the front door entering into the Tate
13 house. She said she washed the whole door on August the 8th.
14 August the 8th was the day before the murders.

15 She also testified, and of course you remember that
16 this is where Mr. Watson's fingerprint was found, where Officer
17 Boen is pointing -- she also testified that on August the 5th,
18 1969, she washed the back bedroom door to Sharon Tate's bedroom.

19 This is where Patricia Krenwinkel's fingerprint was
20 found. Officer Boen, whose picture again you see here pointing
21 to the fingerprint, is a highly qualified fingerprint expert.

22 He is the one that removed the lifts. This is a
23 photograph of the actual lift from the front door of the Tate
24 house.

25 He also removed Patricia Krenwinkel's fingerprint,
26 the lift, from the back bedroom door of Sharon Tate's bedroom.

27 We know from his testimony that he helped prepare
28 these two exhibit boards -- I am not going to keep holding them --

1 you remember they were up during the trial. These were some
2 exhibits that you did have a good chance to see -- he testified
3 that he helped prepare these boards and that he took the lift.

4 We stipulated to Frank Escalante's testimony. He
5 did testify later in the trial about Watson's belladonna trip
6 in April of '69, but Escalante testified that he rolled Watson's
7 fingerprints on April 23, 1969. Of course, this is when he was
8 arrested for being under the influence of belladonna.

9 And Jack Swan, we stipulated to his testimony, that
10 he rolled Patricia Krenwinkel's fingerprints when she was
11 returned from Alabama February 21st, 1970.

12 Harold J. Dolan is certainly a tremendously quali-
13 fied fingerprint expert. He has testified in court over 260
14 times as a fingerprint expert.

15 He has made in excess of 8,000 investigations and
16 compared in excess of one half million latent fingerprints.

17 He testified that he can give a positive opinion,
18 if there are 10 points of identification. He testified on
19 Watson's fingerprint, which was his right ring finger, that
20 there were 18 points of identification, 18 points of identifica-
21 tion between the fingerprint that Escalante rolled, the right ring
22 fingerprint, and the lift taken from the front door of the
23 Tate house.

24 So he could give a positive unqualified opinion
25 that that was Mr. Watson's fingerprint.

26 He testified that there were 17 points of comparison
27 between the lift and the fingerprint that Officer Swan rolled
28 or actually, Deputy Swan rolled.

1 So he could make a positive unqualified opinion
2 that it was Patricia Krenwinkel's fingerprint that was found
3 on the back bedroom door.

4 Dolan Also testified that no two people have the same
5 fingerprints and even different fingers on the same person, you
6 don't have the same fingerprint.

7 Officer Boen testified to something very interesting.
8 Actually, we stipulated to this after he was finished testify-
9 ing, stipulated with defense counsel in front of you ladies and
10 gentlemen -- Officer Boen testified that the direction of the
11 fingerprint was down like this (indicating). It was pointed in
12 a downward direction.

13 Now, how could that get there? It certainly would
14 be an awkward motion for the person to be here, and have the
15 fingerprint. The way it got there, ladies and gentlemen, which
16 is a powerful piece of evidence, which puts Tex Watson inside
17 the Tate house, is that it had to be from inside, grabbed the
18 door probably flung it back when he was chasing Frykowski or
19 somebody.

20 That in and of itself proves that Tex Watson was
21 in the Tate house -- a powerful piece of evidence.

22 And this fingerprint of Patricia Krenwinkel is
23 inside the house, so that certainly proves that she was inside
24 the house.

25 Both tend to corroborate Linda Kasabian's putting
26 both of these people, Tex Watson and Patricia Krenwinkel, inside
27 the Tate house.

28 Now, Officer Dolan testified that none of the

1 defendant's fingerprints were found at the La Bianca house.

2 Now, isn't it interesting that Linda Kasabian
3 heard the few instructions that Charles Manson gave to the
4 people before they went into the La Bianca house and there was
5 nothing about wiping fingerprints off, but old Tex was up to
6 his same old tricks again, because Officer Dolan testified that
7 on the refrigerator there were wiped marks, and on the fork
8 in Leno La Bianca's stomach, there were wiped marks and wipe
9 marks on the walls of the house.

10 Manson didn't say anything about that. He is up
11 to his old tricks, just like the night of the Tate murder --
12 wipe off the fingerprints.

13 We know that there had to be fingerprints on the
14 refrigerator, because Ruth Sivick, Mrs. La Bianca's friend,
15 testified she went over there about 6:00 or 6:30 that night
16 to feed the dog and she opened the refrigerator and took the
17 dog food out and closed the refrigerator and fed the dog, so
18 we know there would have to be prints on there, but there was
19 nothing, absolutely nothing.

20 The fingerprint evidence at the Tate house is
21 enough in and of itself to establish the guilt of Tex Watson
22 and Patricia Krenwinkel beyond any doubt.

23 The ballistic's evidence, firearms -- this is a
24 very, very important point.

25 Juan Flynn and Barbara Hoyt both testified to
26 seeing Tex Watson firing People's 40 out at Spahn Ranch but,
27 of course, Tex, when he was on the witness stand, denied ever
28 firing People's 40 or any other gun out at Spahn Ranch.

1 Why would he do this? Because he wants you ladies
2 and gentlemen to think that he didn't know what was going to
3 happen on these two nights of murder until the two nights of
4 murder.

5 He, as well as every other male member in that
6 family, we know from the testimony of Paul Watkins and Brooks
7 Posten, every member of that family knew what was going to
8 happen about starting helter-skelter.

9 They all knew. Mr. Watson deliberated and pre-
10 mediated these murders long before the nights of the murders
11 and what he was doing with People's 40, firing it out at Spahn
12 Ranch, he was practicing for his role on these two nights of
13 murder. That is what he was doing.

14 There is nothing wrong with firing a gun. I mean
15 if he got up and said, "Oh, yes, I was just firing a gun out
16 at Spahn Ranch, just something to do, just shooting at some
17 tin cans there down by the gully."

18 Okay, no big deal, but the fact that he denies
19 this, this should be a red flag to you, ladies and gentlemen,
20 he is denying it because he has a reason to deny it.

21 He doesn't want you to think that he knew what was
22 going to happen. They all knew what was going to happen. They
23 just didn't know when, but they knew it was going to happen,
24 because that is all they ever talked about out at the ranch
25 was helter-skelter -- helter-skelter is coming down. Helter-
26 skelter, we are going to kill some people in Beverly Hills and
27 Bel-Air, make it real gruesome murders.

28 That was way back in January of '69 that Manson

1 said this to the people. They all talked about helter-
2 skelter. They just didn't know the precise date when it was
3 going to start.

4 They knew how it was going to start and where it
5 was going to start and what was going to happen.

6 You remember the history of People's 40 after Mr.
7 Watson used it to kill Sebring, Steven Parent, Frykowski, it
8 was discarded and found by Steven Weiss on September 1st, 1969,
9 a couple of weeks after the murders.

10 In turn, it went, Mr. Weiss and his father turned
11 it over to an officer and then sometime later, actually in
12 December, Detective Falkins took up the gun and brought it down
13 to Parker Center, the big glass building down at First and Los
14 Angeles.

15 William J. Lee, now here's a guy that you really have
16 to give a lot of credit to. Everybody in this courtroom knew
17 and knows that all of the bullets came from this gun, but
18 here's a man of great integrity and he has got to call them as
19 he sees them.

20 He said, "Okay, I have got two bullets from Parent,
21 two from Frykowski and one Sebring bullet.

22 "The Parent bullets, the two Parent bullets and the
23 Frykowski bullets were too badly damaged to make a positive
24 opinion that they came from People's 40, but absolutely nothing
25 inconsistent with them coming from People's 40."

26 He testified that they had the same number of
27 lands and grooves -- you remember the way you identify the
28 bullet is by the stria on the bullet.

1 They have the same number of lands and grooves,
2 the same right-hand twist to the bullet. Everything is the
3 same.

4 They are .22 long rifle, but he couldn't give --
5 he wouldn't give a positive opinion, because, you know, he
6 knows that they came from the same gun, but he calls them as
7 he sees them, but on the Sebring bullet he said there was
8 absolutely no doubt, that it was fired from People's 40.

9 Now, an interesting thing that Sgt. Lee did -- also
10 before I forget that, all of the bullets were accounted for.
11 Remember, Steven Weiss testified that there were seven empty
12 shell casings and two live bullets in People's 40 when he found
13 them.

14 We know that Steve Parent was shot four times,
15 Frykowski twice, Sebring once, that is seven, and then the
16 two live rounds that were remaining in there, so all of the
17 bullets are accounted for.

18 Now, the interesting thing that Sgt. Lee did, he
19 went out to the Spann Ranch in this gully area and the same
20 area where Juan Flynn saw Tex Watson practicing with People's
21 40, he went out there on November 19th, 1969, and on April
22 15th, 1970, and he got empty shell casings that were out there.

23 He found four shell casings in November and 11 in
24 April that he matched up to have been fired from People's 40,
25 the same area where Tex Watson was seen practicing with this
26 gun by Juan Flynn -- not by Barbara, because remember Barbara
27 saw him shooting at a haystack or something up by one of the
28 buildings.

1 Also, ladies and gentlemen, it was stipulated
2 between counsel that the three pieces of gun grip found at the
3 Tate residence were from People's 40, that they matched up and
4 that they were, in fact, from People's 40. These were things
5 that were found at the Tate residence.

6 So there is absolutely no doubt that People's 40
7 was the murder weapon, the gun in this case.

8 Would this be a good time, your Honor?

9 THE COURT: All right.

10 Ladies and gentlemen of the jury, we will recess
11 at this time until 1:30. Once again, heed the admonition here-
12 tofore given.

13 (A luncheon recess was taken until 1:30 p.m.
14 of the same day.)